

STATE OF MAINE
130TH LEGISLATURE
SECOND REGULAR SESSION



Disposition of bills and summaries of all laws enacted or finally passed

JOINT STANDING COMMITTEE ON JUDICIARY

July 2022

MEMBERS:

SEN. ANNE M. CARNEY, CHAIR
SEN. HEATHER B. SANBORN
SEN. LISA M. KEIM

REP. THOM HARNETT, CHAIR
REP. CHRISTOPHER W. BABBIDGE
REP. JOYCE MCCREIGHT*
REP. BARBARA A. CARDONE*
REP. LOIS GALGAY RECKITT
REP. STEPHEN W. MORIARTY
REP. ERIN R. SHEEHAN
REP. DAVID G. HAGGAN
REP. LAUREL D. LIBBY*
REP. JENNIFER L. POIRIER
REP. JAMES F. THORNE*
REP. JEFFREY EVANGELOS
REP. RENA D. NEWELL

STAFF:

MARGARET REINSCH, SR. LEGISLATIVE ANALYST
JANET STOCCO, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/opla/>

*Committee member for portion of session

Joint Standing Committee on Judiciary

SUBJECT INDEX

Abortion Issues

Enacted

LD 1899 An Act To Ensure Safe Entry and Access for People Seeking Health Care and Other Constitutional Rights PUBLIC 640

Attorney General & District Attorneys

Enacted

LD 1905 An Act To Facilitate Communication between Prosecutors and Unrepresented Defendants While Protecting the Rights of Those Defendants PUBLIC 668

**Not
Enacted**

LD 272 An Act To Establish Separate Prosecutorial Districts in Downeast Maine Died On Adjournment

LD 1273 An Act To Establish a Conviction Integrity Unit in Maine Died On Adjournment

Civil Procedure

Enacted

LD 853 An Act To Increase the Fees Paid to Sheriffs and Their Deputies for Service of Civil Process Documents PUBLIC 739

LD 903 An Act To Enact the Uniform Foreign-country Money Judgments Recognition Act and the Uniform Registration of Canadian Money Judgments Act PUBLIC 689

Courts

Enacted

LD 1831 An Act To Improve the Child and Family Court Process PUBLIC 723

LD 2022 An Act To Amend the Judicial Districts and Divisions for York County PUBLIC 633

**Not
Enacted**

LD 233 An Act To Provide Electronic Access to Confidential Juror Information Died On Adjournment

LD 1950	An Act To Implement the Recommendations of the Commission To Create a Plan To Incorporate the Probate Courts into the Judicial Branch	Died On Adjournment
---------	---	---------------------

Courts and Court Procedure

Enacted

LD 913	An Act To Make Certain Civil Court Records Accessible by the Public Only at the Courthouse	PUBLIC 644
--------	--	------------

Not Enacted

LD 1918	An Act To Provide Funding for Guardians Ad Litem	Died On Adjournment
---------	--	---------------------

Criminal Law and Procedure

Enacted

LD 679	An Act To Establish a Statewide Electronic Warrant System	PUBLIC 684
--------	---	------------

LD 842	Resolve, To Create the Commission To Examine Reestablishing Parole	RESOLVE 126
--------	--	-------------

LD 1857	An Act To Prioritize the Prosecution of Child Homicide Cases	PUBLIC 621
---------	--	------------

LD 1946	Resolve, Establishing the Committee To Ensure Constitutionally Adequate Contact with Counsel	RESOLVE 182
---------	--	-------------

Not Enacted

LD 54	An Act To Amend the Laws Governing Post-conviction Review in Order To Facilitate the Fair Hearing of All Newly Discovered Evidence	Died On Adjournment
-------	--	---------------------

LD 478	An Act To Establish a Fund To Compensate Unjustly Incarcerated Persons	Died On Adjournment
--------	--	---------------------

LD 545	An Act To Combat the Sexual Exploitation of Minors in Maine	Died On Adjournment
--------	---	---------------------

LD 844	An Act To Examine and Amend the Conditions of Release and Probation	Veto Sustained
--------	---	----------------

LD 1303	Resolve, To Require the Revisor of Statutes To Compile a List of Mandatory Minimum Sentences Contained in the Maine Revised Statutes	Died On Adjournment
---------	--	---------------------

LD 1728	An Act To Provide Assistance to Law Enforcement Officers To Allow Them To Protect the Residents of the State	ONTP
LD 1856	An Act To Eliminate Conflicts of Interest with Respect to the Payment of Fees to Bail Commissioners	Died On Adjournment
LD 1895	An Act To Prohibit Invasion of Privacy on Private Property by Cameras	Majority (ONTP) Report

Criminal Records and Juvenile Records

Enacted

LD 1310	An Act Regarding a Post-judgment Motion To Seal the Criminal History Record Information for Certain Criminal Convictions	PUBLIC 674
LD 1904	An Act To Make Technical Corrections to the Maine Juvenile Code	PUBLIC 701

Not Enacted

LD 1818	Resolve, To Reestablish and Continue the Work of the Criminal Records Review Committee	Died On Adjournment
---------	--	---------------------

Family Law

Enacted

LD 1804	An Act To Provide Consistency in the Laws Regarding Domestic Partners	PUBLIC 567
LD 1831	An Act To Improve the Child and Family Court Process	PUBLIC 723
LD 1888	An Act To Amend Laws Affecting Sex Offenders and Petitions for the Determination of Parental Rights and Responsibilities	PUBLIC 577
LD 1958	An Act To Amend the Maine Parentage Act with Regard to Presumed Parentage	PUBLIC 610
LD 2028	Resolve, Directing the Family Law Advisory Commission To Develop Options To Improve Preliminary Injunctions in Judicial Separation and Divorce Actions	RESOLVE 148

Not Enacted

LD 1918	An Act To Provide Funding for Guardians Ad Litem	Died On Adjournment
---------	--	---------------------

Judiciary

Freedom of Access/Confidentiality

Enacted

- LD 913 An Act To Make Certain Civil Court Records Accessible by the Public Only at the Courthouse PUBLIC 644
- LD 1943 An Act To Expand the Address Confidentiality Program to Victims of Certain Human Trafficking Crimes PUBLIC 649
- LD 1972 An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions Related to Research and Aquaculture Leases PUBLIC 581

Not Enacted

- LD 1581 An Act To Require Telecommunications Companies To Divulge Location Information to Law Enforcement When Necessary To Respond to a 9-1-1 Call or Locate a Person in Danger Died Between Houses

Freedom of Access/Remote Participation

Enacted

- LD 1772 An Act To Amend the Remote Meeting Law in Maine's Freedom of Access Act PUBLIC 666
- LD 1854 An Act To Amend the Finance Authority of Maine Act To Allow for Remote Meetings PUBLIC 572
- LD 1971 An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Remote Participation PUBLIC 611

Human Rights

Enacted

- LD 598 An Act To Prohibit Discrimination in Employment and School Based on Hair Texture or Hairstyle PUBLIC 643
- LD 1786 An Act To Maintain Consistency among Maine's Nondiscrimination Statutes PUBLIC 553
- LD 1804 An Act To Provide Consistency in the Laws Regarding Domestic Partners PUBLIC 567
- LD 1871 Resolve, Directing the Maine Human Rights Commission To Extend Its Pilot Program To Investigate and Report on Incidents of Harassment Due to Housing Status, Lack of Employment and Other Issues RESOLVE 141

Judiciary

	LD 1934	Resolve, Changing the Identifying and Reporting Responsibilities and Extending the Reporting Deadline for the Identification of Places in the State with Offensive Names	RESOLVE 149
Not Enacted	LD 344	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Explicitly Prohibit Discrimination Based on the Sex of an Individual	Died On Adjournment
	LD 982	An Act To Protect against Discrimination by Public Entities	Died On Adjournment

Indigent Legal Services

Enacted	LD 1686	An Act To Establish Public Defender Positions and Provide Support for Indigent Legal Services Providers	PUBLIC 720
	LD 1905	An Act To Facilitate Communication between Prosecutors and Unrepresented Defendants While Protecting the Rights of Those Defendants	PUBLIC 668
	LD 1926	Resolve, Regarding Legislative Review of Portions of Chapter 301: Fee Schedule and Administrative Procedures for Payment of Commission Assigned Counsel, a Major Substantive Rule of the Maine Commission on Indigent Legal Services	RESOLVE 163
	LD 1946	Resolve, Establishing the Committee To Ensure Constitutionally Adequate Contact with Counsel	RESOLVE 182

Involuntary Commitment and Treatment

Enacted	LD 861	Resolve, Concerning Training and Assessments Related to Protection from Substantial Threats	RESOLVE 160
	LD 2008	Resolve, To Establish the Committee To Study Court-ordered Treatment for Substance Use Disorder	RESOLVE 183

