

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 7, 2022 to March 30, 2023

FIRST SPECIAL SESSION
April 5, 2023 to July 26, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NONEMERGENCY LAWS IS
JUNE 29, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NONEMERGENCY LAWS IS
OCTOBER 25, 2023

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

Augusta, Maine
2023

or granting an adoption, the judge shall notify the District Court and take appropriate action to facilitate a transfer of the matter to the District Court. If a matter is transferred to the District Court under this subsection, the District Court has continuing, exclusive jurisdiction over the matter and over any future proceedings for guardianship, adoption or change of name or other matter involving custody or other parental rights with respect to the minor child brought under Title 18-C, except to the extent that the District Court's jurisdiction is precluded by the Uniform Child Custody Jurisdiction and Enforcement Act.

3. Exception to transfer. Notwithstanding any provision of law to the contrary, a probate court shall retain jurisdiction over an action for guardianship, adoption, change of name or other matter involving custody or other parental rights with respect to a minor child brought under Title 18-C that would otherwise be within the exclusive, continuing jurisdiction of the District Court under section 152, subsection 5-A and may not transfer that matter to the District Court under subsection 2 if:

A. At the time the proceeding under the Maine Juvenile Code or the proceeding involving custody or other parental rights with respect to the minor child that would otherwise trigger the District Court's continuing, exclusive jurisdiction is initiated, the testimonial hearing on the Title 18-C matter has concluded and the Probate Court has that matter under advisement; and

B. The Probate Court has not determined that the District Court is the more appropriate forum for the Title 18-C proceeding.

For purposes of this section, a proceeding is pending if a complaint, petition or post-judgment motion has been filed and the final judgment or final order on that complaint, petition or post-judgment motion has not yet been issued.

Sec. 3. 22 MRSA §4031, sub-§3, as amended by PL 2015, c. 296, Pt. C, §28 and affected by Pt. D, §1, is further amended to read:

3. Scope of authority. The court shall consider and act on child protection petitions regardless of other decrees regarding a child's care and custody. The requirements and provisions of Title 19-A, chapter 58 do not apply to child protection proceedings. If custody or parentage is an issue in another pending proceeding, the proceedings may be consolidated in the District Court with respect to the issue of custody, parentage or both. In any event, the court shall make an order on the child protection petition in accordance with this chapter. That order takes precedence over any ~~prior~~ other order regarding the child's care and custody. Nothing in this subsection may be construed to limit the authority of the District Court to determine parentage pursuant to section 4005-F during the pendency of a child protection

proceeding; to consolidate a child protection proceeding with another matter; or to resolve a child protection proceeding through the entry of a parental rights and responsibilities order, guardianship order or adoption order.

See title page for effective date.

**CHAPTER 64
H.P. 118 - L.D. 177**

**An Act to Amend the Authority
of the Public Utilities
Commission Regarding Access
to Information in Proceedings
Involving Special Rate
Contracts**

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

Sec. 1. 35-A MRSA §1311-A, sub-§1, ¶F, as enacted by PL 1997, c. 691, §5 and affected by §10, is amended to read:

F. Notwithstanding any other provision of this subsection:

(1) The commission may deny all parties, including the commission and its staff, access to information if the commission finds that the potential for harm from disclosure of the information outweighs its probative value in the proceeding; ~~and~~

(2) The commission may deny an attorney access to information under protective order if the commission finds that the attorney's request for access to the information is not made in good faith or that the attorney will not respect the terms of the protective order; ~~and~~

(3) The commission may deny or limit access by an attorney to information under protective order in a proceeding involving one or more special contracts under section 703 if:

(a) The information is customarily regarded as confidential business information and relates to the reasons for the parties' entering into the special contract; and

(b) The party represented by the attorney is not a party to the special contract with the utility.

The commission may deny or limit access to information by any attorney under this subparagraph after providing the attorney with an opportunity to be heard and upon finding that the

potential for harm from disclosure of the information outweighs the need for disclosure.

See title page for effective date.

CHAPTER 65

H.P. 174 - L.D. 276

**An Act to Assist Municipalities
in Preventing Damage from
Storm Water**

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

Sec. 1. 23 MRSA §3106, as amended by PL 2009, c. 501, §3, is further amended to read:

§3106. Municipal assistance for purposes of protecting or restoring a ~~great pond~~ natural resources

1. ~~Repairs to a private road~~ Protection or restoration of great ponds through repairs to private roads, ways or bridges. For the purpose of protecting or restoring a great pond, as defined in Title 38, section 480-B, subsection 5, a municipality may appropriate funds to repair a private road, way or bridge to prevent storm water runoff pollution from reaching a great pond if:

- A. The private road, way or bridge is within the watershed of the great pond;
- B. The great pond:
 - (1) Is listed on the Department of Environmental Protection's list of bodies of water most at risk pursuant to Title 38, section 420-D, subsection 3;
 - (2) Has been listed as impaired in an integrated water quality monitoring and assessment report submitted by the Department of Environmental Protection to the United States Environmental Protection Agency pursuant to the federal Clean Water Act, 33 United States Code, Section 1315(b) at least once since 2002; or
 - (3) Is identified as having threats to water quality in a completed watershed survey that uses a protocol accepted by the Department of Environmental Protection;
- C. The Department of Environmental Protection or the municipality determines that the private road, way or bridge is contributing to the degradation of the water quality of the great pond based upon an evaluation of the road, way or bridge using a protocol accepted by the department;

D. The repair complies with best management practices required by the Department of Environmental Protection; and

E. The private road, way or bridge is maintained by a road association organized under this subchapter or Title 13-B.

1-A. Protection or restoration of protected natural resources through repairs to certain private roads, ways, bridges or storm water management systems. For the purpose of protecting or restoring a protected natural resource, a municipality or a regional community and economic development organization may appropriate funds to repair a private road, way, bridge or storm water management system to prevent storm water runoff pollution from reaching a protected natural resource if:

A. The private road, way, bridge or storm water management system is within the watershed of the protected natural resource or is located within or immediately adjacent to the protected natural resource;

B. With respect to a protected natural resource that is a great pond only, the great pond satisfies the criteria listed in subsection 1, paragraph B;

C. The Department of Environmental Protection, the municipality or the regional community and economic development organization determines that the private road, way, bridge or storm water management system is contributing to the degradation of water quality within or immediately adjacent to the protected natural resource based upon an evaluation of the road, way, bridge or storm water management system using a protocol accepted by the department;

D. The repair complies with best management practices required by the Department of Environmental Protection; and

E. The private road, way, bridge or storm water management system is located wholly or partially within or immediately adjacent to a military installation closed pursuant to the federal Defense Base Realignment and Closure Act of 1990.

1-B. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Protected natural resource" has the same meaning as in Title 38, section 480-B, subsection 8.

B. "Regional community and economic development organization" means a quasi-governmental entity established in statute for the purpose of addressing the development needs, problems and opportunities of municipalities and regions. "Re-