

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

effective. If agreement is reached, the utility shall pursue the agreed-upon nonwires alternatives. If there is no agreement, the utility ~~shall or the Office of the Public Advocate may~~ petition the commission to resolve the dispute.

Sec. 10. 35-A MRSA §3132-B, sub-§5, as enacted by PL 2019, c. 298, §13, is amended to read:

5. Dispute resolution. In responding to a petition by an investor-owned transmission and distribution utility or the Office of the Public Advocate pursuant to subsection 4, the commission shall review the planning study prepared under subsection 1 and the recommendations of the nonwires alternative coordinator under subsection 4. In resolving the dispute, the commission shall give preference to nonwires alternatives that are identified as able to address the identified need for the proposed small transmission project or distribution project and are most cost-effective. Of the identified nonwires alternatives, the commission shall give preference to the lowest-cost nonwires alternatives. When the costs to ratepayers in this State of the identified nonwires alternatives are reasonably equal, the commission shall give preference to the nonwires alternatives that produce the lowest amount of local air emissions, including greenhouse gas emissions.

Sec. 11. 35-A MRSA §3132-C, sub-§1, as enacted by PL 2019, c. 298, §14, is amended to read:

1. Investigation required. The nonwires alternative coordinator shall conduct an investigation of and make recommendations regarding nonwires alternatives to a wires project under section 3132, 3132-A or 3132-B in accordance with this section. The investigation must be conducted in coordination with the Efficiency Maine Trust. For the purposes of this section, "wires project" means a transmission line and associated infrastructure subject to the requirements of section 3132, a transmission project or subtransmission project as defined in section 3132-A or a small transmission project or distribution project covered by section 3132-B.

Sec. 12. 35-A MRSA §3132-C, sub-§3, as enacted by PL 2019, c. 298, §14, is amended to read:

3. Data. An investor-owned transmission and distribution utility shall provide data requested by the Public Advocate or the Efficiency Maine Trust, subject to enforcement by the commission, to allow the nonwires alternative coordinator, in conjunction with the trust, to carry out investigation and analysis under this section. The trust shall use utility ratepayer usage data to identify cost-effective nonwires alternatives on the customer side of the meter. An investor-owned transmission and distribution utility may request a protective order if necessary to protect the confidentiality of customer data or critical energy infrastructure information provided under this section in accordance with section 1311-A.

Sec. 13. 35-A MRSA §3132-D, first ¶, as enacted by PL 2019, c. 298, §15, is amended to read:

When the commission determines a nonwires alternative is appropriate under section 3132, 3132-A or 3132-B ~~or an investor-owned transmission and distribution utility agrees voluntarily to a nonwires alternative under section 3132-B~~, the utility shall procure the nonwires alternative must be prudently procured in accordance with this section.

Sec. 14. 35-A MRSA §3132-D, sub-§2, as enacted by PL 2019, c. 298, §15, is amended to read:

2. Grid-side alternatives. For a nonwires alternative on the grid side of the meter, the commission shall determine an entity, which may include but is not limited to the investor-owned transmission and distribution utility or a 3rd party, to deliver the nonwires alternative and shall make orders as necessary; ~~except, when a utility voluntarily agrees to a nonwires alternative on the grid side of the meter under section 3132-B, the utility shall determine the entity to deliver the nonwires alternative.~~

See title page for effective date.

CHAPTER 356
H.P. 1221 - L.D. 1906

**An Act to Enable
Confirmatory Adoption**

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

Sec. 1. 18-C MRSA §9-316 is enacted to read:
§9-316. Confirmatory adoptions

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

A. "Assisted reproduction" has the same meaning as in Title 19-A, section 1832, subsection 3.

B. "Confirmatory adoption" means an adoption proceeding governed by this section through which a child born as a result of assisted reproduction may be adopted by an individual who is a parent or presumed parent of that child.

C. "Donor" has the same meaning as in Title 19-A, section 1832, subsection 5.

D. "Marriage" means the legally recognized union of 2 people or any legal relationship that provides substantially the same rights, benefits and responsibilities as marriage and is recognized as valid in the state or jurisdiction in which it was entered.

E. "Parentage" has the same meaning as in Title 19-A, section 1832, subsection 14.

F. "Presumed parent" has the same meaning as in Title 19-A, section 1832, subsection 16.

2. Petitioner or joint petitioners. Notwithstanding any provision of law to the contrary, a petition for a confirmatory adoption of a child born as a result of assisted reproduction may be filed:

A. By a single petitioner who gave birth to the child; or

B. Jointly by a petitioner who gave birth to the child and a petitioner who is a parent or presumed parent of the child.

3. Petition contents. Notwithstanding sections 9-301 and 9-303 or any other provision of law to the contrary, a petition for confirmatory adoption must be signed by the single petitioner under oath or by each of the joint petitioners under oath and must include the following:

A. A copy of the child's birth certificate;

B. An explanation of the circumstances of the child's birth through assisted reproduction;

C. An attestation that each petitioner consented to the child's birth through assisted reproduction;

D. An attestation that, other than the claim of the single petitioner or the claims of the joint petitioners, no competing claims of parentage exist;

E. If the petition is filed jointly, a copy of the joint petitioners' marriage certificate, if any; and

F. A filing fee of \$65.

4. Notice to and consent of donor not required. Notwithstanding section 9-302, any provision of Part 2 or any other provision of law to the contrary, if a petitioner under this section conceived through assisted reproduction using a donor who is not a parent pursuant to Title 19-A, section 1922, the court may not require notice of the confirmatory adoption to that donor or the consent of that donor to the confirmatory adoption.