Legal Services

Enacted	LD 1905	An Act To Facilitate Communication between Prosecutors and Unrepresented Defendants While Protecting the Rights of Those Defendants	PUBLIC 668
	LD 1946	Resolve, Establishing the Committee To Ensure Constitutionally Adequate Contact with Counsel	RESOLVE 182

**Not
Enacted**

LD 1326 An Act To Provide Funding for the Maine Civil Legal Services Fund Died On
Adjournment

Medical Rights

Enacted

LD 1899 An Act To Ensure Safe Entry and Access for People Seeking Health Care and Other Constitutional Rights PUBLIC 640

LD 2008 Resolve, To Establish the Committee To Study Court-ordered Treatment for Substance Use Disorder RESOLVE 183

Name changes

Enacted

LD 1900 An Act To Amend the Laws Governing Name Changes PUBLIC 559

Notaries Public and Notarial Acts

Enacted

LD 2023 An Act To Implement the Recommendations of the Secretary of State Regarding Notarial Acts PUBLIC 651

Privacy

Enacted

LD 1943 An Act To Expand the Address Confidentiality Program to Victims of Certain Human Trafficking Crimes PUBLIC 649

**Not
Enacted**

LD 1529 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Create a Right to Privacy Died On
Adjournment

LD 1581 An Act To Require Telecommunications Companies To Divulge Location Information to Law Enforcement When Necessary To Respond to a 9-1-1 Call or Locate a Person in Danger Died Between
Houses

LD 1895 An Act To Prohibit Invasion of Privacy on Private Property by Cameras Majority (ONTP)
Report

LD 1945 An Act To Regulate the Use of Biometric Identifiers Died Between
Houses

Judiciary

Probate Code and Probate Court

Enacted

LD 1774 An Act Clarifying the Rights to Legal Representation and To Communicate with Others for Individuals Subject to Guardianship PUBLIC 500

LD 1900 An Act To Amend the Laws Governing Name Changes PUBLIC 559

**Not
Enacted**

LD 480 An Act To Establish a Presumption of Entitlement to Counsel for a Person Who Is the Subject of an Adult Guardianship, Conservatorship or Other Protective Arrangement Proceeding Died On Adjournment

LD 1950 An Act To Implement the Recommendations of the Commission To Create a Plan To Incorporate the Probate Courts into the Judicial Branch Died On Adjournment

Protection from Abuse and Protection from Harassment

Enacted

LD 1696 An Act To Clarify and Recodify Maine's Protection from Abuse Statutes PUBLIC 647

**Not
Enacted**

LD 1068 An Act To Restrict Access to Weapons Pursuant to Court Order in Cases of Harassment Majority (ONTP) Report

Statutes

Enacted

LD 2034 An Act To Correct Inconsistencies, Conflicts and Errors in the Laws of Maine PUBLIC 676

Torts and Immunity

Enacted

LD 840 An Act To Prevent Power Line Electrocutions PUBLIC 618

**Not
Enacted**

LD 461 An Act To Allow the Reduction of a MaineCare Lien Died On Adjournment

Tribal-State Relations

Enacted

LD 585 An Act To Enhance Tribal-State Collaboration, To Revise the Tax Laws Regarding the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation and To Authorize PUBLIC 681

Judiciary

Casinos, Off-track Betting Facilities, Federally Recognized Indian Tribes and Certain Commercial Tracks To Conduct Sports Wagering

	LD 906	An Act To Provide Passamaquoddy Tribal Members Access to Clean Drinking Water	PUBLIC 650
Not Enacted	LD 1218	Resolve, To Require the Attorney General To Provide an Update on Maine's Implementation of the Federal Law Called "Savanna's Act"	ONTP
	LD 1568	An Act To Implement the Recommendations of the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act	ONTP
	LD 1626	An Act Implementing the Recommendations of the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act	Died On Adjournment
	LD 1665	An Act To Amend AN ACT to Implement the Maine Indian Claims Settlement Concerning Land Acquisition and Criminal Jurisdiction	ONTP
	LD 1907	An Act To Review State Lands and Waterways That Have Sacred, Traditional or Other Significance to the Wabanaki Tribes	Died On Adjournment

DIGEST OF BILLS

130th Legislature, Second Regular Session - 2022

PL = Public Law
P&SL = Private and Special Law
RESLV = Resolve

Judiciary (JUD)

Comm	LD	Title	Comm	Action	Carried Over from Prior Year?	Date of Last Comm Action	Final Disposition	Enacted Law		Analyst Note?
								Law	Ch	
JUD	54	An Act To Amend the Laws Governing Post-conviction Review in Order To Facilitate the Fair Hearing of All Newly Discovered Evidence	Reported Out	OTP-AM/ OTP-AM/ ONTP	Carried On Approps Table	6/16/21	Died On Adjournment			
JUD	233	An Act To Provide Electronic Access to Confidential Juror Information	Reported Out	OTP-AM/ ONTP/ OTP-AM	Carried Over In Comm	3/25/22	Died On Adjournment			
JUD	272	An Act To Establish Separate Prosecutorial Districts in Downeast Maine	Reported Out	OTP-AM	Carried On Approps Table	6/10/21	Died On Adjournment			
JUD	344	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Explicitly Prohibit Discrimination Based on the Sex of an Individual	Reported Out	OTP-AM/ ONTP	Carried Over In Comm	2/15/22	Died On Adjournment			
JUD	461	An Act To Allow the Reduction of a MaineCare Lien	Reported Out	OTP-AM/ ONTP	Carried On Approps Table	6/14/21	Died On Adjournment			
JUD	478	An Act To Establish a Fund To Compensate Unjustly Incarcerated Persons	Reported Out	OTP-AM/ OTP-AM	Carried On Approps Table	6/14/21	Died On Adjournment			
JUD	480	An Act To Establish a Presumption of Entitlement to Counsel for a Person Who Is the Subject of an Adult Guardianship, Conservatorship or Other Protective Arrangement Proceeding	Reported Out	OTP-AM/ ONTP	Carried Over In Comm	4/14/22	Died On Adjournment			
JUD	545	An Act To Combat the Sexual Exploitation of Minors in Maine	Reported Out	OTP-AM/ ONTP	Carried On Approps Table	6/16/21	Died On Adjournment			
JUD	585	An Act To Enhance Tribal-State Collaboration, To Revise the Tax Laws Regarding the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation and To Authorize Casinos, Off-track Betting Facilities, Federally Recognized Indian Tribes and Certain Commercial Tracks To Conduct Sports Wagering	Reported Out	OTP-AM/ OTP-AM/ OTP-AM/ OTP-AM/ ONTP	Carried Over In Comm	4/14/22	Enacted	PL	681	

DIGEST OF BILLS

130th Legislature, Second Regular Session - 2022

PL = Public Law
P&SL = Private and Special Law
RESLV = Resolve

Judiciary (JUD)

Comm	LD	Title	Comm	Action	Carried Over from Prior Year?	Date of Last Comm Action	Final Disposition	Enacted Law		Analyst Note?
								Law	Ch	
JUD	598	An Act To Prohibit Discrimination in Employment and School Based on Hair Texture or Hairstyle	Reported Out	OTP/ONTP	Carried Over In Comm	3/29/22	Enacted	PL	643	
JUD	679	An Act To Establish a Statewide Electronic Warrant System	Reported Out	OTP-AM	Carried On Approps Table	6/15/21	Enacted	PL	684	
JUD	840	An Act To Prevent Power Line Electrocutions	Reported Out	OTP-AM/ ONTP	Carried Over In Comm	3/25/22	Enacted	PL	618	
JUD	842	Resolve, To Create the Commission To Examine Reestablishing Parole	Reported Out	OTP-AM/ OTP-AM/ ONTP		6/16/21	Finally Passed	RESLV	126	
JUD	844	An Act To Examine and Amend the Conditions of Release and Probation	Reported Out	OTP-AM/ ONTP	Carried On Approps Table	6/16/21	Veto Sustained			
JUD	853	An Act To Increase the Fees Paid to Sheriffs and Their Deputies for Service of Civil Process Documents	Reported Out	OTP-AM	Carried On Approps Table	6/14/21	Enacted	PL	739	
JUD	861	Resolve, Concerning Training and Assessments Related to Protection from Substantial Threats	Reported Out	OTP-AM/ ONTP	Carried Over In Comm	4/11/22	Finally Passed	RESLV	160	
JUD	903	An Act To Enact the Uniform Foreign-country Money Judgments Recognition Act and the Uniform Registration of Canadian Money Judgments Act	Reported Out	OTP-AM/ ONTP	Carried Over In Comm	4/6/22	Enacted	PL	689	
JUD	906	An Act To Provide Passamaquoddy Tribal Members Access to Clean Drinking Water	Reported Out	OTP-AM/ ONTP/ OTP-AM	Carried Over In Comm	4/11/22	Enacted	PL	650	
JUD	913	An Act To Make Certain Civil Court Records Accessible by the Public Only at the Courthouse	Reported Out	OTP-AM/ ONTP	Carried Over In Comm	4/1/22	Enacted	PL	644	

