

# 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**  
**JUNE 29, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 18, 2021**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2021**

~~defendant is subject to an undischarged term of imprisonment, the court shall order the defendant into execution of that sentence and the correctional facility to which the defendant must be transported shall execute the court's order; or~~

Sec. 2. 15 MRSA §101-D, sub-§5-A is enacted to read:

5-A. Finding of nonrestorability. If the court determines that the defendant is not competent to stand trial and there does not exist a substantial probability that the defendant can be competent in the foreseeable future, the court shall dismiss all charges against the defendant and, unless the defendant is subject to an undischarged term of imprisonment, the court may notify the appropriate authorities who may institute civil commitment proceedings for the individual. If the defendant is subject to an undischarged term of imprisonment, the court shall order the defendant into execution of that sentence, and the correctional facility to which the defendant is transported shall execute the court's order.

See title page for effective date.

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**CHAPTER 307**  
**H.P. 602 - L.D. 834**

**An Act To Ensure the  
Appropriate Allocation of  
Victim Restitution**

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

**Sec. 1.** 17-A MRSA §2008, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

**§2008. Deceased victims**

An offender's obligation to pay restitution is not affected by the death of the victim to whom the restitution is due. The money collected as restitution must be forwarded to the estate of the victim. If an offender is an heir, beneficiary or recipient of the victim's estate, any restitution paid to the estate under this section may not benefit the offender but must be distributed to any other heir, beneficiary or recipient as if the distribution of the estate's assets did not include the offender or, if the victim's estate has no heir, beneficiary or recipient other than the offender, the restitution must be paid to the Victims' Compensation Fund under Title 5, chapter 316-A or the Victims' Property Compensation Fund under Title 5, chapter 316-C, determined by whether the restitution is for underlying injury or property damage.

See title page for effective date.

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**CHAPTER 308**  
**H.P. 609 - L.D. 841**

**An Act Regarding Deferred  
Disposition**

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

**Sec. 1.** 17-A MRSA §1901, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

**§1901. Eligibility for deferred disposition**

A person who has pleaded guilty to a Class B crime under chapter 45 or a Class C, Class D or Class E crime and who consents to a deferred disposition in writing is eligible for a deferred disposition.

See title page for effective date.

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**CHAPTER 309**  
**H.P. 623 - L.D. 855**

**An Act Regarding the Issuance  
of a Birth Certificate Following  
a Gender Marker Change**

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

**Sec. 1.** 22 MRSA §2705, sub-§5, as amended by PL 1989, c. 818, §3, is further amended to read:

**5. Amendment following adoption ~~or~~ legitimization or gender marker change.** Amendment of a certificate following adoption ~~or~~ legitimization or gender marker change is governed by section 2765, ~~subsection~~ subsections 2-A and 2-B.

**Sec. 2.** 22 MRSA §2765, as amended by PL 2017, c. 402, Pt. C, §§47 and 48 and affected by PL 2019, c. 417, Pt. B, §14, is further amended by amending the section headnote to read:

**§2765. New certificate of birth following adoption ~~or~~ legitimization or gender marker change**

**Sec. 3.** 22 MRSA §2765, sub-§1, ¶B, as amended by PL 1993, c. 686, §6 and affected by §13, is further amended to read:

B. A request that a new certificate be established and such evidence as the department may require by rule proving that the person has been legitimated; and

**Sec. 4.** 22 MRSA §2765, sub-§1, ¶C is enacted to read:

C. An application for gender marker change.

**Sec. 5.** 22 MRSA §2765, sub-§2-A, as amended by PL 2009, c. 601, §20, is further amended to read: