

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.

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.

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.

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.

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:

2-A. Certificate after adoption or legitimization or gender marker change. This subsection governs birth certificates after adoption or legitimization or gender marker change.

A. When a new birth certificate is established after adoption pursuant to subsection 1, paragraph A, or subsection 1-A, the actual place and date of birth, the names and personal data of the adoptive parents at the time of the child's birth and the name of the child after adoption must be entered on the new birth certificate.

(1) At the request of an adopted person who is at least 18 years of age or of the adoptive parents of an adopted child under 18 years of age, the new certificate must carry a notation that it has been amended, all items that have been revised pursuant to the adoption decree must be identified, and the notation "court action" and the date of the adoption decree must be shown on the new certificate.

(2) If the birth certificate has been annotated pursuant to subparagraph (1), the annotation may be deleted in accordance with department regulations at the request of an adopted person who is at least 18 years of age or of the adoptive parents of an adopted child under 18 years of age.

B. When a new certificate is established after legitimization pursuant to subsection 1, paragraph B, the actual place and date of birth, the name of the child and the names and personal data of both parents at the time of birth must be shown. Notwithstanding section 2705, the new certificate may not be marked "amended." The new certificate must be filed with all other birth certificates and is not subject to the provisions of section 2761, subsection 4.

C. When a new certificate of birth is established following adoption or legitimization or gender marker change, it must be substituted for the original certificate of birth. After that substitution, the original certificate of birth and the evidence of adoption or application for gender marker change are not subject to inspection except upon order of the Probate Court or the Superior Court or pursuant to section 2768. The application for legitimization may be released to persons listed on the original birth certificate upon completion of written application to the State Registrar of Vital Statistics or the registrar's designee.

Sec. 6. 22 MRSA §2765, sub-§2-B is enacted to read:

2-B. Certificate after gender marker change. When a new birth certificate is established after changes are made to the gender marker pursuant to subsection 1, paragraph C or subsection 2-A, the requested gender marker and, if requested at the same time, the first and

middle names as they appear on the application must be entered on the new birth certificate. A new birth certificate may be requested by a parent on behalf of a minor.

The new birth certificate may not be marked "amended." The new birth certificate must be filed with all other birth certificates.

Additional requirements may be specified in rules adopted by the department.

See title page for effective date.

CHAPTER 310

H.P. 672 - L.D. 916

An Act To Protect Data Privacy and Security in Elections

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

Sec. 1. 21-A MRSA §196-A, sub-§1, ¶B, as amended by PL 2015, c. 447, §7, is further amended to read:

B. A political party, or an individual or organization engaged in so-called "get out the vote" efforts directly related to a campaign or other activities directly related to a campaign, or an individual who has been elected or appointed to and is currently serving in a municipal, county, state or federal office, may purchase a list or report of certain voter information from the central voter registration system by making a request to the Secretary of State or to a registrar if the information requested concerns voters in that municipality. The Secretary of State or the registrar shall make available the following voter record information, subject to the fees set forth in subsection 2: the voter's name, residence address, mailing address, year of birth, enrollment status, electoral districts, voter status, date of registration, date of change of the voter record if applicable, voter participation history, voter record number and any special designations indicating uniformed service voters, overseas voters or township voters. ~~Any person obtaining, either directly or indirectly, information from the central voter registration system under this paragraph may not sell, distribute or use the data for any purpose that is not directly related to activities of a political party, "get out the vote" efforts directly related to a campaign or other activities directly related to a campaign. This paragraph does not prohibit political parties, party committees, candidate committees, political action committees or any other organizations that have purchased information from the central voter registration system from providing access to such information to their members for purposes directly related to party activities,~~