

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH 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..... carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE..... emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT..... legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY..... ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

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 1990 An Act To Amend the Laws Governing Access To Prescription Monitoring Information

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M		

This bill expands the list of persons that may access prescription monitoring information to include the United States Attorney for the District of Maine in specified instances and the Attorney General under the laws governing unfair trade practices.

This bill, which had not yet been voted by the committee, was carried over to any special session of the 129th Legislature by joint order, S.P. 788.

LD 2034 An Act Concerning Name Changes for Minors

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>

This bill contains recommendations of the Family Law Advisory Commission.

This bill clarifies and consolidates in a single section of Maine law the process and standards for changing the names of adults and minors. The current process to change the name of an adult is for the adult to file a petition in the Probate Court in the county where the adult lives, except when an adult is petitioning to change that adult's name pursuant to a divorce proceeding, and this bill does not change that. This bill provides that a parent or guardian of a minor may file a name change petition for the minor in the Probate Court in the county in which the minor lives, unless the District Court has exclusive jurisdiction regarding the minor pursuant to the Maine Revised Statutes, Title 4, section 152, subsection 5-A, in which case the petition must be filed in District Court. The bill also permits a parent or guardian to request to change the minor's name as part of a proceeding concerning parentage or other parental rights with respect to the minor in the District Court. A separate petition is not required in these cases.

This bill requires the parent or legal guardian who requests a name change for the minor in District Court to provide notice pursuant to the applicable rules of procedure to any other parent, any guardian and any person or agency with legal custody of the minor and to the minor if the minor is 14 years of age or older. The court must provide an opportunity for those entitled to notice to be heard and may change the name of the minor if the court finds that the change is in the best interest of the minor.

Because this bill consolidates the provisions governing the process for change of name, except in the case of annulment, divorce or adoption, it revises the provision in the Maine Parentage Act providing for change of name of a minor on determination of parentage.

This bill, which had been voted but not yet reported out of committee, was carried over to any special session of the 129th Legislature by joint order, S.P. 788.