5. No other consent of petitioner required. Notwithstanding section 9-302, any provision of Part 2 or any other provision of law to the contrary, submission of a complete petition under subsection 3 constitutes notice of and written consent to the confirmatory adoption by the single petitioner or joint petitioners, and the court may not require any additional notice to or consent by any petitioner.

6. Procedures. Except as specified in this section, the requirements and procedures for adoption proceedings in this Article do not apply to a confirmatory adoption proceeding.

A. The following procedures apply to a confirmatory adoption proceeding:

(1) The requirement in section 9-302, subsection 1, paragraph A for written consent to the

adoption by the adoptee, if the adoptee is 12 years of age or older; and

(2) The confidentiality provisions of section 9-308, subsection 3 and section 9-310.

B. Notwithstanding any provision of law to the contrary, for purposes of evaluating a petition for confirmatory adoption, unless required by federal law or ordered by the court for good cause demonstrated in written findings by the court, the court may not require:

(1) A hearing, unless requested by a petitioner;

(2) A home study, screening for child abuse cases or other investigation of a petitioner by the department or any other agency;

(3) A federal or state criminal history record check of any person;

(4) Verification that the child is not registered with a registry for missing children;

(5) Appointment of a guardian ad litem;

(6) An interview of the adoptee; or

(7) A minimum period of time during which the child must have lived in the home of a petitioner or the petitioners before the petition is granted.

7. Final decree. Notwithstanding section 9-308 and any other provision of law to the contrary, the court shall grant a petition for confirmatory adoption if it finds:

A. For a single petitioner, that the petitioner is the individual who gave birth to the child, the child was born through assisted reproduction and there are no competing claims of parentage; or

B. For joint petitioners, either:

(1) That the child was born through assisted reproduction, one of the petitioners gave birth to the child and, at the time of the child's birth, was married to the other petitioner and there are no competing claims of parentage; or

(2) That the child was born through assisted reproduction with the consent of both petitioners, one of the petitioners gave birth to the child, the other petitioner is a parent or presumed parent of the child and there are no competing claims of parentage.

The court may not deny a petition solely on the grounds that the single petitioner's or the joint petitioners' parentage is already presumed or legally recognized.

8. Timing of decision. The court shall issue an order under this section within 60 days of receipt of a petition that complies with subsection 3.

9. Appeal. Appeals from a decision to deny a confirmatory adoption are governed by section 9-309.

10. Effect on other laws. When adjudicating competing claims of parentage of a child or determining the best interest of a child in a circumstance in which parentage is presumed or legally recognized, a court may not consider as evidence information that a party did not petition for confirmatory adoption under this section.

See title page for effective date.

CHAPTER 357

S.P. 750 - L.D. 1849

An Act to Ensure Fair and Timely Payment in the Harvesting of Forest Products

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

Sec. 1. 10 MRSA c. 235 is enacted to read:

CHAPTER 235

PAYMENT FOR HARVESTING WOOD

§1500-O. Payment for harvesting wood

An entity that contracts with a person to harvest wood and place the wood roadside so that the entity is able to have the wood hauled away for use or processing must pay the person within 30 days of the person's fulfilling the contract and placing the wood roadside. The Department of Agriculture, Conservation and Forestry or a person licensed to scale wood pursuant to section 2365-A under contract with the department shall conduct random inspections to ensure that entities are complying with the requirements of this section.

See title page for effective date.

CHAPTER 358

H.P. 69 - L.D. 101

An Act to Return to the Former Owner Any Excess Funds Remaining After the Sale of Foreclosed Property

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

Whereas, the United States Supreme Court has ruled in *Tyler v. Hennepin County*, 598 U.S. ____ (2023) that a Minnesota local government sale of property that was acquired by the local government by foreclosure for failure of the owner to pay property taxes without returning to the former owner the surplus proceeds received by the government entity in excess of the amount owed by the former owner violated the takings clause of the Fifth Amendment to the United States Constitution stating that "private property [shall not] be taken for public use, without just compensation"; and

Whereas, statutes in this State governing the foreclosure and sale of property for failure to pay property taxes are substantially similar to the laws of Minnesota and are in jeopardy of being found unconstitutional by the United States Supreme Court; and

Whereas, the possibility of multiple legal challenges to the State's statutes regarding sale of property following foreclosure presents the possibility of significant disruption to municipal foreclosure sales, municipal expenditures resulting from challenges to foreclosure sale laws, uncertainty of title to properties sold for foreclosure pursuant to current laws, inconsistencies in municipal responses to the United States Supreme Court decision and general disruption of the foreclosure process; and

Whereas, amendment of the State's foreclosure statutes needs to take effect as soon as possible to avoid the significant negative effects of delay in ensuring that the state laws are within the bounds of the United States Constitution; 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. 36 MRSA §943-C, as amended by PL 2019, c. 401, Pt. A, §10, is further amended to read:

§943-C. Sale of homesteads formerly owned by persons 65 years of age or older foreclosed properties

Notwithstanding any provision of law to the contrary, after the foreclosure process under sections 942 and 943 or sections 1281 and 1282 is completed and the right of redemption has expired, if a municipality chooses to sell to someone other than the immediate former owner or owners property that immediately prior to foreclosure received a property tax exemption as a homestead under subchapter 4-B, the municipal officers