

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
130<sup>TH</sup> 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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## JOINT STANDING COMMITTEE ON JUDICIARY

### **LD 589 An Act To Provide Access to Justice for Victims of Child Sexual Abuse**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 301 allows civil actions based upon sexual acts toward minors regardless of the date of the sexual act and revives actions that may previously have been barred by a statute of limitations in force prior to the effective date of Public Law 1999, chapter 639.

### **LD 642 An Act To Ensure That Children Receive Behavioral Health Services**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 302 ensures the time-sensitive provision of behavioral health services to minors by licensed psychologists practicing clinical psychology, social workers and clinical professional counselors. It authorizes specified providers to provide services with the consent of one of the minor's parents or the minor's guardian. The provisions do not prohibit the provider from informing another parent or guardian of the minor of the services.

### **LD 683 An Act To Allow Maine Nonprofit Corporations To Hold Meetings Electronically**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 304 allows the board of directors of a nonprofit corporation to adopt guidelines and procedures for entirely or partially remote meetings or to allow members to participate remotely.

Current law allows members of nonprofit corporations to vote by electronic transmission; chapter 304 expands that to include voting by means of remote communication. Chapter 304 also clarifies that remote votes must be counted for quorum purposes.

### **LD 690 An Act To Ensure That Victims of Assault, Battery and False Imprisonment, Including Victims of Domestic Violence, Have Parity under Tort Law**

#### **ENACTED LAW SUMMARY**

The statute of limitations under current tort law for most civil suits is six years from when the cause of action accrues except that for assault and battery and false imprisonment it is two years, effectively depriving victims of domestic violence, among others, the same opportunity that most other victims of torts have to seek redress for their damages. Public Law 2021, chapter 207 removes the actions of assault and battery and false imprisonment from provisions setting a two-year limitation period, making the actions subject to the general six-year limitation period that applies to most other torts.

#### ENACTED LAW SUMMARIES

## JOINT STANDING COMMITTEE ON JUDICIARY

Public law 2021, chapter 207 was enacted as an emergency measure effective June 15, 2021.

### **LD 719 Resolve, To Establish the Commission To Create a Plan To Incorporate the Probate Courts into the Judicial Branch**

#### **ENACTED LAW SUMMARY**

Resolve 2021, chapter 104 establishes the Commission To Create a Plan To Incorporate the Probate Courts into the Judicial Branch including Legislators and interested parties to create a plan describing how a probate system with full-time judges can be created and funded. The Joint Standing Committee on Judiciary has authority to report out a bill regarding the plan to the Second Regular Session of the 130th Legislature.

### **LD 737 An Act To Increase the Value of Property Exempt from Attachment and Execution**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 382 makes changes to the provisions governing the property of a debtor that is exempt from attachment and execution by adjusting values for some of the exemptions. It provides for an adjustment of the exemptions every three years and directs the Supreme Judicial Court to publish the adjustment for an effective date of April 1st for the following year.

### **LD 747 An Act Regarding Civil Mental Health Evaluations of Former Criminal Defendants**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 306 addresses circumstances in which a defendant has been determined to be incompetent to stand trial and there does not exist a substantial probability that the defendant will be competent in the foreseeable future. In such cases, the court must dismiss the charges and the next step is determined by whether the defendant is subject to an undischarged term of imprisonment. If the defendant is not subject to an undischarged term of imprisonment, regardless of the charges that were dismissed, the court may notify the appropriate authorities who may institute civil commitment proceedings. If the defendant is subject to an undischarged term of imprisonment, the court must order the defendant into execution of that sentence and the correctional facility to which the defendant is transported must execute the court's order.