MAINE STATE LEGISLATURE

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STATE OF MAINE

 129^{th} Legislature First Special and Second Regular Sessions



Summaries of bills, adopted amendments and laws enacted or finally passed

JOINT STANDING COMMITTEE ON JUDICIARY

November 2020

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STATE OF MAINE

129th Legislature First Regular Session



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This Legislative Digest of Bill Summaries and Enacted Laws contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 129th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER	e
CON RES XXX	S
CONF CMTE UNABLE TO AGREE	d
DIED BETWEEN HOUSES	d
DIED IN CONCURRENCE defeated in each house, but on different motions; legislation died	d
DIED ON ADJOURNMENT action incomplete when session ended; legislation died	d
EMERGENCYenacted law takes effect sooner than 90 days after session adjournment	t
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGEemergency failed to receive required 2/3 vote	e
FAILED, ENACTMENT or FINAL PASSAGE failed to receive final majority vote	e
FAILED, MANDATE ENACTMENTlegislation proposing local mandate failed required 2/3 vote	e
HELD BY GOVERNOR Governor has not signed; final disposition to be determined at subsequent session	η
LEAVE TO WITHDRAWsponsor's request to withdraw legislation granted	d
NOT PROPERLY BEFORE THE BODYruled out of order by the presiding officer; legislation died	
INDEF PP indefinitely postponed; legislation died	d
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X ought-not-to-pass report accepted; legislation died	
P&S XXX	v
PUBLIC XXX	v
RESOLVE XXX	
VETO SUSTAINEDLegislature failed to override Governor's veto	9

The effective date for non-emergency legislation enacted in the First Regular Session of the 129th Legislature is Thursday, September 19, 2019. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Judiciary

LD 1759 An Act Regarding the Electronic Data and Court Records Filed in the Electronic Case Management System of the Supreme Judicial Court

ONTP

Sponsor(s)	Committee Report	Amendments Adopted
CARPENTER M	ONTP	
BAILEY D		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill requires the Supreme Judicial Court to develop and adopt rules regarding court records and documents retained by the courts in an electronic case management system. The rules must reflect the presumption that court records are open to the public except in certain circumstances when necessary to protect private, personal or confidential information, data and documents or when designated confidential by state or federal statute or by court rule or order. The presumption that court records are public does not preclude the imposition of reasonable fees for access to those records.

LD 1771 An Act To Amend the Law Governing Name Changes

PUBLIC 629

Sponsor(s)	Committee Report	Amendments Adopted
RECKITTL	OTP	

This bill was carried over in committee from the First Regular Session of teh 129th Legislature by joint order, H.P. 1322.

This bill amends the law governing name changes to allow a probate judge to limit the notice requirement for anyone who shows by a preponderance of the evidence that the person seeking the name change is in reasonable fear of the person's safety, not just for domestic abuse victims.

Enacted Law Summary

Public Law 2019, chapter 629 amends the law governing name changes to allow a probate judge to limit the notice requirement for anyone who shows by a preponderance of the evidence that the person seeking the name change is in reasonable fear of the person's safety, not just for domestic abuse victims.

LD 1859

An Act To Increase Access to Justice and Maine's Rural Lawyer Workforce by Expanding Student Attorney Practice Opportunities

PUBLIC 597

Sponsor(s)	<u>Committee Report</u>	Amendments Adopted
BAILEY D	OTP-AM	H-690

This bill provides that a law student who is enrolled in and has completed three or more full semesters or the equivalent at a law school accredited by the American Bar Association may appear in court on behalf of the State or under the supervision of an approved organization providing legal services to the indigent.

Committee Amendment "A" (H-690)

This amendment provides an exception to the unauthorized practice of law for practice by a law student enrolled in

Joint Standing Committee on Judiciary

a law school accredited by the American Bar Association when the practice is pursuant to a rule of the Supreme Judicial Court.

Enacted Law Summary

Public Law 2019, chapter 597 provides an exception to the unauthorized practice of law for practice by a law student enrolled in a law school accredited by the American Bar Association when the practice is pursuant to a rule of the Supreme Judicial Court.

LD 1862 Resolve, Authorizing the Probate and Trust Law Advisory Commission To Submit Trust Decanting Legislation

CARRIED OVER

Sponsor(s)	Committee Report	Amendments Adopted
	ONTP	
	OTP	

This resolve directs the Probate and Trust Law Advisory Commission to review the existing trust laws of this State and the Uniform Trust Decanting Act from the National Conference of Commissioners on Uniform State Laws and develop legislative recommendations based on the review. The Probate and Trust Law Advisory Commission may submit a bill to the Second Regular Session of the 129th Legislature.

This resolve, which had been reported out of committee but not yet taken up by the House or the Senate, was carried over to any special session of the 129th Legislature by joint order, S.P. 788.

LD 1863 An Act To Amend the Maine Uniform Probate Code

PUBLIC 598

Sponsor(s)	Committee Report	Amendments Adopted
	ОТР	

This bill includes recommendations from the Probate and Trust Law Advisory Commission pursuant to the Maine Revised Statutes, Title 18-C, section 1-803.

The bill amends Title 18-C, section 3-306 to add language that previously existed in Title 18-A, section 3-306 in order to ensure that heirs, devisees and personal representatives are given notice of the filing of an application for informal probate.

The bill adds language to Title 18-C, section 3-310 that previously existed in Title 18-A, section 3-310 in order to ensure that heirs and devisees are given notice of the filing of an application for informal appointment of a personal representative. The changes to Title 18-C, section 3-310 parallel the amendment made to Title 18-C, section 3-306.

The bill amends Title 18-C, section 3-706, subsection 1 to clarify that the personal representative is required to send a copy of the inventory to all interested persons "who request" the inventory. Both the former counterpart provision under Title 18-A and the counterpart provision under the Uniform Probate Code require the personal representative to furnish the inventory only to persons "who request" the inventory; Title 18-C, section 3-706, subsection 2 states that "the personal representative shall furnish the inventory to interested persons who request it."

The bill amends Title 18-C, section 3-801, subsection 1 to require that notice of the appointment of a personal representative be published to creditors in the county where the decedent was domiciled at the time of death, rather than in the county in which the court that appointed the personal representative is located. When an application for