

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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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 137 An Act to Amend the Maine Parentage Act Regarding Joinder of Parties

ENACTED LAW SUMMARY

Public Law 2023, chapter 25 amends the Maine Parentage Act in two ways. First, it clarifies within Title 19-A, section 1836 that a child is not required to be joined as a party in a proceeding to determine that child's parentage. Second, it amends Title 19-A, section 1844, which provides that, if a court in proceeding to dissolve a marriage acts under the jurisdictional requirements of Maine law and the final order identifies a child as a "child of the marriage" or "issue of the marriage" or by similar words indicates that the parties are the parents of the child, the court is deemed to have made an adjudication of that child's parentage and that adjudication is binding on the parties to the proceeding. Public Law 2023, chapter 25 clarifies that section 1844 applies not only to divorce proceedings but also to proceedings to annul a marriage or for legal separation. It also expands the scope of section 1844 to apply to proceedings to determine parental rights and responsibilities with respect to a child's unmarried parents.

LD 196 An Act to Implement the Recommendations of the Probate and Trust Law Advisory Commission for Amending the Maine Uniform Probate Code and Related Provisions of Law

ENACTED LAW SUMMARY

Public Law 2023, chapter 4 amends the Maine Uniform Probate Code and related provisions of law in the following ways.

1. Under current law, if a judge of probate or register of probate has an interest in an estate, the estate must be transferred to and settled in the probate court in an adjoining county. Public Law 2023, chapter 4 provides that, if there are fewer than four counties adjoining the county of the probate court in which the conflict of interest arises, the estate must be transferred to any one of the four county probate courts that are nearest to the probate court of the transferring county.
2. It provides that, when a petition for an elective share indicating that the decedent owned real estate has been filed, the register of probate must record in the registry of deeds an abstract of the petition for an elective share and not the entire petition.
3. It requires the register of probate to notify the decedent's devisees and heirs, within 30 days after the filing of an application for the appointment of a personal representative, of the right of a surviving spouse to demand an elective share and the time limit for making such an election and of the rights of a surviving spouse and children to the homestead allowance, to exempt property and to the family allowance.
4. It provides that the homestead allowance, exempt property and family allowance have priority over all claims against an estate except for reasonable funeral expenses and administrative expenses; that a testator may expressly provide that the benefit or share passing to a surviving spouse or children through a will is intended to be made in lieu of the homestead allowance,

ENACTED LAW SUMMARIES

JOINT STANDING COMMITTEE ON JUDICIARY

exempt property or family allowance; and that the personal representative has the duty to promptly pay the homestead allowance, exempt property and family allowance from available assets, without requiring any demand by the surviving spouse or children.

5. It further delays, until April 1, 2025, the effective date of the statutes governing the confidentiality of records in proceedings for guardianships of adults, conservatorships and other protective arrangements and directs the Supreme Judicial Court to submit a report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 1, 2025 summarizing the court's progress toward adopting rules governing the confidentiality of records in probate court proceedings and identifying any potential conflicts between the adopted or proposed rules and any provisions of the Maine Uniform Probate Code.

Public Law 2023, chapter 4 was enacted as an emergency measure effective March 13, 2023.

LD 264 An Act to Clarify the Process for Admission to the Bar on Motion

ENACTED LAW SUMMARY

Public Law 2023, chapter 141 clarifies that an attorney who is admitted to practice law in a state or territory of the United States or the District of Columbia who meets the requirements for admission set forth in the Maine Bar Admission Rules and who applies for admission to the bar on motion must be admitted to practice within one year of the date the board of bar examiners receives the application for admission on motion.

LD 330 An Act Regarding Legal Representation for Residents Facing Eviction

ENACTED LAW SUMMARY

Public Law 2023, chapter 379 requires that a landlord, upon delivery to a tenant of a notice to terminate tenancy, include with that notice a copy of the "form notice" that is required upon service of the summons and complaint in an action of forcible entry and detainer. The law also requires a judge, on each day that judge presides over actions of forcible entry and detainer, prior to the commencement of proceedings for actions of forcible entry and detainer, to announce the availability of legal representation to all tenants who appear on that day in an action of forcible entry and detainer if the judge has been advised of the availability of an attorney to represent tenants in actions of forcible entry and detainer on that day.

LD 339 An Act to Provide Electronic Access to Confidential Juror Information

ENACTED LAW SUMMARY

Under current law, a state court has discretion to make the names of prospective jurors and the contents of juror qualification forms available at the courthouse to the attorneys in a case as well