

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
131<sup>ST</sup> LEGISLATURE  
SECOND REGULAR SESSION



Disposition of bills and summaries of all laws enacted or finally passed

**JOINT STANDING COMMITTEE ON JUDICIARY**

June 2024

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# STATE OF MAINE

131<sup>ST</sup> LEGISLATURE  
SECOND REGULAR SESSION



## 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 Second Regular Session 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 Second Regular Session of the 131st Legislature is Friday, August 9, 2024. 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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3. It clarifies within the Maine Implementing Act that the State must give full faith and credit to the judicial proceedings of the Penobscot Nation and that the Penobscot Nation must give full faith and credit to the judicial proceedings of the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians, the Mi'kmaq Nation and the State.

Public Law 2023, chapter 647, Part E, amends the provisions of the Maine Implementing Act governing the jurisdictional relationship between the State and both the Passamaquoddy Tribe and the Penobscot Nation in the following ways; these changes were included within Part E of Public Law 2023, chapter 369 but were not approved by the Penobscot Nation within the time frame established in that law.

1. It provides that the Passamaquoddy Tribe and the Penobscot Nation each have exclusive jurisdiction within their respective Indian territory over violations of their respective tribal ordinances by members of any federally recognized Indian tribe, but that the State has exclusive jurisdiction within Passamaquoddy Indian territory and Penobscot Indian territory over violations of applicable tribal ordinances by persons who are not members of any federally recognized Indian tribe.
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 and 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 and the Penobscot Nation Tribal Court have exclusive jurisdiction, respectively. 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 concurrent authority to enforce fishing rules or regulations adopted by the Maine Indian Tribal State Commission.

Each Part of Public Law 2023, chapter 647 takes effect 150 days after the adjournment of the Second Regular Session of the 131st Legislature only if, within 120 days after adjournment of the Second Regular Session, the Secretary of State receives written certification that tribal government of the affected Wabanaki Nation or Wabanaki Nations agree to the provisions of that Part.

### **LD 2035 An Act Regarding Disclosure of Flood Risk by Sellers of Real Estate**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 585 requires sellers of residential and nonresidential real property to notify prospective buyers in writing whether the property is in an area of special flood hazard mapped on the effective flood insurance rate map issued by the Federal Emergency Management Agency as well as any previous flood damage incurred, any flood insurance claims filed and any

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flood-related disaster aid received while the prospective seller owned the property. If the disclosure is not provided to the purchaser until after the purchaser makes an offer to purchase the property or exercises an option to purchase the property, the purchaser may withdraw the offer or terminate any resulting contract within 72 hours after receiving the disclosure.

### **LD 2081 An Act to Amend a Notice Provision Regarding Registration of Out-of-state Child Custody Determinations Under the Uniform Child Custody Jurisdiction and Enforcement Act**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 532 amends the State's version of the Uniform Child Custody Jurisdiction and Enforcement Act to shift the burden of serving notice of the registration of a child custody determination issued in another state from the Maine District Court to the party seeking to register the child custody determination in Maine.

### **LD 2085 An Act to Update Maine's Domestic Violence and Stalking Laws**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 519 aligns the laws of this State with the new federal standard articulated in *Counterman v. Colorado*, 600 U.S. 66 (2023), by specifying that, for an actor to commit "abuse" within the meaning of the protection from abuse laws based on the content of the actor's speech or for an actor to commit the crime of terrorizing, domestic violence terrorizing, stalking, domestic violence stalking or harassment by telephone based on the content of the actor's speech, the actor must have consciously disregarded a substantial risk that the actor's speech would place a reasonable person in fear of bodily injury.

Public Law 2023, chapter 519 was enacted as an emergency measure effective March 6, 2024.

### **LD 2090 An Act to Modernize and Consolidate Certain Court Facilities**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 684 authorizes the Maine Governmental Facilities Authority to issue additional securities, in an amount not to exceed \$205,000,000, to fund projects for court facilities in Androscoggin, Hancock and Somerset counties.