DIGEST OF BILLS

130th Legislature, Second Regular Session - 2022

PL = Public Law
P&SL = Private and Special Law
RESLV = Resolve

Judiciary (JUD)

Comm	LD	Title	Comm	Action	Carried Over from Prior Year?	Date of Last Comm Action	Final Disposition	Enacted Law		Analyst Note?
								Law	Ch	
JUD	982	An Act To Protect against Discrimination by Public Entities	Reported Out	OTP-AM/ ONTP	Carried Over In Comm	4/19/22	Died On Adjournment			
JUD	1068	An Act To Restrict Access to Weapons Pursuant to Court Order in Cases of Harassment	Reported Out	ONTP/ OTP-AM	Carried Over In Comm	4/5/22	Accepted Majority (ONTP) Report			
JUD	1218	Resolve, To Require the Attorney General To Provide an Update on Maine's Implementation of the Federal Law Called "Savanna's Act"	Reported Out	ONTP	Carried Over In Comm	3/21/22	Ought Not to Pass Pursuant to Joint Rule 310			
JUD	1273	An Act To Establish a Conviction Integrity Unit in Maine	Reported Out	OTP-AM/ ONTP	Carried On Approps Table	6/15/21	Died On Adjournment			
JUD	1303	Resolve, To Require the Revisor of Statutes To Compile a List of Mandatory Minimum Sentences Contained in the Maine Revised Statutes	Reported Out	OTP-AM/ ONTP	Carried On Approps Table	6/14/21	Died On Adjournment			
JUD	1310	An Act Regarding a Post-judgment Motion To Seal the Criminal History Record Information for Certain Criminal Convictions	Reported Out	OTP-AM/ ONTP	Carried Over In Comm	4/14/22	Enacted	PL	674	
JUD	1326	An Act To Provide Funding for the Maine Civil Legal Services Fund	Reported Out	OTP-AM/ ONTP	Carried On Approps Table	6/16/21	Died On Adjournment			see note
JUD	1529	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Create a Right to Privacy	Reported Out	ONTP/ OTP-AM	Carried Over In Comm	4/14/22	Died On Adjournment			
JUD	1568	An Act To Implement the Recommendations of the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act	Reported Out	ONTP	Carried Over In Comm	3/8/22	Ought Not to Pass Pursuant to Joint Rule 310			

DIGEST OF BILLS

130th Legislature, Second Regular Session - 2022

PL = Public Law
P&SL = Private and Special Law
RESLV = Resolve

Judiciary (JUD)

Comm	LD	Title	Comm	Action	Carried Over from Prior Year?	Date of Last Comm Action	Final Disposition	Enacted Law		Analyst Note?
								Law	Ch	
JUD	1581	An Act To Require Telecommunications Companies To Divulge Location Information to Law Enforcement When Necessary To Respond to a 9-1-1 Call or Locate a Person in Danger	Reported Out	ONTP/ OTP-AM	Carried Over In Comm	3/16/22	Died Between Houses			
JUD	1626	An Act Implementing the Recommendations of the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act	Reported Out	OTP-AM/ ONTP/ OTP-AM	Carried Over In Comm	4/13/22	Died On Adjournment			
JUD	1665	An Act To Amend AN ACT to Implement the Maine Indian Claims Settlement Concerning Land Acquisition and Criminal Jurisdiction	Reported Out	ONTP	Carried Over In Comm	3/21/22	Ought Not to Pass Pursuant to Joint Rule 310			
JUD	1686	An Act To Establish Public Defender Positions and Provide Support for Indigent Legal Services Providers	Reported Out	OTP-AM/ ONTP	Carried On Approps Table	6/16/21	Enacted	PL	720	
JUD	1696	An Act To Clarify and Recodify Maine's Protection from Abuse Statutes	Reported Out	OTP-AM/ ONTP	Carried Over In Comm	4/5/22	Enacted	PL	647	
JUD	1728	An Act To Provide Assistance to Law Enforcement Officers To Allow Them To Protect the Residents of the State	Reported Out	ONTP	Carried Over In Comm	3/22/22	Ought Not to Pass Pursuant to Joint Rule 310			
JUD	1772	An Act To Amend the Remote Meeting Law in Maine's Freedom of Access Act	Reported Out	OTP-AM/ OTP-AM		4/11/22	Enacted	PL	666	
JUD	1774	An Act Clarifying the Rights to Legal Representation and To Communicate with Others for Individuals Subject to Guardianship	Reported Out	OTP-AM/ ONTP		2/9/22	Enacted	PL	500	
JUD	1786	An Act To Maintain Consistency among Maine's Nondiscrimination Statutes	Reported Out	OTP-AM/ ONTP		3/16/22	Enacted	PL	553	
JUD	1804	An Act To Provide Consistency in the Laws Regarding Domestic Partners	Reported Out	OTP-AM/ ONTP		3/25/22	Enacted	PL	567	
JUD	1818	Resolve, To Reestablish and Continue the Work of the Criminal Records Review Committee	Reported Out	OTP-AM/ ONTP		2/24/22	Died On Adjournment			

DIGEST OF BILLS

130th Legislature, Second Regular Session - 2022

PL = Public Law
P&SL = Private and Special Law
RESLV = Resolve

Judiciary (JUD)

Comm	LD	Title	Comm	Action	Carried Over from Prior Year?	Date of Last Comm Action	Final Disposition	Enacted Law		Analyst Note?
								Law	Ch	
JUD	1831	An Act To Improve the Child and Family Court Process	Reported Out	OTP-AM/ ONTP		4/5/22	Enacted	PL	723	
JUD	1854	An Act To Amend the Finance Authority of Maine Act To Allow for Remote Meetings	Reported Out	OTP/ONTP		3/23/22	Emergency Enacted	PL	572	
JUD	1856	An Act To Eliminate Conflicts of Interest with Respect to the Payment of Fees to Bail Commissioners	Reported Out	OTP-AM/ ONTP		4/1/22	Died On Adjournment			
JUD	1857	An Act To Prioritize the Prosecution of Child Homicide Cases	Reported Out	ONTP/ OTP-AM		3/25/22	Enacted	PL	621	
JUD	1871	Resolve, Directing the Maine Human Rights Commission To Extend Its Pilot Program To Investigate and Report on Incidents of Harassment Due to Housing Status, Lack of Employment and Other Issues	Reported Out	OTP-AM/ ONTP		3/16/22	Finally Passed	RESLV	141	
JUD	1888	An Act To Amend Laws Affecting Sex Offenders and Petitions for the Determination of Parental Rights and Responsibilities	Reported Out	OTP-AM		3/28/22	Enacted	PL	577	
JUD	1895	An Act To Prohibit Invasion of Privacy on Private Property by Cameras	Reported Out	ONTP/ OTP-AM		3/16/22	Accepted Majority (ONTP) Report			
JUD	1899	An Act To Ensure Safe Entry and Access for People Seeking Health Care and Other Constitutional Rights	Reported Out	OTP-AM/ ONTP/ OTP-AM		4/13/22	Enacted	PL	640	
JUD	1900	An Act To Amend the Laws Governing Name Changes	Reported Out	OTP-AM/ ONTP		3/16/22	Enacted	PL	559	
JUD	1904	An Act To Make Technical Corrections to the Maine Juvenile Code	Reported Out	OTP-AM		3/28/22	Enacted	PL	701	
JUD	1905	An Act To Facilitate Communication between Prosecutors and Unrepresented Defendants While Protecting the Rights of Those Defendants	Reported Out	OTP-AM/ ONTP		4/11/22	Enacted	PL	668	
JUD	1907	An Act To Review State Lands and Waterways That Have Sacred, Traditional or Other Significance to the Wabanaki Tribes	Reported Out	OTP-AM/ ONTP		4/14/22	Died On Adjournment			

DIGEST OF BILLS

130th Legislature, Second Regular Session - 2022

PL = Public Law
P&SL = Private and Special Law
RESLV = Resolve

Judiciary (JUD)

