

STATE OF MAINE
131ST LEGISLATURE
SECOND REGULAR SESSION



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

JOINT STANDING COMMITTEE ON JUDICIARY

June 2024

MEMBERS:

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STAFF:

JANET STOCCO, LEGISLATIVE ANALYST
ELIAS MURPHY, 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

Joint Standing Committee on Judiciary

SUBJECT INDEX

Abortion

Not Enacted	LD 780	RESOLUTION, Proposing an Amendment to the Constitution of Maine to Protect Reproductive Autonomy	Final Passage Failed
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Attorney General and District Attorneys

Not Enacted	LD 186	An Act to Provide Funding for Prosecutor Positions	CARRIED OVER
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Civil Actions

Enacted	LD 870	An Act to Strengthen Freedom of Speech Protections by Enacting the Uniform Public Expression Protection Act	PUBLIC 626
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Not Enacted	LD 1696	An Act to Create a Civil Cause of Action for Persons Suffering Damages Arising from the Illegal Sale or Marketing of Firearm-related Products	Report B (ONTP)
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Civil Rights Act

Not Enacted	LD 2210	An Act to Establish a Civil Rights Unit Within the Office of the Attorney General and Require Enhanced Ongoing Civil Rights Training for Civil Rights Officers	HELD BY GOVERNOR
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Commercial Code

Enacted	LD 91	An Act to Adopt the National 2022 Amendments to the Uniform Commercial Code	PUBLIC 669
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Constitutional Rights

Not Enacted	LD 780	RESOLUTION, Proposing an Amendment to the Constitution of Maine to Protect Reproductive Autonomy	Final Passage Failed
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	LD 1412	RESOLUTION, Proposing an Amendment to the Constitution of Maine Establishing That All Maine Residents Have Equal Rights	CARRIED OVER
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Under the Law

LD 2159 An Act to Protect the Confidentiality of Attorney-Client E-mail Communications for Residents of Jails and Correctional Facilities ONTP

Court Procedure

Enacted LD 870 An Act to Strengthen Freedom of Speech Protections by Enacting the Uniform Public Expression Protection Act PUBLIC 626

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Enacted LD 1596 An Act to Expand Access to Drug Treatment Courts PUBLIC 522

LD 2090 An Act to Modernize and Consolidate Certain Court Facilities PUBLIC 684

Criminal Law and Procedure: Pretrial Justice and Bail

Enacted LD 1576 An Act to Update the Laws Governing Electronic Device Information as Evidence PUBLIC 499

Not Enacted LD 748 An Act to Strengthen the Due Process Rights of Persons in Law Enforcement Custody ONTP

LD 1056 An Act Restricting State Assistance in Federal Collection of Personal Electronic Data and Metadata Majority (ONTP) Report

LD 1771 An Act Regarding Speedy Trials CARRIED OVER

Criminal Law and Procedure: Sentencing and Post-Trial Review

Not Enacted LD 1535 An Act to Advance Justice in Sentencing by Amending the Laws Governing the Maine Criminal Justice Sentencing Institute CARRIED OVER

LD 1865 An Act Establishing the Maine Sentencing Guidelines Commission ONTP

Criminal Records and Juvenile Records

Enacted	LD 2218	An Act to Remove the Age-related Statutory Prerequisite for Sealing Criminal History Record Information	PUBLIC 666
	LD 2236	An Act to Expand the List of Crimes Eligible for a Post-judgment Motion to Seal Criminal History Record Information to Include Convictions for Possession and Cultivation of Marijuana	PUBLIC 639
Not Enacted	LD 1550	An Act to Authorize the Expungement of Records of Nonviolent Crimes	ONTP
	LD 2252	An Act to Establish the Criminal Records Review Commission	CARRIED OVER
	LD 2269	An Act to Automatically Seal Criminal History Record Information for Class D and Class E Crimes Relating to Marijuana Possession and Cultivation	Majority (ONTP) Report

Domestic Violence

Enacted	LD 2085	An Act to Update Maine's Domestic Violence and Stalking Laws	PUBLIC 519
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Family Law

Enacted	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	PUBLIC 532
Not Enacted	LD 20	An Act to Further Protect Survivors of Economic Abuse	Leave to Withdraw Pursuant to Joint Rule 310
	LD 580	An Act to Improve Family Court Procedure	CARRIED OVER

Family Law: Guardians ad litem

Not Enacted	LD 113	An Act to Provide Funding for Children's Guardians Ad Litem	CARRIED OVER
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Freedom of Access and Confidentiality

Enacted	LD 1937	An Act Regarding the Transportation of Hazardous Materials by Railroad Companies	PUBLIC 618
	LD 2215	An Act to Implement the Recommendations of the Right to Know Advisory Committee Regarding Public Records Exceptions	PUBLIC 637
	LD 2250	An Act to Allow the Department of Corrections and County Jails to Comply with the Federal Prison Rape Elimination Act of 2003	PUBLIC 615

Gender, Orientation and Identity

Enacted	LD 2235	Resolve, Directing the Department of Administrative and Financial Services, the State Court Administrator and the Executive Director of the Legislative Council to Add a 3rd Option for Gender on State Forms	RESOLVE 163
Not Enacted	LD 1735	An Act to Safeguard Gender-affirming Health Care	ONTP

