

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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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

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throughout all proceedings concerning the juvenile, unless relieved by the court. The Juvenile Court must assign counsel to a juvenile when a detention order is reviewed.

Chapter 326 adds two considerations that must be accorded weight against ordering placement in a secure facility: whether the juvenile was under 14 years of age at the time of the crime and whether the adjudication is for a juvenile crime that would be a Class D or E crime if it were an adult crime and was not reduced from a crime that was charged as Class A, B or C.

Chapter 326 allows courts to require the Department of Corrections, the Department of Health and Human Services, or both, to demonstrate the reasonableness of the current treatment or placement provided or offered if an appropriate treatment or an appropriate less restrictive alternative placement is not being provided. It also allows such judicial reviews for individuals who are 18 to 20 years of age.

Chapter 326 allows a juvenile to request a hearing under Title 15, section 3317, but only once every 180 days absent extraordinary circumstances and clarifies that a juvenile who has not attained 21 years of age must be represented by counsel when the court is conducting a review.

LD 345 An Act Updating Certain Probate Filing and Certification Fees To Reflect Current Costs

ENACTED LAW SUMMARY

Public Law 2021, chapter 250 updates certain probate filing and certification fees to reflect current costs.

LD 363 An Act Regarding the Statute of Limitations for Injuries or Harm Resulting from Perfluoroalkyl and Polyfluoroalkyl Substances

ENACTED LAW SUMMARY

Public Law 2021, chapter 328 provides that an action arising out of any harm or injury caused by a perfluoroalkyl or polyfluoroalkyl substance must be commenced within six years after the plaintiff discovers or should have discovered such harm or injury. It clarifies that the cause of action for harm or injury caused by a perfluoroalkyl or polyfluoroalkyl substance accrues when the plaintiff discovers or reasonably should have discovered the harm or injury. It provides an application provision to make clear that the accrual based on discovery applies retroactively. Chapter 328 does not alter the notice period or limitation period applicable to claims against a government entity.