Comm	LD	Title	Comm	Action	Carried Over from Prior Year?	Date of Last Comm Action	Final Disposition	Enacted Law		Analyst Note?
								Law	Ch	
JUD	1918	An Act To Provide Funding for Guardians Ad Litem	Reported Out	OTP-AM/ ONTP		3/16/22	Died On Adjournment			
JUD	1926	Resolve, Regarding Legislative Review of Portions of Chapter 301: Fee Schedule and Administrative Procedures for Payment of Commission Assigned Counsel, a Major Substantive Rule of the Maine Commission on Indigent Legal Services	Reported Out	OTP-AM		4/13/22	Emergency Finally Passed	RESLV	163	
JUD	1934	Resolve, Changing the Identifying and Reporting Responsibilities and Extending the Reporting Deadline for the Identification of Places in the State with Offensive Names	Reported Out	OTP/ONTP		3/22/22	Finally Passed	RESLV	149	
JUD	1943	An Act To Expand the Address Confidentiality Program to Victims of Certain Human Trafficking Crimes	Reported Out	OTP-AM/ OTP-AM		4/11/22	Emergency Enacted	PL	649	
JUD	1945	An Act To Regulate the Use of Biometric Identifiers	Reported Out	OTP-AM/ OTP-AM/ ONTP		4/14/22	Died Between Houses			
JUD	1946	Resolve, Establishing the Committee To Ensure Constitutionally Adequate Contact with Counsel	Reported Out	OTP-AM		4/11/22	Emergency Finally Passed	RESLV	182	
JUD	1950	An Act To Implement the Recommendations of the Commission To Create a Plan To Incorporate the Probate Courts into the Judicial Branch	Reported Out	OTP-AM/ ONTP		4/14/22	Died On Adjournment			
JUD	1958	An Act To Amend the Maine Parentage Act with Regard to Presumed Parentage	Reported Out	OTP/ONTP		3/29/22	Enacted	PL	610	
JUD	1971	An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Remote Participation	Reported Out	OTP-AM		4/1/22	Enacted	PL	611	
JUD	1972	An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions Related to Research and Aquaculture Leases	Reported Out	OTP/ONTP		3/23/22	Enacted	PL	581	
JUD	2008	Resolve, To Establish the Committee To Study Court-ordered Treatment for Substance Use Disorder	Reported Out	OTP-AM/ ONTP		4/13/22	Emergency Finally Passed	RESLV	183	
JUD	2022	An Act To Amend the Judicial Districts and Divisions for York County	Reported Out	OTP-AM		4/11/22	Enacted	PL	633	

DIGEST OF BILLS

130th Legislature, Second Regular Session - 2022

PL = Public Law
P&SL = Private and Special Law
RESLV = Resolve

Judiciary (JUD)

Comm	LD	Title	Comm	Action	Carried Over from Prior Year?	Date of Last Comm Action	Final Disposition	Enacted Law		Analyst Note?
								Law	Ch	
JUD	2023	An Act To Implement the Recommendations of the Secretary of State Regarding Notarial Acts	Reported Out	OTP-AM/ ONTP		4/11/22	Enacted	PL	651	
JUD	2028	Resolve, Directing the Family Law Advisory Commission To Develop Options To Improve Preliminary Injunctions in Judicial Separation and Divorce Actions	<i>Comes From Committee</i>	JUD		3/22/22	Finally Passed	RESLV	148	
JUD	2034	An Act To Correct Inconsistencies, Conflicts and Errors in the Laws of Maine	Reported Out	OTP-AM		4/15/22	Emergency Enacted	PL	676	

JOINT STANDING COMMITTEE ON JUDICIARY

LD 585 An Act To Enhance Tribal-State Collaboration, To Revise the Tax Laws Regarding the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation and To Authorize Casinos, Off-track Betting Facilities, Federally Recognized Indian Tribes and Certain Commercial Tracks To Conduct Sports Wagering

ENACTED LAW SUMMARY

Part A of Public Law 2021, chapter 681 enacts the Tribal-State Collaboration Act, which requires 14 departments within the Executive Branch, the Office of the Public Advocate and the Public Utilities Commission each to designate a tribal liaison and to develop and implement a policy that promotes positive government-to-government relations between the State and the federally recognized Indian tribes within the State; promotes cultural competency in the agency's interactions with Indian tribes and tribal members; and establishes a process for collaboration between the agency and Indian tribes regarding the agency's programs, rules and services that substantially and uniquely affect the Indian tribes or tribal members. The Act also directs the Governor to meet at least annually with the leaders of the Indian tribes in a Tribal-State Summit to address issues of mutual concern, including implementing the Tribal-State Collaboration Act, improving communication between the State and the Indian tribes and implementing the requirement to include Maine Native American studies in the Department of Education's system of learning results. Part A also includes the Houlton Band of Maliseet Indians within the list of parties that may join an interlocal cooperation agreement under the Maine Revised Statutes, Title 30-A, chapter 115.

Part B explains that the amendments to the State's tax laws in Parts C through H of Public Law 2021, chapter 681 are designed to improve the economic opportunities available to and welfare of the Penobscot Nation, the Passamaquoddy Tribe and the Houlton Band of Maliseet Indians and their tribal members; to encourage economic development within their tribal lands, the benefits of which will accrue not only to these tribes and their tribal members but also to surrounding communities and the State; and to clarify and simplify the application of the State's tax laws to these tribes, their tribal lands and tribal members, in order to reduce the costs of tax compliance and administration. Parts C through H achieve these goals by:

1. Providing that the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians are deemed to act in a governmental capacity and not in a business capacity for purposes of applying the State's sales tax and income tax laws and are therefore exempt from these taxes;
2. Creating an exemption from the State's sales tax for sales to the Passamaquoddy Tribe, the Penobscot Nation or the Houlton Band of Maliseet Indians for sales occurring on or after January 1, 2023;
3. Creating an exemption from the State's sales tax for sales to tribal members or tribal entities of the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians that are sourced to tribal lands for sales occurring on or after January 1, 2023, but providing that the use tax applies to such sales if the exempt property or service is used primarily outside of tribal land during the first year after purchase;

JOINT STANDING COMMITTEE ON JUDICIARY

4. Expanding the provision of law that returns sales tax revenue collected by the State attributable to sales occurring on the Passamaquoddy reservations at Pleasant Point and Indian Township to the Passamaquoddy Tribe on a monthly basis by, effective January 1, 2023, both providing for the return of sales tax revenue attributable to sales occurring on all of the Passamaquoddy Indian territory and providing for the return to the Houlton Band of Maliseet Indians and to the Penobscot Nation of sales tax revenue collected by the State attributable to sales occurring on Houlton Band Trust Land or Penobscot Indian territory, respectively;
5. Exempting tribal land of the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians from the commercial forestry excise tax; wild blueberries grown on such tribal land from the wild blueberry tax; and potatoes grown on such tribal land from the potato tax, all effective January 1, 2023;
6. Providing that, effective January 1, 2023, the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians and tribal corporations organized by these tribes under Section 17 of the federal Indian Reorganization Act are not subject to the Maine corporate income tax; and
7. Creating income tax modifications applicable to tax years beginning on or after January 1, 2023 for tribal members of the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians residing on tribal land and for the estates of a decedent who was such a tribal member residing on tribal land for the amount of income or loss derived from or connected with sources on tribal land.

Part I of Public Law 2021, chapter 681 sets forth the Legislature's findings that, if conducted by federally recognized Indian tribes in the State, mobile sports wagering will serve as an effective economic development tool for tribal governments and tribal members and will provide economic stimulus to rural areas of the State; that authorizing the federally recognized Indian tribes in the State to conduct mobile sports wagering is fair and equitable because those Indian tribes previously have been excluded from conducting most forms of gaming in the State; that the conduct of facility-based sports wagering by licensed commercial tracks, casinos and off-track betting facilities will support the harness racing industry and that these entities are well suited to conduct facility-based sports wagering because of their infrastructure and experience with similar forms of wagering in the State.

Part J of Public Law 2021, chapter 681 amends the laws governing fantasy contests to allow such contests to be based on the performances of participants in collegiate athletic events and authorizes the conduct of sports wagering in the State subject to the regulatory oversight of the Department of Public Safety, Gambling Control Unit.

Commercial tracks not located in Bangor, casinos and off-track betting facilities are eligible to apply for the up to 10 total facility sports wagering licenses that may be issued to conduct in-person sports wagering in the State. Each of the State's four federally recognized Indian tribes is eligible to apply for a mobile sports wagering license to conduct sports wagering through which individuals physically located within the State make wagers using mobile applications or digital

JOINT STANDING COMMITTEE ON JUDICIARY

platforms. Facility sports wagering licenses and mobile sports wagering licenses are nontransferable, except that a federally recognized Indian tribe may transfer its mobile sports wagering license to a business entity that is wholly owned by that federally recognized Indian tribe. The four-year initial and renewal fee for a facility sports wagering license is \$4,000 and the four-year initial and renewal fee for a mobile sports wagering license is \$200,000.

Facility and mobile sports wagering licensees, referred to as operators, may purchase or lease equipment, systems or services for sports wagering from entities with a supplier license, whose equipment, systems or services must meet standards established by rule. An operator may also enter into a written contract approved by the director of the Gambling Control Unit with a single management services licensee that has sufficient knowledge and experience in the business of operating sports wagering to effectively conduct sports wagering on behalf of the operator. If a management services licensee enters into a contract with more than one operator, its method for separately accounting for each operator's gross receipts and adjusted gross sports wagering receipts from each operator must be approved by the director. The fee paid by an operator to a management services licensee may not exceed 30% of the operator's adjusted gross sports wagering receipts, except that the director may approve a contract authorizing the management services licensee to receive up to 40% of the operator's adjusted gross sports wagering receipts if the management services demonstrates that the fee is commercially reasonable. A person employed by an operator to be engaged directly in sports wagering-related activities must be licensed by the Gambling Control Unit.

