

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

pecuniary or other vested interest in the outcome of the matters being studied. Any person, other than a state agency, authorized and desiring to make a financial or in-kind contribution must certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the commission's activities. All contributions are subject to approval by the Legislative Council. All contributions accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of contributions, the date the contributions were received, from whom the contributions were received and the purpose of and any limitation on the use of those contributions. The Executive Director of the Legislative Council shall administer the contributions and shall notify the chairs of the commission when those contributions have been received.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective July 6, 2021.

CHAPTER 104

H.P. 530 - L.D. 719

Resolve, To Establish the Commission To Create a Plan To Incorporate the Probate Courts into the Judicial Branch

Preamble. Whereas, the existing probate court system established pursuant to the Constitution of Maine, Article VI, Section 6 was conditionally repealed by a vote of the people of Maine in 1967; and

Whereas, the effective date of repeal was dependent upon the creation of a different probate court system with full-time probate judges by the Legislature; and

Whereas, a different probate court system has not been created since the repeal and the Legislature has not considered a plan to establish a probate court system with full-time judges; and

Whereas, to honor the intent of a long-standing vote of Maine people and ensure that Maine people currently have the same access to justice in all Maine courts; now, therefore, be it

Sec. 1. Commission established. Resolved: That the Commission To Create a Plan To Incorporate the Probate Courts into the Judicial Branch, referred to in this resolve as "the commission," is established.

Sec. 2. Commission membership. Resolved: That, notwithstanding Joint Rule 353, the commission consists of 15 members appointed as follows:

1. Two members of the Senate appointed by the President of the Senate, including one member from each of the 2 parties holding the largest number of seats in the Legislature;
2. Three members of the House of Representatives appointed by the Speaker of the House of Representatives, including members from each of the 2 parties holding the largest number of seats in the Legislature;
3. Three members appointed by the Chief Justice of the Supreme Judicial Court;
4. One member who is a member of the Maine Probate Judges Assembly appointed by the Speaker of the House of Representatives;
5. One member who is a register of probate appointed by the Speaker of the House of Representatives;
6. One member who is a judicial branch clerk appointed by the Chief Justice of the Supreme Judicial Court;
7. One member who is a member of the Probate and Trust Law Advisory Commission appointed by that commission;
8. One member who is a member of the Family Law Advisory Commission appointed by that commission; and
9. Two members who are members of the Maine State Bar Association, one of whom is a member of a nonprofit organization providing statewide free legal services, appointed by the Speaker of the House of Representatives.

Sec. 3. Chairs; subcommittees. Resolved: That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the commission. The chairs of the commission are authorized to establish subcommittees to work on the duties listed in section 5 and to assist the commission. Any subcommittees established by the chairs must be composed of members of the commission and interested persons who are not members of the commission and who volunteer to serve on the subcommittees without reimbursement.

Sec. 4. Appointments; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the commission. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business.

Sec. 5. Duties. Resolved: That the commission shall create a plan for a probate court system with full-time judges. The commission may consider for inclusion in the plan any features that the commission determines relevant, including, but not limited to, features that will ensure timely, convenient and meaningful access to justice, promote judicial responsibility and adherence to the code of judicial responsibility, provide for qualified full-time judges, provide adequate professional staff, reflect efficient practices in scheduling and case management throughout the system, allow for convenient and consumer-friendly processing of matters that are not contested and reflect economies of scale in all appropriate operational aspects. The commission shall describe how the system would be funded.

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the commission, except that Legislative Council staff support is not authorized when the Legislature is in regular or special session.

Sec. 7. Information and assistance. Resolved: That the Administrative Office of the Courts and registers of probate shall provide to the commission information and assistance requested by the commission and required for the commission to perform its duties.

Sec. 8. Report. Resolved: That, no later than December 1, 2021, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Judiciary. The Joint Standing Committee on Judiciary may report out a bill regarding the subject matter of the report to the Second Regular Session of the 130th Legislature.

See title page for effective date.

CHAPTER 105

S.P. 116 - L.D. 267

**Resolve, Directing the
Department of Transportation
To Erect and Maintain
Markers To Commemorate
and Recognize the Lafayette
Trail**

Sec. 1. Lafayette Trail designated. Resolved: That, subject to section 2, the Department of Transportation shall erect and maintain suitable signs and other markers at or near each portion of the route followed by General Lafayette while he was in Maine in 1824 and 1825. The 1824 tour and the 1825 tour must have distinct signs and markers. The signs and markers must bear the Lafayette Trail logo provided to the department by The Lafayette Trail, Inc.

The signs and markers must be erected at or near the following locations, where appropriate, as determined by the department:

1. 1824 tour. For the 1824 tour:

A. The portion of U.S. Route 1 Bypass beginning on the Sarah Mildred Long Bridge in the Town of Kittery at the New Hampshire state line continuing north to the intersection with Bridge Street; and

B. Continuing on that portion of Bridge Street beginning at the intersection with U.S. Route 1 Bypass in the Town of Kittery and continuing east as Government Street to the intersection with Walker Street; and

2. 1825 tour. For the 1825 tour:

A. The portion of Route 4 beginning in the Town of South Berwick at the New Hampshire state line north to the intersection with Route 9 in the Town of North Berwick;

B. Continuing on that portion of Route 9 beginning at the intersection with Route 4 and continuing east to the intersection with Route 109 in the Town of Wells;

C. Continuing on that portion of Route 109 beginning at the intersection with Route 9 and continuing east to the intersection with U.S. Route 1, also known as Post Road, in the Town of Wells;

D. Continuing north on that portion of U.S. Route 1 to the Joseph Storer Mansion at 7 Storer Street in the Town of Kennebunk;

E. Continuing north on that portion of U.S. Route 1 from the Joseph Storer Mansion to the former location of the Springs Tavern at 14 Elm Street in the Town of Biddeford;

F. Continuing north on that portion of U.S. Route 1 from 14 Elm Street in the Town of Biddeford to the intersection at Storer Street in the Town of Saco;

G. Continuing east on that portion of Storer Street in the Town of Saco to the intersection at Main Street in the Town of Saco;

H. Continuing on that portion of Main Street in the Town of Saco to the intersection at Front Street in the Town of Saco to the former location of the Cleaves Hotel located in Pepperell Square;

I. Continuing north on that portion of Main Street in the Town of Saco to the intersection of U.S. Route 1 with Payne Road in the Town of Scarborough; and

J. Continuing north on that portion of Payne Road beginning in the Town of Scarborough and continuing north as Maine Mall Road to the intersection with Western Avenue in the City of South Portland.