

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTY-FIRST LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 3, 2024 to May 10, 2024**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 9, 2024**

**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**  
**2024**

**Sec. 23. 22 MRSA §4005, sub-§2**, as amended by PL 1983, c. 783, §2, is further amended to read:

**2. Parents.** Parents and custodians are entitled to legal counsel in child protection proceedings, except a request for a preliminary protection order under section 4034 or a petition for a medical treatment order under section 4071, but including hearings on those orders. ~~They~~ The parent or custodian may request the court to appoint legal counsel for ~~them~~ the parent or custodian. The court, if it finds ~~them~~ the parent or custodian indigent, shall appoint ~~and pay the reasonable costs and expenses of their~~ legal counsel.

**Sec. 24. 22 MRSA §4005-D, sub-§3-A** is enacted to read:

**3-A. Maine Commission on Public Defense Services; access to proceedings.** The executive director of the Maine Commission on Public Defense Services established by Title 5, section 12004-G, subsection 25-A, or the executive director's designee, is authorized to attend and observe all court proceedings under this chapter for any purpose related to assigning, evaluating or supervising counsel, unless the court makes written findings that specific factors unique to the particular proceeding make it inappropriate for the executive director or the executive director's designee to attend all or a part of the proceeding. If the court denies the executive director or the executive director's designee access to the proceeding as provided in this subsection, the court shall order that a copy of a recording of the proceeding or of a transcript of the proceeding be provided to the executive director of the commission at no charge. The court may not grant the commission, the executive director or the executive director's designee intervenor status or the right to be heard solely on the basis of attendance by the executive director or the executive director's designee at a court proceeding under the authority granted in this subsection.

**Sec. 25. 22 MRSA §4006, first ¶**, as repealed and replaced by PL 1997, c. 715, Pt. A, §3, is amended to read:

A party aggrieved by an order of a court entered pursuant to section 4035, 4054 or 4071 may appeal directly to the Supreme Judicial Court sitting as the Law Court, and such appeals are governed by the Maine Rules of Civil Appellate Procedure, ~~chapter 9.~~

**Sec. 26. 22 MRSA §4007, sub-§1-A, ¶E** is enacted to read:

E. The court shall disclose records that are confidential under this subsection to the Maine Commission on Public Defense Services established by Title 5, section 12004-G, subsection 25-A for the purpose of assigning, evaluating or supervising counsel.

**Sec. 27. 22 MRSA §4008, sub-§2, ¶L**, as amended by PL 2023, c. 39, §1, is further amended by amending subparagraph (2) to read:

(2) Activities or employment relating to adults with intellectual disabilities, autism, related conditions as set out in 42 Code of Federal Regulations, Section 435.1010 or acquired brain injury; ~~and~~

**Sec. 28. 22 MRSA §4008, sub-§2, ¶M**, as enacted by PL 2015, c. 494, Pt. A, §23, is amended to read:

M. The personal representative of the estate of a child named in a record who is reported to be abused or neglected; ~~and~~

**Sec. 29. 22 MRSA §4008, sub-§2, ¶N** is enacted to read:

N. The Maine Commission on Public Defense Services established by Title 5, section 12004-G, subsection 25-A for the purpose of assigning, evaluating or supervising counsel, with protection for identity of reporters and other persons when appropriate.

See title page for effective date.

**CHAPTER 639**

**H.P. 1435 - L.D. 2236**

**An Act to Expand the List of Crimes Eligible for a Post-judgment Motion to Seal Criminal History Record Information to Include Convictions for Possession and Cultivation of Marijuana**

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

**Sec. 1. 15 MRSA §2261, sub-§6**, as enacted by PL 2021, c. 674, §1, is repealed and the following enacted in its place:

**6. Eligible criminal conviction.** "Eligible criminal conviction" means:

A. A conviction for a current or former Class E crime, except a conviction for a current or former Class E crime under Title 17-A, chapter 11; and

B. A conviction for a crime when the crime was committed prior to January 30, 2017 for:

(1) Aggravated trafficking, furnishing or cultivation of scheduled drugs under Title 17-A, former section 1105 when the person was convicted of cultivating scheduled drugs, the scheduled drug was marijuana and the crime committed was a Class D crime;