Operators may accept wagers on professional, collegiate and amateur sports events, including international events, as well as on the individual performances of athletes, motor vehicle races and electronic sports. Operators may not accept sports wagers on high school events, other events where a majority of participants are under 18 years of age and events involving Maine-based colleges and universities, except that an operator may accept a wager on a game or match that is part of a tournament in which a Maine collegiate sports team participates, as long as a Maine collegiate sports team does not participate in that game or match. Operators also may not accept wagers on the occurrence of injuries or penalties, the outcome of player disciplinary rulings or replay reviews and additional categories of sports wagers that, upon the request of the relevant sports governing body, the director determines will undermine the integrity or perceived integrity of the sports governing body or its sports events. Operators are required to report abnormal wagering activity to the director and to the relevant sports governing body.

Operators may not accept sports wagers from individuals under 21 years of age; participants in the sports event, including athletes and officials; persons with an interest in the outcome of the sports event identified by the director by rule; the operator's own directors or employees or persons living in their households; persons voluntarily or involuntarily placed on a list maintained by the Gambling Control Unit of persons not authorized to make sports wagers; persons making wagers on behalf of another person; and Gambling Control Unit employees. Mobile operators also may not accept sports wagers from persons who are not physically located within the State.

Rules adopted by the director governing the marketing or advertising of sports wagering must require that an operator disclose its identity as a licensed commercial track, licensed casino, licensed off-track betting facility, federally recognized Indian tribe in the State or business entity

JOINT STANDING COMMITTEE ON JUDICIARY

wholly owned by a federally recognized Indian tribe in the State; must prohibit the use of misleading, deceptive or false sports wagering advertising; and must restrict, to the extent permissible, the marketing or advertising of sports wagering that is designed to reach or to appeal to persons under 21 years of age.

Operators must remit 10% of their adjusted gross sports wagering receipts to the State. One percent of adjusted gross sports wagering receipts must be deposited in the General Fund for the administrative expenses of the Gambling Control Unit; 1% of the adjusted gross sports wagering receipts must be deposited in the Gambling Addiction Prevention and Treatment Fund; 0.55% of the adjusted gross sports wagering receipts must be distributed by the State Harness Racing Commission to entities that conduct live harness racing in the State; 0.55% of the adjusted gross sports wagering receipts must be deposited in the Sire Stakes Fund; and 0.4% of the adjusted gross sports wagering receipts must be deposited in the Agricultural Fair Promotion Fund, which is established to provide monetary support to eligible nonprofit organizations that have had, for at least the preceding 25 years, a sole or primary purpose of promoting agricultural fairs in the State. The remaining adjusted gross sports wagering receipts remitted to the State must be deposited in the General Fund.

Part J of Public Law 2021, chapter 681 also establishes that each federally recognized Indian tribe in the State has the right to conduct mobile gaming under any law of the State newly authorizing such mobile gaming that is enacted on or after the effective date of this legislation.

LD 598 An Act To Prohibit Discrimination in Employment and School Based on Hair Texture or Style

ENACTED LAW SUMMARY

Public Law 2021, chapter 643 amends the Maine Human Rights Act to prohibit discrimination in employment and education based on hair texture or hairstyle. It also provides that use of the term “race” within the relevant subchapters of the Maine Human Rights Act includes traits that are associated with race, including hair texture, Afro hairstyles and protective hairstyles. “Protective hairstyles” includes braids, twists and locks. The text of Public Law 2021, chapter 643 is based on language adopted in Maryland and referred to as the CROWN Act, which is an acronym for Creating a Respectful and Open World for Natural Hair.

LD 679 An Act To Establish a Statewide Electronic Warrant System

ENACTED LAW SUMMARY

Public Law 2021, chapter 684 directs the State Court Administrator to establish a secure system for the application, issuance and return of arrest warrants and search warrants that is electronic and that provides access to authorized users statewide. Once established, the electronic warrant system may be used to apply for a search warrant or an arrest warrant when the application is presented to a District Court judge or a Superior Court justice or to a justice of the peace who is authorized

JOINT STANDING COMMITTEE ON JUDICIARY

under rules adopted by the Supreme Judicial Court. Chapter 684 directs the Supreme Judicial Court to adopt amendments to the Maine Rules of Unified Criminal Procedure, Rule 4, Arrest Warrant or Summons, effective on the date of the establishment of the statewide electronic warrant system, to provide for the application, issuance and return of arrest warrants and search warrants through electronic means. Chapter 684 provides ongoing funding for an eWarrant System and for technology costs to ensure judges and justices can access the eWarrant System off-site.

LD 840 An Act To Prevent Power Line Electrocutions

ENACTED LAW SUMMARY

Public Law 2021, chapter 618 amends the Overhead High-voltage Line Safety Act to limit the indemnification of the owner or operator of an overhead high-voltage line when the owner's or operator's negligence contributes to damages to facilities or injuries to persons. To the extent employers are liable under workers' compensation laws when employees are injured, employers are immune from the payment of damages under the Overhead High-voltage Line Safety Act.

LD 842 Resolve, To Create the Commission to Examine Reestablishing Parole

ENACTED LAW SUMMARY

Resolve 2021, chapter 126 establishes the Commission To Examine Reestablishing Parole, consisting of 13 members, five of whom are Legislators. The commission may request the current members of the Department of Corrections, State Parole Board as well as others to serve as consultants to the commission. The commission must report to the Joint Standing Committee on Judiciary by December 1, 2022.

LD 853 An Act To Increase the Fees Paid to Sheriffs and Their Deputies for Service of Civil Process Documents

ENACTED LAW SUMMARY

Public Law 2021, chapter 739 amends the laws concerning the fees and travel reimbursement paid to sheriffs and their deputies for service of civil process documents by increasing these fees and providing that the travel reimbursement rate must be at least the same rate as that paid to state employees. It includes funding for payment of the fees and travel reimbursement for the Department of Health and Human Services and the Judicial Branch.

JOINT STANDING COMMITTEE ON JUDICIARY

LD 861 Resolve, Concerning Training and Assessments Related to Protection from Substantial Threats

ENACTED LAW SUMMARY

Resolve 2021, chapter 160 requires the Department of Public Safety to develop and provide training programs on the protection from substantial threats process (also known as “yellow flag orders”) in the Maine Revised Statutes, Title 34-B, section 3862-A, referred to in the resolve as “the temporary weapons removal process,” which includes temporary weapons removal assessments. The department is required to report annually from 2023 to 2026 to the joint standing committee of the Legislature having jurisdiction over judiciary matters on the training programs and certain information concerning temporary weapons removal assessments and recommended temporary weapons removals.

LD 903 An Act To Enact the Uniform Foreign-country Money Judgments Recognition Act and the Uniform Registration of Canadian Money Judgments Act

ENACTED LAW SUMMARY

Public Law 2021, chapter 689 enacts the Uniform Foreign-country Money Judgments Recognition Act and the Uniform Registration of Canadian Money Judgments Act. Both Acts take effect January 1, 2023. The key difference between the two laws is that the Uniform Registration of Canadian Money Judgments Act allows registration in the Maine courts of a Canadian money judgment, without the registered judgment being related to an action already pending in or a new action being filed in the Maine courts.

The Uniform Foreign-country Money Judgments Recognition Act provides rules for recognition and enforcement of money judgments from any foreign country. If a person wishes to enforce in Maine a money judgment from a foreign country, the first step is recognition of the foreign-country judgment. A creditor may seek recognition by filing an action in state court or by filing a counterclaim, cross-claim or affirmative defense in a pending action. If the judgment meets the statutory standards, the court must recognize it and then the judgment may be enforced as if it is a judgment of another state of the United States.

To be recognized, a foreign-country money judgment must meet several standards. First, it must be shown that the judgment is conclusive, final and enforceable in the country of origin. Second, the judgment must come from a court system that is impartial and that honors due process. Third, the foreign court must have had personal and subject matter jurisdiction. Recognition of the judgment may be denied for a number of reasons, including if the defendant did not receive notice of the proceeding or the claim is repugnant to American or Maine public policy.

