

MAINE STATE LEGISLATURE

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STATE OF MAINE
130TH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS



Disposition of bills and summaries of all laws enacted or finally passed

JOINT STANDING COMMITTEE ON JUDICIARY

December 2021

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SAM SENFT, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/opla/>

*Committee member for a portion of the session

JOINT STANDING COMMITTEE ON JUDICIARY

that either the minor is a victim of abuse or the minor or petitioner is currently in reasonable fear of the minor's or petitioner's safety.

Chapter 14 provides factors a court must consider to assess whether a request or petition for a name change is in the best interest of the minor.

LD 222 An Act To Update the Maine Parentage Act

ENACTED LAW SUMMARY

Public Law 2021, chapter 141 amends the Maine Parentage Act to update the acknowledgment of paternity provision to broaden the process to be an acknowledgment of parentage and allows intended parents participating in assisted reproduction, as well as presumed parents, to sign the acknowledgment of parentage.

LD 320 An Act To Provide the Right to Counsel for Juveniles and Improve Due Process for Juveniles

ENACTED LAW SUMMARY

The overarching goal of Public Law 2021, chapter 326 is to ensure that fewer children are in the juvenile justice system and that, if and when they do become involved in the system, there is a presumption against incarceration and a requirement for the regular review of any commitment imposed, in order to minimize the harm that incarceration can cause children.

Chapter 326 provides that, beginning October 1, 2021, a juvenile who has not attained 12 years of age may not be committed to a secure detention facility, which includes the Long Creek Youth Development Center. It also provides that a juvenile who has not attained 12 years of age may not be detained in a secure detention facility for more than seven days except upon agreement of the parties.

Chapter 326 clarifies that a juvenile who has not attained 21 years of age must be represented by counsel when the court is conducting a review under the Maine Revised Statutes, Title 15, section 3315 or Title 15, section 3317. It prevents courts from imposing dispositions against juveniles that involve commitment without exhausting all other less restrictive alternatives. Chapter 326 also mandates regular opportunities for judicial review of a juvenile's commitment in addition to providing an appellate avenue for relief from unfavorable reviews.

Chapter 326 amends the statute governing a juvenile's right to counsel to specify that the right to counsel attaches at the juvenile's initial appearance and continues until the court no longer has jurisdiction over the juvenile, including all post-dispositional hearings and during the time of commitment. It also requires counsel appointed by the court to continue to represent the juvenile