

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

2. It provides that law enforcement officers appointed by the Passamaquoddy Tribe and the Penobscot Nation have exclusive authority to enforce, within their respective Indian territories, civil and domestic relations laws over which the Passamaquoddy Tribal Court or the Penobscot Nation Tribal Court have exclusive jurisdiction, respectively. Law enforcement officers appointed by the Passamaquoddy Tribe and the Penobscot Nation also have exclusive authority to enforce, on their respective Indian reservations, the criminal and juvenile offenses over which the Passamaquoddy Tribal Court or the Penobscot Nation Tribal Court have exclusive jurisdiction. State and county law enforcement officers have concurrent authority with law enforcement officers appointed by the Passamaquoddy Tribe and the Penobscot Nation to enforce all other laws of the State within both Indian territories and to enforce fishing rules adopted by the Maine Indian Tribal State Commission.

Because it represents a jurisdictional agreement between the State and the Passamaquoddy Tribe and between the State and the Penobscot Nation authorized by Section 6(e)(1) of the federal Maine Indian Claims Settlement Act of 1980, Pub. L. No. 96-420, Part E does not take effect unless, within 90 days of the adjournment of the First Special Session of the 131st Legislature, the Joint Tribal Council of the Passamaquoddy Tribe certifies to the Secretary of State that the Passamaquoddy Tribe agrees to the provisions of Part E and the Governor and the Council of the Penobscot Nation certify to the Secretary of State that the Penobscot Nation agrees to the provisions of Part E.

LD 1622 Resolve, to Reestablish the Criminal Records Review Committee

ENACTED LAW SUMMARY

Resolve 2023, chapter 103 reestablishes the Criminal Records Review Committee to review options for expunging and sealing criminal records and requires the committee to provide both an interim and final report to the joint standing committee of the Legislature having jurisdiction over judiciary matters.

LD 1624 An Act to Clarify the Procedure for Amending the Birth Certificate of an Adult to Recognize a Parent Not Known or Listed at the Time of Birth

ENACTED LAW SUMMARY

Public Law 2023, chapter 323 clarifies the following processes by which an adult may request an amendment of the adult's birth certificate to identify a parent who was not known or listed at the time of the adult's birth.

1. The adult may request that a genetic parent be added to the adult's birth certificate on the basis of genetic testing without replacing any other parent who is listed on the birth certificate.
2. The adult may request that a parent be added to the adult's birth certificate based on a properly executed voluntary acknowledgement of parentage. If the acknowledged parent will replace a

JOINT STANDING COMMITTEE ON JUDICIARY

parent listed on the birth certificate, the adult must also submit a properly executed denial of parentage from the parent to be replaced.

3. The adult may request that the adult's birth certificate be amended to reflect the adult's parentage as determined by a court in a parentage action or an adoption proceeding.

LD 1679 An Act Regarding the Maine Indian Tribal-State Commission

ENACTED LAW SUMMARY

Public Law 2023, chapter 370 provides staggered terms for the members of the Maine Indian Tribal-State Commission appointed by the Governor by providing that, of the first six commission members appointed after the effective date of this legislation, 2 members must be appointed for a term of two years, two members must be appointed for a term of three years and two members must be appointed for a term of four years. All subsequent appointments by the Governor to the commission are for three years as specified in the Maine Revised Statutes, Title 30, section 6212, subsection 1.

Public Law 2023, chapter 370 does not take effect unless, within 90 days of the adjournment of the First Special Session of the 131st Legislature, the Secretary of State receives written certification from the Joint Tribal Council of the Passamaquoddy Tribe, the Governor and the Council of the Penobscot Nation and the Houlton Band Council of the Houlton Band of Maliseet Indians that each relevant tribal government has agreed to the provisions of the law.

LD 1683 An Act to Provide for Civil Recovery Based on Nonconsensual Removal of or Tampering with a Condom and Considering Sexual Assault in Evaluating Parental Rights

ENACTED LAW SUMMARY

Public Law 2023, chapter 298 authorizes a person who engages in a consensual sexual act with another person with the understanding that a condom would be used to bring a civil action for compensatory and punitive damages or injunctive relief against the other person for the nonconsensual removal of or tampering with the condom. In addition, it adds victims of nonconsensual removal of or tampering with a condom to the list of persons eligible to seek a protection from abuse order under the Maine Revised Statutes, Title 19-A, chapter 103.

Public Law 2023, chapter 298 also requires a court, in establishing conditions of parent-child contact in parental rights and responsibilities matters in which a child was conceived as a result of sexual assault or nonconsensual removal of or tampering with a condom, to evaluate whether there may be safety concerns for the child, whether it would be in the best interest of the child to require the parent who committed the act to receive any specific counseling or treatment and any effect contact between the parents would have on the parent who was a victim of the act. The court may not order the victim to attend counseling with the parent who has committed sexual assault or nonconsensual removal of or tampering with a condom.