Public Law 2021, chapter 689 also includes the Uniform Registration of Canadian Money Judgments Act, originally proposed in L.D. 902. The Uniform Registration of Canadian Money Judgments Act was finalized by the Uniform Law Commission in 2019 to create a streamlined process for recognizing and enforcing money judgments from Canada eliminating the need to file

JOINT STANDING COMMITTEE ON JUDICIARY

a lawsuit. Under the registration process, the court need not hold a full judicial proceeding to recognize and enforce a Canadian money judgment that meets the requirements of the Act. The streamlined approach of the Act offers a less expensive method to recognize and enforce money judgments that are a result of commercial activity. Under this act, Canadian judgments may be recognized by registering the judgment with the clerk of the court with notice to the person against whom the judgment has been registered. Unless the person objects, the judgment may be enforced 31 days following the notice. The person may object on the grounds available under the Uniform Foreign-country Money Judgments Recognition Act or because of a failure to comply with the registration requirements. If the person objects, the process reverts to the process for recognition of judgments from other countries.

Public Law 2021, chapter 689 includes the following nonuniform modifications to the Uniform Registration of Canadian Money Judgments Act:

1. It does not include a statutory form because the judicial branch will develop a petition form for registering a Canadian money judgment.
2. The Act applies to money judgments from a Canadian proceeding commenced before as well as on or after the effective date of the Act, which is January 1, 2023.

The prefatory notes and comments approved by the National Conference of Commissioners on Uniform State Laws as part of the Uniform Foreign-country Money Judgments Act and the Uniform Registration of Canadian Money Judgments Act are applicable to the relevant provisions of Public Law 2021, chapter 689.

Public Law 2021, chapter 689 is effective January 1, 2023.

LD 906 An Act To Provide Passamaquoddy Tribal Members Access to Clean Drinking Water

ENACTED LAW SUMMARY

Public Law 2021, chapter 650 exempts the property of the Passamaquoddy Water District, which is a nontribal entity, from taxation by municipal governments. In order to provide access to alternate supplies of groundwater, it also authorizes the Passamaquoddy Tribe to add to the Passamaquoddy Indian territory, through the federal trust acquisition process and without local approval, two parcels of tribally owned fee land that are in close proximity to the tribe's existing Indian territory.

Public Law 2021, chapter 650 further provides that, unless the Passamaquoddy Tribe enters an intergovernmental agreement authorizing the State to exercise concurrent jurisdiction, the United States Environmental Protection Agency, and not the State, has the primary authority to regulate drinking water standards within Passamaquoddy Indian territory. If the tribe chooses to do so, it may seek authority from the United States Environmental Protection Agency to regulate drinking water standards within Passamaquoddy Indian territory to the extent permitted under federal law.

JOINT STANDING COMMITTEE ON JUDICIARY

This drinking water-related jurisdiction of the United States Environmental Protection Agency and of the Passamaquoddy Tribe does not extend beyond the Passamaquoddy Indian territory.

LD 913 An Act To Make Certain Civil Court Records Accessible by the Public Only at the Courthouse

ENACTED LAW SUMMARY

Public Law 2021, chapter 644 limits the public accessibility of certain court records that are part of eviction actions brought pursuant to the Maine Revised Statutes, Title 14, section 6001 and small claims actions brought pursuant to Title 14, section 7481. It provides that the records are available only at the courthouse, and not online, if the eviction action or small claims action is dismissed, is resolved in favor of the defendant, more than three years have elapsed since the judgment was entered or the parties agree that the records should be accessible by the public only at the courthouse.

LD 1310 An Act Regarding a Post-judgment Motion To Seal the Criminal History Record Information for Certain Criminal Convictions

ENACTED LAW SUMMARY

Public Law 2021, chapter 674 reestablishes a special statutory process to seal certain criminal records that was originally created by Public Law 2015, chapter 354 that was repealed by its own terms on October 1, 2019. Chapter 674 uses the same process to seal criminal records of an eligible criminal conviction as in the repealed law but expands the eligibility for record sealing by increasing the maximum age at which the crime was committed.

“Eligible criminal conviction” includes all current and former Class E crimes except for sexual assault crimes contained in the Maine Revised Statutes, Title 17-A, chapter 11. A person with an eligible criminal conviction may file a motion to seal the criminal history record information for the eligible criminal conviction if at least four years have passed since the person fully satisfied each of the sentencing alternatives imposed for the conviction; the person has not been convicted of another crime in this State and has not had a criminal charge dismissed as a result of a deferred disposition since satisfying the sentencing alternatives; the person has not been convicted of a crime in another jurisdiction since satisfying the sentencing alternatives; the person does not have any presently pending criminal charges in this State or in another jurisdiction; and the person was at least 18 years of age but less than 28 years of age at the time of the commission of the underlying crime.

The court must hold a hearing on the motion and, if the court determines all the requirements have been met, the court must issue an order sealing the criminal history record information. Notice of the order must be provided to the person, the prosecutorial office that prosecuted the person and the Department of Public Safety, Bureau of State Police, State Bureau of Identification, which must promptly amend its records relating to the sealed criminal history record information.

JOINT STANDING COMMITTEE ON JUDICIARY

If the person is convicted of a crime after the court's order, the person's criminal history record information must be unsealed. The person is required to notify the court of the new conviction, but if the person does not do so, the court must notify the person of the new conviction and offer the person an opportunity to request a hearing to contest the fact of the new conviction. If the court determines that there is a new criminal conviction or if the person fails to request a hearing, the court must issue an order unsealing the person's criminal history record information and notify the State Bureau of Identification.

When a person's criminal history record information related to the eligible conviction is sealed, the sealed criminal history record information must be treated as confidential criminal history record information and may not be disseminated by a criminal justice agency, whether directly or through any intermediary, except as provided in Title 16, section 705. A criminal justice agency may also disseminate information to the person; a criminal justice agency for the administration of criminal justice; the Secretary of State to ensure compliance with motor vehicle laws; victims; certain professional licensing agencies; financial institutions that are required to conduct criminal history record checks; and others required to conduct fingerprint-based background checks. Dissemination of sealed criminal history record information to a criminal justice agency for the purpose of the administration of criminal justice includes dissemination and use of the criminal history record information relating to the criminal history record information by an attorney for the State or for another jurisdiction as part of a prosecution of the person for a new crime, including use in a charging instrument or other public court document and in open court. Dissemination of sealed criminal history record information to a criminal justice agency for the purpose of the administration of criminal justice also includes dissemination and use of the criminal history record information as permitted by the Maine Rules of Evidence and as required by discovery requirements of the Maine Rules of Civil Procedure and the Maine Rules of Unified Criminal Procedure.

A person whose criminal conviction is sealed may respond to inquiries, other than from criminal justice agencies and those authorized to obtain the sealed criminal history record information, by not disclosing the existence of the sealed criminal history record information without being subject to any state sanctions. Not disclosing the existence of the sealed criminal history record information is not perjury, false swearing or unsworn falsification except if not disclosed to a criminal justice agency or those authorized to obtain the sealed record.

Public law 2021, chapter 674 provides that the restrictions on the dissemination of records under Title 15, former chapter 310 under orders issued before October 1, 2019 continue to apply to the relevant criminal history records and that the process for unsealing a record based on a subsequent criminal conviction created in this legislation applies when a person for whom the dissemination of the record was restricted under former chapter 310 is subsequently convicted of a crime.

A person who intentionally disseminates criminal history record information that has been sealed under this legislation in violation of the confidentiality provisions of this legislation, knowing it to be in violation, is guilty of the Class E crime unlawful dissemination as provided in Title 16, section 707.

JOINT STANDING COMMITTEE ON JUDICIARY

LD 1686 An Act to Establish Public Defender Positions and Provide Support for Indigent Legal Services Providers

ENACTED LAW SUMMARY

Public Law 2021, chapter 720 establishes and funds five public defender positions to be dispatched in the State where needed, provides money for legal research by attorneys providing services to the Maine Commission on Indigent Legal Services and adds funding for attendance at training events provided by the Maine Commission on Indigent Legal Services.

LD 1696 An Act To Clarify and Recodify Maine’s Protection from Abuse Statutes

ENACTED LAW SUMMARY

Public Law 2021, chapter 647 clarifies and recodifies Maine’s protection from abuse statutes to make the process more accessible to the public, the legal community and the judiciary. Established case law is incorporated for judicial economy and clarity for self-represented litigants and the legal community. Chapter 647 does not make any substantive changes to existing law and is intended solely as reorganization of the existing statutes. Public Law 2021, chapter 647 takes effect January 1, 2023.

LD 1772 An Act To Amend the Remote Meeting Law in Maine’s Freedom of Access Act

ENACTED LAW SUMMARY

Public Law 2021, chapter 666 amends the law governing remote participation in public meetings in the Freedom of Access Act to remove the requirement that a remote meeting policy adopted by a public body must include an expectation that members of the public body be physically present. It allows the public body to limit public attendance at a proceeding solely to remote methods if there is an emergency or urgent situation that requires the public body to meet only by remote methods. It also clarifies that the remote participation policy of a public body applies to a board or committee within the jurisdiction of the public body unless the subordinate board or committee adopts its own remote participation policy.

