

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.

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program, to include circumstances when the prisoner has a worsening prognosis that is likely to result in a terminal or severely incapacitating medical condition. The law also amends the department's data tracking responsibilities to require the department to publish on its publicly accessible website certain data in a manner that does not violate confidentiality requirements.

LD 751 An Act to Clarify the Powers of a Conservator to Transfer Property

ENACTED LAW SUMMARY

Public Law 2023, chapter 73 authorizes a conservator to convey or release an interest in or sign or revoke a transfer on death deed for the primary dwelling of the individual subject to the conservatorship, with court approval.

LD 765 An Act to Establish an Exception to the Hearsay Rule for Forensic Interviews of a Protected Person

ENACTED LAW SUMMARY

Public Law 2023, chapter 193 establishes an exception to the hearsay rule for the recording of a forensic interview of a minor or of an adult who is eligible for adult protective services, referred to in the law as a "protected person." The party requesting that all or a portion of a recording of a forensic interview of a protected person be admitted into evidence must file a motion in limine. The court must allow all parties to be heard on the issue of whether the recording meets the requirements for the statutory exception to the hearsay rule, including that statements made by the protected person during the forensic interview may not have been made in response to suggestive or leading questions, that neither a relative of the protected person nor an attorney for any party was present in the room during the interview and that the recording meets all of the other requirements for admissibility under the Maine Rules of Evidence. In a criminal matter, the party offering the recording into evidence must call the protected person as a witness immediately following the playing of the recording and the witness must be available for cross-examination, unless all other parties to the case expressly waive this requirement. Statements from more than one forensic interview of the same protected person that relate to the same event or incident do not fall within the hearsay exception.

Public Law 2023, chapter 193 also clarifies who has access to recordings of forensic interviews and other records of child advocacy centers, which are confidential and not public records for purposes of the Freedom of Access Act.