(2) Aggravated cultivating of marijuana under Title 17-A, section 1105-D, subsection 1, paragraph A, subparagraph (4);

(3) Aggravated cultivating of marijuana under Title 17-A, section 1105-D, subsection 1, paragraph B-1, subparagraph (4);

(4) Aggravated cultivating of marijuana under Title 17-A, section 1105-D, subsection 1, paragraph D, subparagraph (4); and

(5) Unlawful possession of a scheduled drug under Title 17-A, former section 1107 when that drug was marijuana and the underlying crime was a Class D crime.

See title page for effective date.

**CHAPTER 640**

**H.P. 1452 - L.D. 2262**

**An Act to Amend the Process  
for the Sale of Foreclosed  
Properties Due to Nonpayment  
of Taxes**

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

**Sec. 1. 14 MRSA §4422, sub-§1, ¶C,** as amended by PL 2021, c. 382, §2, is further amended to read:

C. That portion of the proceeds from any sale of property or any money returned to the former owner of property, pursuant to the provisions of Title 36, section 943-C, that is exempt under this section is exempt for a period of 12 months from the date of receipt of such proceeds for purposes of re-investing in a residence within that period.

**Sec. 2. 36 MRSA §943, 6th ¶,** as amended by PL 2017, c. 288, Pt. A, §41, is further amended to read:

Beginning with taxes that are assessed after April 1, 1985, the notice of impending automatic foreclosure must be substantially in the following form:

STATE OF MAINE

NOTICE OF IMPENDING AUTOMATIC FORECLOSURE

Title 36, M.R.S.A. Section 943

IMPORTANT: DO NOT DISREGARD  
THIS NOTICE. YOU WILL LOSE  
YOUR PROPERTY UNLESS YOU PAY  
YOUR 20\_\_ PROPERTY TAXES,  
INTEREST AND COSTS.

TO:

You are the party named on a tax lien certificate filed on \_\_\_\_\_, 20\_\_, and recorded in Book \_\_\_\_\_, Page \_\_\_\_\_ in the County Registry of Deeds. This filing has created a tax lien mortgage on the real estate described therein.

On \_\_\_\_\_, 20\_\_, the tax lien mortgage will be foreclosed and your right to recover your property by paying the taxes, interest and costs that are owed will expire.

IF THE TAX LIEN FORECLOSES,  
THE MUNICIPALITY WILL OWN  
YOUR PROPERTY AND MAY SELL IT  
AND RETURN EXCESS SALE PROCEEDS  
TO YOU, IF ANY, PURSUANT TO THE  
MAINE REVISED STATUTES,  
TITLE 36, SECTION 943-C.

If you cannot pay the property taxes you owe please contact me to discuss this notice.

\_\_\_\_\_  
Municipal Treasurer

**Sec. 3. 36 MRSA §943-C,** as amended by PL 2023, c. 523, Pt. A, §8, is further amended to read:

**§943-C. Sale of 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 former owner, the municipal officers or their designee shall ~~notify the former owner of the right to require the municipality to use the sale process under subsection 3. For the purpose of this section, "former owner" means the owner or owners of record at the time of foreclosure or, if deceased, the former owner's heirs, devisees or personal representatives. The notice must be sent by United States Postal Service certified mail, return receipt requested, and first class mail to the last known address of the former owner and "tax-acquired property" means real property taken by a municipality for nonpayment of property taxes.~~ If the municipality agrees to sell the property back to the former owner, the alternative sale process under this section does not apply. If the sale to the former owner is not completed, the requirements of this section are reinstated.

**1-A. Subject property.** This section governs the sale of all tax-acquired property through the tax lien mortgage foreclosure process under sections 942 and 943 or sections 1281 and 1282.

**2. Notification; appeal.** At least 90 days prior to listing property for sale, the municipal officers or their designee shall send a written notice to the last known address of the former owner, by United States Postal Service certified mail, return receipt requested, and