LD 1774 An Act Clarifying the Rights to Legal Representation and To Communicate with Others for Individuals Subject to Guardianship

ENACTED LAW SUMMARY

Public Law 2021, chapter 500 clarifies within the Maine Probate Code that an adult for whom a guardian has been appointed retains the rights to engage an attorney for any reason and to communicate freely with counsel, the probate court, an ombudsman or any advocate for the adult subject to the guardianship. It also provides that the section of the Maine Probate Code prohibiting

JOINT STANDING COMMITTEE ON JUDICIARY

the guardian of an adult from restricting the adult’s ability to communicate, visit or interact with others unless certain statutory conditions are met applies to all adult guardianships, including those established before September 1, 2019.

LD 1786 An Act To Maintain Consistency among Maine’s Nondiscrimination Statutes

ENACTED LAW SUMMARY

Public Law 2022, chapter 553 makes the nondiscrimination provisions throughout the Maine Revised Statutes consistent to prohibit discrimination on the basis of actual or perceived race, color, sex, sexual orientation, gender identity, physical or mental disability, religion, ancestry or national origin, age or familial status. It clarifies language in the Maine Insurance Code related to nondiscrimination without making substantive changes to insurance rating.

LD 1804 An Act To Provide Consistency in the Laws Regarding Domestic Partners

ENACTED LAW SUMMARY

Public Law 2021, chapter 567 provides consistency throughout the Maine Revised Statutes by enacting as a subsection in the general words and phrases statute that applies to all of the Maine Revised Statutes the definition of “domestic partner” included in the Maine Uniform Probate Code. It repeals all other definitions of “domestic partner” and incorporates into the laws governing custody of the remains of deceased persons and governing anatomical gifts language from the Uniform Health Care Decisions Act that is used to determine who may act as a surrogate to make health care decisions. In circumstances in which evidence is required to verify the existence of a domestic partnership, those who have registered as domestic partners with the Department of Health and Human Services, Office of Data, Research and Vital Statistics need only show that they are registered. Chapter 567 also directs the Department of Labor to adopt rules to provide guidance on the application of the laws governing family medical leave to domestic partners.

LD 1831 An Act To Improve the Child and Family Court Process

ENACTED LAW SUMMARY

Public Law 2021, chapter 723 authorizes family law magistrates to hear and dispose of all interim orders in actions involving divorce, legal separation, parentage or parental rights regardless of whether both parents consent. It requires the Chief Justice of the Supreme Judicial Court, the Chief Justice of the Superior Court and the Chief Judge of the District Court to establish annual training and education designed to inform justices, judges and family law magistrates about domestic violence and child abuse, neglect and maltreatment issues.

JOINT STANDING COMMITTEE ON JUDICIARY

LD 1854 An Act To Amend the Finance Authority of Maine Act To Allow for Remote Meetings

ENACTED LAW SUMMARY

Public Law 2021, chapter 572 repeals the specific provisions in law governing certain emergency meetings of the Finance Authority of Maine, thereby making the remote meetings provisions of Title 1, section 403-B applicable to the authority.

Public Law 2021, chapter 572 was enacted as an emergency measure effective April 7, 2022.

LD 1857 An Act To Prioritize the Prosecution of Child Homicide Cases

ENACTED LAW SUMMARY

Public Law 2021, chapter 621 directs the Attorney General to formally request the Judicial Branch to give priority to scheduling child homicide trials.

LD 1871 Resolve, Directing the Maine Human Rights Commission To Extend Its Pilot Program To Investigate and Report on Incidents of Harassment Due to Housing Status, Lack of Employment and Other Issues

ENACTED LAW SUMMARY

Resolve 2021, chapter 141 extends by two years the Maine Human Rights Commission pilot program to receive, review and investigate incidents and complaints of harassment due to a person's housing status and other reports of interference with a person's access to public accommodations and extends the deadlines for its reports. The commission's interim report is due to the joint standing committee of the Legislature having jurisdiction over judiciary matters September 15, 2023 and the final report must be submitted by September 15, 2024, after the conclusion of the 4th year of the pilot program. The resolve is retroactive to June 16, 2020, the effective date of Resolve 2019, chapter 113, which originally created the pilot program.

LD 1888 An Act To Amend Laws Affecting Sex Offenders and Petitions for the Determination of Parental Rights and Responsibilities

ENACTED LAW SUMMARY

Public law 2021, chapter 577 provides express authority for a court to order a forensic risk assessment in a parental rights and responsibilities proceeding. The assessment must be performed by a licensed clinical social worker, psychologist or psychiatrist qualified to perform psychosexual evaluations. In determining whether to order an assessment, the court may consider the existence of court findings, including convictions for child-related sexual offenses, dissemination of sexually

JOINT STANDING COMMITTEE ON JUDICIARY

explicit material or possession of sexually explicit material, substantiated findings of child abuse or neglect involving child-related sexual offenses or sexual exploitation of a minor, a recommendation for the assessment by a guardian ad litem and any other factor the court considers relevant. The court may order that the person performing the forensic risk assessment may interview certain parents and have access to court documents, records of any interview with the child and other relevant documents. The court must order the parent who is ordered to complete the forensic risk assessment to pay all the fees associated with the assessment unless another parent agrees to pay for the assessment. If the parent has already completed a forensic risk assessment in the past year, the court may order the parent to release the assessment to the court, the guardian ad litem or another party and may require the parent to complete a new assessment only if the court determines a new assessment is necessary.

LD 1899 An Act To Ensure Safe Entry and Access for People Seeking Health Care and Other Constitutional Rights

ENACTED LAW SUMMARY

Public Law 2021, chapter 640 defines the term “medical safety zone” and requires the demarcation of a medical safety zone around a building in which patients receive health services. It also prohibits a person from entering into, remaining in or creating an obstruction in that medical safety zone during the hours in which health services may be provided. The eight-foot medical safety zone is measured from the center of the entrance of the building in which patients receive health services. Chapter 640 makes violating the prohibition or intentionally interfering or attempting to interfere with the exercise of certain constitutional rights a Class E crime.

LD 1900 An Act To Amend the Laws Governing Name Changes

ENACTED LAW SUMMARY

Public Law 2021, chapter 559 removes the current requirement that notice be given prior to a court’s order changing the name of an adult who has petitioned for the name change. It does not remove the court’s discretion in changing an adult’s name, but it does prohibit the court from requiring public notice before approving the name change.

Chapter 559 provides that notice of the filing of a petition to change the name of a minor must be provided only to any other parent; to any guardian and any person or agency with legal custody of the minor; to the guardian ad litem, if any; and to the minor if the minor is 14 years of age or older.

JOINT STANDING COMMITTEE ON JUDICIARY

LD 1904 An Act to Make Technical Corrections to the Maine Juvenile Code

ENACTED LAW SUMMARY

Public Law 2021, chapter 701 provides that notice of the Juvenile Court's order to seal juvenile case records, rather than a copy of the order itself, must be transmitted to the Department of Public Safety, Bureau of State Police, State Bureau of Identification.

LD 1905 An Act to Facilitate Communication between Prosecutors and Unrepresented Defendants While Protecting the Rights of Those Defendants

ENACTED LAW SUMMARY

Public Law 2021, chapter 668 ensures that a prosecutor does not communicate with an unrepresented defendant about the facts, circumstances, merits or disposition of a criminal charge pending against the defendant before the defendant has knowingly, voluntarily and intelligently waived the defendant's right to counsel. Chapter 668 clarifies the current law to provide that the defendant must have been informed of the defendant's right to counsel, including court-appointed counsel if the defendant is indigent, by the court. It provides that waiver of the right to counsel, required to be in writing, must be executed in court.

LD 1926 Resolve, Regarding Legislative Review of Portions of Chapter 301: Fee Schedule and Administrative Procedures for Payment of Commission Assigned Counsel, a Major Substantive Rule of the Maine Commission on Indigent Legal Services

ENACTED LAW SUMMARY

Resolve 2021, chapter 163 provides for legislative review of portions of Chapter 301: Fee Schedule and Administrative Procedures for Payment of Commission Assigned Council, a major substantive rule of the Maine Commission on Indigent Legal Services.

Resolve 2021, chapter 163 was finally passed as an emergency measure effective April 20, 2022.

LD 1934 Resolve, Changing the Identifying and Reporting Responsibilities and Extending the Reporting Deadline for the Identification of Places in the State with Offensive Names

ENACTED LAW SUMMARY

Resolve 2021, chapter 149 amends Resolve 2021, chapter 98 to extend from December 1, 2021 to December 1, 2022 the deadline for submitting to the Legislature the report on identifying and renaming geographic features and other places with offensive names, to remove the requirement that the Department of Agriculture, Conservation and Forestry work jointly with the Permanent Commission on the Status of Racial, Indigenous and Tribal Populations to review state law

JOINT STANDING COMMITTEE ON JUDICIARY

regarding offensive place names and to authorize the Permanent Commission on the Status of Racial, Indigenous and Tribal Populations to establish an advisory committee to facilitate the process of identifying offensive place names.

