

MAINE STATE LEGISLATURE

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STATE OF MAINE
131ST LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSION



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

JOINT STANDING COMMITTEE ON JUDICIARY

October 2023

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STAFF:

JANET STOCCO, LEGISLATIVE ANALYST
SAMUEL PRAYER, 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

STATE OF MAINE
131ST LEGISLATURE
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**LEGISLATIVE DIGEST OF BILLS AND
SUMMARIES OF ENACTED LAWS**

This *Legislative Digest of Bills and Summaries of Enacted Laws* provides the disposition of all LDs and summaries of all laws enacted or finally passed during the First Regular and First Special Sessions of the 131st Maine Legislature. Please note that all LDs and proposed amendments may be found through the Legislature’s webpage, and each includes a summary of what the bill or amendment proposed.

The *Legislative Digest of Bills and Summaries of Enacted Laws* is arranged alphabetically by committee. Within each committee section is a subject index of all LDs considered by that committee as well as a digest of the LDs, arranged by LD number. Also included are enacted law summaries of the LDs enacted or finally passed. Brief analyst notes on certain LDs are also included: a committee digest will indicate if additional notes are provided for an LD. These notes add information staff found useful and may provide useful information to users of this *Digest*; please note that most LDs do not have a note and lack of a note should not be interpreted as having any significance. A separate section of the *Digest* provides a digest of the relatively few LDs that were not referred to a committee or reported from a committee as a committee bill; enacted law summaries of the LDs enacted or finally passed are provided. Finally, an appendix provides a summary of relevant session statistics.

The final disposition of each LD is noted in the relevant summary digest and index. 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 and First Special Sessions of the 131st Legislature is Thursday, June 29, 2023 and Wednesday, October 25, 2023, respectively. 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 118 An Act to Ensure Continuity of Care for Pretrial Defendants

ENACTED LAW SUMMARY

Public Law 2023, chapter 38 authorizes the State Forensic Service to disclose prior court-ordered evaluation reports pertaining to the pending criminal charges of pretrial defendants to institutions for the care and treatment of people with mental illness or residential programs that provide care and treatment for persons who have intellectual disabilities or autism into which the Commissioner of Health and Human Services is considering placing a defendant when the court commits the defendant to the commissioner for observation in such an institution or program.

LD 136 An Act to Clarify Court Jurisdiction of Actions Involving Children Brought Under the Maine Uniform Probate Code

ENACTED LAW SUMMARY

Public Law 2023, chapter 63 clarifies the respective jurisdictions of the District Court and the probate courts of the State over actions concerning minors brought under Title 18-C, the Maine Uniform Probate Code. It adds proceedings pursuant to the Maine Juvenile Code brought against a minor child to the list of pending District Court actions involving a minor child that will give the District Court exclusive, continuing jurisdiction over Title 18-C actions involving that child and it removes actions for protection from abuse and harassment from that list. It also provides that the District Court has exclusive, continuing jurisdiction over current and future Title 18-C actions involving the child if the child has been the subject of an order terminating parental rights, appointing a guardian including a permanency, emergency or interim guardian, awarding parental rights to a third party or granting an adoption.

Public Law 2023, chapter 63 also establishes an exception to the grant of exclusive, continuing jurisdiction to the District Court if the action that would otherwise provide the grounds for the District Court's jurisdiction is initiated when the action is under advisement with the Probate Court after a testimonial hearing unless the Probate Court determines that the District Court is the more appropriate forum for the action.

Finally, Public Law 2023, chapter 63 amends the provision of law governing the legal effect of an order entered in a child protection proceeding, including a preliminary protection order, to clarify that such an order generally takes precedence over any other order regarding the child's care or custody, even if the other order was entered after the preliminary protection order. It also clarifies that this general rule does not limit the authority of the District Court to determine parentage during the pendency of a child protection proceeding, to consolidate a child protection proceeding with another matter or to resolve a child protection proceeding through the entry of a parental rights and responsibilities order, a guardianship order or an adoption order.