

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2021

**CHAPTER 12
H.P. 70 - L.D. 104**

**An Act To Protect the Health
of Student Athletes by
Requiring the Department of
Education To Report on the
Incidence of Concussions**

**Be it enacted by the People of the State of Maine
as follows:**

Sec. 1. 20-A MRSA §254, sub-§17, as enacted by PL 2011, c. 688, §1, is amended by enacting a new first blocked paragraph to read:

The commissioner, in consultation with an organization representing school principals, shall report no later than January 31, 2022 and annually thereafter to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs on any available data on the incidence of concussions sustained by student athletes in the State using existing or new data collection systems. The report must include recommendations on best practices for the collection of such data.

See title page for effective date.

**CHAPTER 13
S.P. 80 - L.D. 192**

**An Act To Define the
Responsibilities of Residential
Property Owners for the
Maintenance and Repair of
Private Roads**

**Be it enacted by the People of the State of Maine
as follows:**

Sec. 1. 23 MRSA c. 305, sub-c. 2-A is enacted to read:

SUBCHAPTER 2-A

**MAINTENANCE OF PRIVATE ROADS THAT
BENEFIT RESIDENTIAL PROPERTIES**

**§3121. Responsibility for cost of repairs to and
maintenance of private roads that benefit
residential properties**

1. Cost sharing. If more than one property shares a common benefit from a private road, each property owner who shares the common benefit is responsible for a share of the cost of reasonable and necessary repairs to and maintenance of that private road determined pursuant to the terms of any agreement entered into to determine the share of the cost of reasonable and necessary repairs to and maintenance of the private road, any deed restriction, covenant or declaration applicable to the benefited property, any road association

created pursuant to this chapter or otherwise or any method elected under section 3101, when applicable. In the absence of any such agreement, restriction, covenant, declaration, road association or method elected under section 3101, each residential property owner, after reasonable due process and notice, shall share equally in the cost of reasonable and necessary repairs to and maintenance of the private road when the private road is the primary means of access to the benefited property. For purposes of this section, each residential property may be assessed only one share toward the collective cost of repairs and maintenance regardless of whether there are multiple owners of record for one property.

2. Repairs and maintenance defined. For the purposes of this section, "repairs and maintenance" has the same meaning as set forth in section 3101, subsection 1, paragraph B.

3. Enforcement. If a residential property owner fails to pay that owner's share of the cost of reasonable and necessary repairs to and maintenance of the private road in accordance with subsection 1, after a demand in writing, a legal claim for payment of the amount owed may be brought against that owner by a residential property owner or owners who share a common benefit in the road, either jointly or severally.

4. Conflict. In the event of any conflict between the provisions of this section and an agreement, restriction, covenant, declaration, road association or method elected in section 3101 existing on or entered into after the effective date of this section, the terms of the agreement, restriction, covenant, declaration, road association or method elected in section 3101 control.

5. Exceptions. This section does not apply to:

A. A private road constructed or primarily used for commercial or forest management purposes; or

B. A property owner who issues a ground lease to a 3rd party who maintains a residence on the subject property. As used in this section, "ground lease" means an arrangement under which a property owner leases only land to a lessee and the lessee retains the rights to use the land and any improvements the lessee makes for the term of the lease.

See title page for effective date.

**CHAPTER 14
H.P. 144 - L.D. 209**

**An Act Concerning Name
Changes for Minors**

**Be it enacted by the People of the State of Maine
as follows:**

Sec. 1. 18-C MRSA §1-701, as amended by PL 2019, c. 629, §1, is further amended to read:

§1-701. ~~Petition~~ Process to change name

1. ~~Petition, request; where filed.~~ Petition, request; where filed. ~~If a person desires to have that person's name changed, the person may petition the judge in the county where the person resides. If the person is a minor, the person's legal custodian may petition on the person's behalf. If there is a proceeding involving custody or other parental rights with respect to the minor pending in the District Court, the petition must be filed in the District Court. This section governs the process to change the name of a person.~~

A. A person may petition to change that person's name in the Probate Court in the county where the person resides.

B. A parent or guardian of a minor may petition to change a minor's name in the Probate Court in the county where the minor resides, unless the District Court has exclusive jurisdiction pursuant to Title 4, section 152, subsection 5-A, in which case the petition must be filed in the District Court.

C. A parent or guardian may request to change a minor's name as part of a proceeding concerning parentage or other parental rights, including actions for divorce, parental rights and responsibilities, post-judgment motions and any other proceeding involving parental rights with respect to the minor, in the District Court without filing a separate petition if the parent or guardian asserts good cause.

D. A minor may petition for a name change through an emancipation proceeding without filing a separate petition if the minor asserts good cause.

E. A change of a minor's name may not be ordered pursuant to a protection from abuse order under Title 19-A, section 4007.

For purposes of this section, "parent" means a person who, with respect to the minor, has established parentage pursuant to Title 19-A, chapter 61 and whose parental rights have not been terminated.

For purposes of this section, "guardian" means a person appointed by a court to make decisions with respect to the personal affairs of an individual. "Guardian" includes a coguardian and a permanency guardian appointed under Title 22, section 4038-C but does not include a guardian ad litem.

2. ~~Notice and name change; adults; notice.~~ Notice and name change; adults; notice.