LD 1943 An Act To Expand the Address Confidentiality Program to Victims of Certain Human Trafficking Crimes

ENACTED LAW SUMMARY

Public Law 2021, chapter 649 expands the Address Confidentiality Program to victims of human trafficking and minor victims of kidnapping and standardizes the use of terms referring to domestic violence and sexual assault.

Public Law 2021, chapter 649 was enacted as an emergency measure effective April 21, 2022.

LD 1946 Resolve, Establishing the Committee To Ensure Constitutionally Adequate Contact with Counsel

ENACTED LAW SUMMARY

Resolve 2021, chapter 182 establishes the 16-member Committee To Ensure Constitutionally Adequate Contact with Counsel to ensure that residents of Department of Corrections correctional and detention facilities, persons who are incarcerated in county jails and other county correctional facilities and criminal defendants in court facilities have adequate contact with counsel. The constitutional communications committee must submit a report to the Joint Standing Committee on Judiciary by November 2, 2022.

LD 1958 An Act To Amend the Maine Parentage Act with Regard to Presumed Parentage

ENACTED LAW SUMMARY

Public Law 2021, chapter 610, which was proposed by the Family Law Advisory Commission, provides clarification and guidance for challenges to existing legal presumptions of parentage in the Maine Parentage Act, including cross-references to “best interest of the child” factors already found in existing statutes.

JOINT STANDING COMMITTEE ON JUDICIARY

LD 1971 An Act To Implement the Recommendations of the Right To Know Advisory Committee

ENACTED LAW SUMMARY

Public Law 2021, chapter 611 implements the recommendations of the Right To Know Advisory Committee concerning remote participation by members of a public body subject to the Freedom of Access Act.

Current law does not authorize members of a public body to participate in a public proceeding when not physically present unless the public body has properly adopted a remote participation policy that meets the requirement of the Maine Revised Statutes, Title 1, section 403-B. Chapter 611 authorizes a public body to adopt the required remote participation policy through remote participation via a two-step process.

1. If the chair of the public body determines that an emergency or urgent issue exists that prevents the public body from meeting in person, the chair may call a meeting of the public body in which the members may participate by remote methods. Public notice of the meeting must be provided and must include information about how the public can participate in the meeting. The proposed remote participation policy must be included with the notice of the remote meeting or the notice must include instructions on how to obtain a copy of the proposed policy in advance of the meeting. Once the meeting is convened, the members must vote on whether to support the chair's determination that an emergency or urgent issue exists that prevents the public body from meeting in person.
2. If at least two-thirds of the members vote in support of the chair's determination, after an opportunity for hearing, the members may vote on adopting a policy authorizing remote participation.

Chapter 611 also amends the current law that applies to the obligation of public bodies to make documents available to the public to ensure that access to the proposed remote participation policy is provided in advance of the remote meeting called to adopt the policy.

LD 1972 An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions Related to Research and Aquaculture Leases

ENACTED LAW SUMMARY

Public Law 2021, chapter 581 amends the public records exception in the laws governing research and aquaculture leases to clarify that a copy of a seeding and harvesting report provided to a municipality is confidential.

JOINT STANDING COMMITTEE ON JUDICIARY

LD 2008 Resolve, To Establish the Committee To Study Court-ordered Treatment for Substance Use Disorder

ENACTED LAW SUMMARY

Resolve 2021, chapter 183 establishes the 16-member Committee To Study Court-ordered Treatment for Substance Use Disorder. The study committee is directed to explore the legal issues and best medical practices and related issues concerning substance use disorder treatment that either is involuntary or includes some form of leverage to ensure adherence to treatment. The study committee shall submit a report that summarizes its activities and recommendations, including suggested legislation, to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Judiciary for presentation to the First Regular Session of the 131st Legislature. The study committee is required to seek outside funding for the costs of the study.

Resolve 2021, chapter 183 was finally passed as an emergency measure effective May 8, 2022.

LD 2022 An Act To Amend the Judicial Districts and Divisions for York County

ENACTED LAW SUMMARY

Public Law 2021, chapter 633 changes provisions of the Maine Revised Statutes, Title 4 to align the statutes with the future location of the District Court in York County. Chapter 633 takes effect January 1, 2023.

LD 2023 An Act To Implement the Recommendations of the Secretary of State Regarding Notarial Acts

ENACTED LAW SUMMARY

Public Law 2021, chapter 651 implements the recommendations of the Secretary of State's study on remote and online notarization pursuant to Public Law 2021, chapter 337. It is based on the Revised Uniform Law on Notarial Acts as approved by the National Conference of Commissioners on Uniform State Laws (NCCUSL) in 2018.

Chapter 651 retains the current law's strong conflict of interest protections prohibiting performance of a notarial act for an immediate family member, except in the case of a marriage ceremony, and includes the uniform law's additional restriction on notarial acts involving records in which the notary public or notary public's family member has a direct beneficial interest. It also includes identical language from the current Maine statute for the corporate conflict of interest provision and uses substantively the same language from the current Maine statute that prohibits a notary public from notarizing the petitions for a referendum campaign in which the notary public is otherwise involved.

JOINT STANDING COMMITTEE ON JUDICIARY

Chapter 651 retains the current authorization that allows attorneys-at-law duly admitted and eligible to practice in the courts of this State to perform notarial acts. Additionally, NCCUSL's Revised Uniform Law on Notarial Acts recommends that judges, clerks or deputy clerks of the court be authorized to perform notarial acts, and these additional authorizations, with the addition of state court justices, are included.

Chapter 651 permits any notarial officer, including notaries public, attorneys, justices, judges, clerks and deputy clerks, to perform notarial acts for a remotely located individual in accordance with specified criteria. Chapter 651 includes security measures, including identity proofing and recording requirements, and language that permits the Secretary of State to assess a fee when the Secretary of State accepts service for a civil action in a dispute pursuant to a notarial act performed for a remotely located individual. The Secretary of State currently requires a fee for any service of process made to the Secretary of State.

Chapter 651 authorizes all notarial officers to perform a notarial act with respect to an electronic record. A notarial officer must notify the Secretary of State prior to performing the first notarial act with respect to an electronic record.

Chapter 651 requires any notarial officer seeking to perform remote and online notarization to notify the Secretary of State, who will maintain a database of that information online. The Secretary of State currently maintains a searchable online database of notaries public.

Currently, Maine is one of only three states that gives notaries public the authority to perform marriages. Chapter 651 creates a separate marriage officiant license and eliminates the power of notaries public to perform marriage ceremonies. It also provides that a notary public is automatically issued a marriage officiant license unless the notary public declines the license in writing. Chapter 651 clarifies that marriages may not be solemnized remotely.

Chapter 651 retains the current term of seven years for notaries public, as well as for the new marriage officiant license.

Title 4, section 961 currently provides for the continuation of the temporary modification of certain in-person notarization and acknowledgment requirements established in executive orders in 2020, but only until January 1, 2023. Chapter 651 extends the effect of section 961 until July 1, 2023.

Other than the amendments to Title 4, section 961, Chapter 651 takes effect July 1, 2023.

LD 2028 Resolve, Directing the Family Law Advisory Commission To Develop Options To Improve Preliminary Injunctions in Judicial Separation and Divorce Actions

ENACTED LAW SUMMARY

Resolve 2021, chapter 148 was reported out by the Judiciary Committee pursuant to Resolve 2021, chapter 78. It directs the Family Law Advisory Commission to review the elements of preliminary injunctions in judicial separation and divorce actions both in this State's statutes and in the statutes

JOINT STANDING COMMITTEE ON JUDICIARY

of other states and to develop options for improving those preliminary injunctions. The commission must submit a report to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than December 15, 2022, and the joint standing committee may report out legislation related to the report to the 131st Legislature in 2023.

LD 2034 An Act To Correct Inconsistencies, Conflicts and Errors in the Laws of Maine

ENACTED LAW SUMMARY

Public Law 2021, chapter 676 corrects technical inconsistencies, conflicts and errors in the laws of Maine. It also makes two substantive changes to Maine law.

1. Part D, section 5, clarifies that the fuel gas detector law passed in 2021 requires a fuel gas detector in rooms containing an appliance that combusts propane, natural gas or any liquified petroleum gas. Although this clarification is consistent with the intent of Public Law 2021, chapter 194, this is a substantive change as chapter 194 applied to rooms containing an appliance that is fueled by propane, natural gas or any liquified petroleum gas.
2. Current law requires the Department of Education to develop and implement an Internet-based application for free or reduced-price meals and to make the application available to schools. Part E requires schools to accept data in applications submitted through the department's Internet-based application for free or reduced-price meals. This language was inadvertently omitted from the committee amendment to L.D. 961 that was adopted in Public Law 2021, chapter 212 in June 2021.

Public Law 2021, chapter 676 was enacted as an emergency measure effective May 2, 2022.