

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

MEMBERS:

SEN. ANNE M. CARNEY, CHAIR
SEN. DONNA BAILEY
SEN. PETER LYFORD*
SEN. ERIC BRAKEY*

REP. MATTHEW W. MOONEN, CHAIR
REP. LOIS GALGAY RECKITT
REP. STEPHEN W. MORIARTY
REP. ERIN R. SHEEHAN
REP. ADAM R. LEE
REP. AMY D. KUHN
REP. JENNIFER L. POIRIER
REP. JOHN ANDREWS
REP. DAVID G. HAGGAN
REP. RACHEL ANN HENDERSON
REP. AARON M. DANA

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
FIRST REGULAR AND FIRST SPECIAL SESSIONS



**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

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

JOINT STANDING COMMITTEE ON JUDICIARY

the landlord to require permission, as a condition of tenancy, to enter the rental unit in an emergency in order to determine whether the animal is in need of care and establishes a process through which the landlord may remove an animal in the event the animal has been abandoned or the tenant is unable to care for the animal due to death or disability.

LD 691 An Act to Reduce Barriers to Housing by Limiting Tenant Application Fees

ENACTED LAW SUMMARY

Public Law 2023, chapter 346 prohibits a landlord, except in certain circumstances, from requiring an applicant to pay a fee in order to submit an application to enter into an agreement to rent a residential dwelling unit or to review or approve an application to enter into an agreement to rent a residential dwelling unit. The law allows the landlord to require an applicant to pay a fee for the actual cost of a background check, credit check or other screening process only once in a 12-month period. The law also requires the landlord to provide the applicant with a complete copy of the information from the background check, credit check or other screening process used to evaluate the applicant's eligibility for tenancy.

LD 701 An Act to Increase the Notice Period for Rent Increases of 10 Percent or More

ENACTED LAW SUMMARY

Public Law 2023, chapter 388 requires, with the exception of residential real estate restricted under or participating in certain housing assistance programs, that a landlord provide at least 75 days' written notice to a tenant for a rent increase that is 10% or greater over a 12-month period.

LD 707 An Act to Update the Maine Human Rights Act with Respect to Gender Identity

ENACTED LAW SUMMARY

Public Law 2023, chapter 41 updates the definition of "sexual orientation" in the Maine Human Rights Act by removing the reference to "gender identity or expression." The term "gender identity" was given a separate definition by Public Law 2019, chapter 464.

LD 720 An Act to Expand Eligibility for Supervised Community Confinement for Prisoners with a Prognosis Likely to Result in an Incapacitating Medical Condition

ENACTED LAW SUMMARY

Public Law 2023, chapter 399 expands the ability of the Department of Corrections to transfer a prisoner from a correctional facility to the supervised community confinement program, when the prisoner does not otherwise meet the eligibility criteria of the supervised community confinement