

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
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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 565 An Act to Improve Maine’s System for Protecting Sixth Amendment Rights

ENACTED LAW SUMMARY

Public Law 2023, chapter 344 amends the laws governing the Maine Commission on Indigent Legal Services in the following ways.

1. It provides that, other than the rates of compensation for assigned counsel and contract counsel, which are major substantive rules, the standards for the delivery of indigent legal services developed by the commission are routine technical rules.
2. It provides that the commission has the authority to employ public defenders, that public defenders are subject to the commission’s routine technical rules establishing standards for the delivery of indigent legal services and requires the commission to include in its annual report to the Legislature an evaluation of the services provided by these public defenders.
3. It requires the commission to review its routine technical rules establishing standards for the evaluation of assigned counsel, contract counsel and public defenders at least every five years or earlier upon the recommendation of the executive director of the commission.
4. It provides that the laws governing the confidentiality of commission records do not prevent the executive director from reporting potential professional misconduct under the Maine Rules of Professional Conduct to the Board of Overseers of the Bar or from disclosing information and records related to potential professional misconduct to the board.
5. It requires county jails and regional jails to submit to the commission a copy of the twice monthly reports on the pretrial detention population those jails are required by current law to send to the Unified Criminal Docket in the judicial region in which the jail is located.

LD 576 An Act to Facilitate Communication Between Pro Se Defendants and Prosecutors While Protecting the Rights of Those Defendants

ENACTED LAW SUMMARY

Public Law 2023, chapter 340 provides that a prosecutor generally may not communicate with an unrepresented defendant concerning the facts, circumstances, merits or disposition of a pending criminal charge unless the communication either is initiated by the defendant or takes place during a dispositional conference as long as the defendant has first been advised by the court of the defendant’s right to counsel, right to remain silent and right to a trial by jury and the defendant has been informed by the court of the substance of the charges and the maximum possible sentence and any mandatory minimum sentence associated with those charges.

Notwithstanding this general rule, under Public Law 2023, chapter 340 a prosecutor may communicate with an unrepresented defendant at any time for the following purposes.

JOINT STANDING COMMITTEE ON JUDICIARY

1. To offer the defendant the opportunity to participate in a diversion program or explain steps the defendant can take that would result in the prosecutor not prosecuting the charge or charges against the defendant or that would result in the prosecutor recommending a dismissal or filing of the charge or charges.
2. To notify the defendant that a pending criminal matter is being dismissed.
3. To notify the defendant in writing of a plea offer.
4. To request the defendant's position on a motion to continue or a motion to correct a typographical error in a document filed with the court.

Public Law 2023, chapter 340 was enacted as an emergency measure effective June 28, 2023.

LD 609 An Act Regarding Guidelines for Free Telephone Calls by Individuals Incarcerated in Department of Corrections Facilities

ENACTED LAW SUMMARY

Public Law 2023, chapter 217 requires the chief administrative officer of each of the Department of Corrections' detention facilities and correctional facilities to draft, publish and implement guidelines governing that facility's implementation of the provision of current law requiring the Department of Corrections to provide a resident of a facility who has less than \$10 in the resident's facility account a free telephone call allowance for 30 minutes of telephone calls to the resident's relatives and friends per week and a free telephone call allowance for 30 minutes of telephone calls that are protected by the attorney-client privilege per week.

LD 649 An Act to Promote Water Conservation and Water Quality and Create Habitat for Wildlife, Including Pollinator Species, by Protecting Low-impact Landscaping

ENACTED LAW SUMMARY

Public Law 2023, chapter 376 establishes limitations on restrictions on low-impact landscaping that apply to condominiums or other real estate subject to common ownership.

LD 679 An Act Regarding Animals Abandoned by Tenants

ENACTED LAW SUMMARY

Public Law 2023, chapter 336 provides that a landlord may require a tenant to provide information about any animal present in a rental unit and request contact information of a person the tenant authorizes to enter the property to retrieve or care for the animal in the event the tenant abandons the animal or is unable to care for the animal as a result of death or disability. The law also allows