

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.

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LD 1968 An Act to Amend the Membership of the Somerset Woods Trustees

ENACTED LAW SUMMARY

Private and Special Law 2023, chapter 16 adds three members to the Somerset Woods Trustees.

LD 1970 An Act to Enact the Maine Indian Child Welfare Act

ENACTED LAW SUMMARY

Public Law 2023, chapter 359 enacts the Maine Indian Child Welfare Act, which establishes court procedures and standards similar to the federal Indian Child Welfare Act of 1978 and its implementing regulations for protective custody proceedings, guardianships and conservatorships, foster care placements, terminations of parental rights and adoptions involving Indian children in state courts and probate courts. Through the Maine Indian Child Welfare Act, the State recognizes that Indian tribes have a continuing and compelling governmental interest in an Indian child, whether or not the Indian child has resided or is domiciled on an Indian reservation and whether or not the Indian child is in the custody of an Indian parent, custodian or extended family member at the commencement of the proceeding. The Maine Indian Child Welfare Act's purposes are to protect essential tribal relations as well as the best interests of Indian children through practices designed to prevent the voluntary or involuntary out-of-home placement of an Indian child and, whenever such placement is necessary or ordered, by placing the Indian child, whenever possible, in a placement that reflects the unique values of the Indian child's tribal culture and that is best able to assist the Indian child in establishing, developing and maintaining a political, cultural and social relationship with the Indian child's tribe and tribal community. The portion of Public Law 2023, chapter 259 enacting the Maine Indian Child Welfare Act was enacted as an emergency measure effective June 30, 2023.

Public Law 2023, chapter 359 also amends "An Act to Implement the Maine Indian Claims Settlement", commonly referred to as the Maine Implementing Act, to provide that the tribal courts of the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians may exercise exclusive jurisdiction over Indian child custody proceedings to the extent provided in the Maine Indian Child Welfare Act. Each provision of Public Law 2023, chapter 359 that affects the jurisdiction of tribal courts under the Maine Implementing Act does not take effect unless, within 90 days after adjournment of the First Special Session of the 131st Legislature, the relevant tribal government certifies to the Secretary of State its agreement to that provision.

LD 2010 An Act to Correct Inconsistencies, Conflicts and Errors in the Laws of Maine

ENACTED LAW SUMMARY

Public Law 2023, chapter 405 corrects technical inconsistencies, conflicts and errors in the laws of Maine.

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The law also includes language, which may be considered substantive, to provide that any action that complied with the former Uniform Foreign Money-judgments Recognition Act under the Maine Revised Statutes, Title 14, former chapter 753 and that was taken between August 8, 2022 and January 1, 2023 to recognize a foreign judgment is valid. When Public Law 2021, chapter 689 was enacted, it did not include a specific effective date of January 1, 2023 for the repeal of the former Uniform Foreign Money-judgments Recognition Act to coincide with the January 1, 2023 effective date of the new Uniform Foreign-country Money Judgments Recognition Act in Title 14, chapter 759 and the new Uniform Registration of Canadian Money Judgments Act in Title 14, chapter 761.

Public Law 2023, chapter 405 was enacted as an emergency measure effective July 10, 2023.