Upon receipt of a petition filed under subsection 1, paragraph A, the judge court, after due notice, may change the name of the person who is an adult. To protect the person's safety of the person for whom the name change is sought, the judge court may limit the notice required if the person shows by a preponderance of the evidence that: ~~the person is currently in reasonable fear of the person's safety.~~

~~B. The person is currently in reasonable fear of the person's safety.~~

2-A. ~~Notice and name change; minors.~~ Notice and name change; minors. ~~A parent or guardian who has filed a petition under subsection 1, paragraph B or has requested a name change in a District Court proceeding under subsection 1, paragraph C shall provide notice pursuant to the applicable rules of procedure to any other parent, any guardian and any person or agency with legal custody of the minor; to the guardian ad litem if one is currently appointed; and to the minor if the minor is 14 years of age or older, but does not need to publish notice of the minor's name change unless the court orders that notice of the name change of the minor be published due to the specific circumstances of the case. To protect the safety of the minor for whom the name change is sought, the court may limit notice required if the parent who has sole parental rights and responsibilities shows by a preponderance of the evidence that:~~

A. The minor is a victim of abuse; or

B. The minor or petitioner is currently in reasonable fear of the minor's or petitioner's safety.

2-B. ~~Evaluation of minor's name change.~~ Evaluation of minor's name change. ~~Upon proof of service of the notice required under subsection 2-A and after providing an opportunity for those entitled to notice to respond to the petition:~~

A. The court shall change a minor's name by agreement of all parties, which a party may indicate by signing a waiver; or

B. In the event that not all parties agree to the name change, the court shall consider the following factors to assess whether the request or petition is in the best interest of the minor:

(1) The minor's expressed preference, if the minor is of sufficient age and maturity to articulate a basis for preferring a particular name;

(2) If the minor is 14 years of age or older, whether the minor consents or objects to the name change petition;

(3) The extent to which the minor uses a particular name;

(4) Whether the minor's name is different from any of the minor's siblings and the degree to which the minor associates and identifies with siblings on any side of the minor's family;

(5) The difficulties, harassment or embarrassment that the minor may experience by bearing the current or proposed name; and

(6) Any other factor the court considers relevant to the minor's best interests, including the factors outlined in Title 19-A, section 1653, subsection 3.

If the court finds that the name change is in the best interest of the minor by a preponderance of the evidence, the court shall change the minor's name.

3. Record. The judge court shall make and preserve a record of a name change. If the judge court limited the notice required under subsection 2 or 2-A, the judge court may ~~seal~~ make the record of the name change confidential or not public.

4. Filing fee. The fee for filing a name change petition is \$40.

5. Background checks. The judge court may require a person seeking a name change to undergo one or more of the following background checks: a criminal history record check; a motor vehicle record check; or a credit check. The judge court may require the person to pay the cost of each background check required.

6. Denial of petition brought for improper purpose. The judge court may not change the name of a person if the judge court has reason to believe that the person is seeking the name change for purposes of defrauding another person or entity or for purposes otherwise contrary to the public interest.

Sec. 2. 19-A MRSA §1653, sub-§2, ¶F is enacted to read:

F. The court may order that a minor's name be changed pursuant to Title 18-C, section 1-701.

Sec. 3. 19-A MRSA §1843, sub-§3, as enacted by PL 2015, c. 296, Pt. A, §1 and affected by Pt. D, §1, is repealed and the following enacted in its place:

3. Change of name. Title 18-C, section 1-701 governs all name changes of minors.

See title page for effective date.

**CHAPTER 15
S.P. 12 - L.D. 5**

**An Act Concerning the
Reporting of Health Care
Information or Records to the
Emergency Medical Services'
Board**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, in order to be fully implemented, this legislation requires the adoption of rules by the Emergency Medical Services' Board; and

Whereas, it is important for the board to be able to begin the rule-making process as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 32 MRSA §88, sub-§2, ¶K is enacted to read:

K. The board may collect or receive health care information or records, including information or records that identify or permit identification of any patient, for the purpose of monitoring and improving the provision of emergency medical services and health outcomes within the State.

Sec. 2. 32 MRSA §91-B, sub-§1, ¶E is enacted to read:

E. Health care information or records provided to the board under section 88, subsection 2, paragraph K are confidential if the information or records identify or permit the identification of a patient or a member of that patient's family.

Sec. 3. 32 MRSA §91-B, sub-§1, ¶F is enacted to read:

F. Health care information or records provided to the board under section 96 are confidential if the information or records identify or permit the identification of a patient who received emergency medical treatment or a member of that patient's family.

Sec. 4. 32 MRSA §96 is enacted to read:

§96. Monitoring and improving the provision of emergency medical services and health outcomes

For the purpose of monitoring and improving the provision of emergency medical services and health outcomes within the State, the board may request and collect health care information or records, including information or records that identify or permit identification of any patient, concerning individuals who have received emergency medical treatment within the State, except for any information or records identifying a patient, in any format, that include HIV or AIDS status or test results, that relate to abortion, miscarriage, domestic violence or sexual assault or that relate to referral, treatment or services for a behavioral or mental health disorder or substance use disorder.

1. Reporting by hospitals and physicians. Hospitals and physicians shall report health care information or records concerning individuals who have received emergency medical treatment as follows and in accordance with this section and rules adopted by the board.