Human Rights

Enacted	LD 279	An Act to Protect Against Discrimination by Public Entities	PUBLIC 489
Not Enacted	LD 2142	An Act to Correct Outdated References in and Relating to the Maine Human Rights Act	HELD BY GOVERNOR
	LD 2195	An Act to Protect Businesses from Fraudulent or Predatory Financial Settlements by Allowing Those Businesses Opportunities to Remove Architectural Barriers in Noncompliance with the Maine Human Rights Act	ONTP

Indigent Legal Services and Public Defense Services

Enacted	LD 653	An Act to Establish the Maine Commission on Public Defense Services and Establish Public Defender Offices for Aroostook, Penobscot and Piscataquis Counties	PUBLIC 558
	LD 2219	An Act to Implement the Recommendations Regarding the Maine Commission on Public Defense Services	PUBLIC 638

Involuntary Commitment and Treatment

Enacted	LD 2224	An Act to Strengthen Public Safety by Improving Maine's Firearm Laws and Mental Health System	PUBLIC 675
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Juvenile Code

Enacted	LD 2171	An Act Establishing Concurrent Jurisdiction with the Federal Courts in Certain Juvenile Matters	PUBLIC 605
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Landlord and Tenant Issues

Enacted	LD 1490	An Act to Reduce Rental Housing Costs by Limiting Additional Fees at or Prior to the Commencement of Tenancy	PUBLIC 594
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Not Enacted	LD 1904	An Act to Enact the Maine Fair Chance Housing Act	ONTP
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Medical Rights

Not Enacted	LD 1735	An Act to Safeguard Gender-affirming Health Care	ONTP
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Miscellaneous

Enacted	LD 2192	Resolve, to Ensure That the Independent Commission to Investigate the Facts of the Tragedy in Lewiston Has Necessary Authority to Discharge Its Fact-finding Mission	RESOLVE 129
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Name Changes

Enacted	LD 747	An Act Regarding the Reporting of Adult Name Changes by the Probate Courts to the State Bureau of Identification	PUBLIC 560
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Privacy

Enacted	LD 1576	An Act to Update the Laws Governing Electronic Device Information as Evidence	PUBLIC 499
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Not Enacted	LD 1056	An Act Restricting State Assistance in Federal Collection of Personal Electronic Data and Metadata	Majority (ONTP) Report
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LD 1705	An Act to Give Consumers Control over Sensitive Personal Data by Requiring Consumer Consent Prior to Collection of Data	ONTP
LD 1902	An Act to Protect Personal Health Data	ONTP
LD 1973	An Act to Enact the Maine Consumer Privacy Act	Majority (ONTP) Report
LD 1977	An Act to Enact the Maine Data Privacy and Protection Act	Died Between Houses

Probate Code and Probate Court

Enacted	LD 747	An Act Regarding the Reporting of Adult Name Changes by the Probate Courts to the State Bureau of Identification	PUBLIC 560
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Protection from Abuse and Protection from Harassment

Enacted	LD 2085	An Act to Update Maine's Domestic Violence and Stalking Laws	PUBLIC 519
Not Enacted	LD 2103	An Act to Protect Victims of Domestic Abuse and Violence by Amending the Law Regarding Proximity Restrictions in Final Protection from Abuse Orders	HELD BY GOVERNOR

Real Property, Property Rights and Eminent Domain

Enacted	LD 2035	An Act Regarding Disclosure of Flood Risk by Sellers of Real Estate	PUBLIC 585
Not Enacted	LD 2240	Resolve, to Establish the Commission to Recommend Methods for Preventing Deed Fraud in the State	CARRIED OVER

Statutes

Enacted	LD 2290	An Act to Correct Inconsistencies, Conflicts and Errors in the Laws of Maine	PUBLIC 646
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Torts and Immunity

Enacted	LD 2202	Resolve, to Allow Ireland Farms, Inc. to Sue the State	RESOLVE 184
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Enacted	LD 1696	An Act to Create a Civil Cause of Action for Persons Suffering Damages Arising from the Illegal Sale or Marketing of Firearm-related Products	Report B (ONTP)
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Tribal-State Relations

Enacted	LD 1835	An Act to Require the State to Notify Indian Tribes and Indian Nations When New Laws Are Enacted That Need to Be Certified	PUBLIC 620
	LD 2007	An Act Regarding the Criminal Jurisdiction of Tribal Courts and to Extend the Time for the Penobscot Nation to Certify Its Agreement to Public Law 2023, Chapter 369	PUBLIC 647
Not Enacted	LD 1834	An Act to Establish the Office of Tribal-State Affairs	CARRIED OVER

Trust Code

Not Enacted	LD 1763	An Act Regarding Trustee Duties to Beneficiaries	ONTP
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Victims and Victims' Rights

Not Enacted	LD 2084	An Act to Provide Funding for Essential Services for Victims of Crimes	CARRIED OVER
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Weapons and Weapons Restrictions

Enacted	LD 2224	An Act to Strengthen Public Safety by Improving Maine's Firearm Laws and Mental Health System	PUBLIC 675
	LD 2238	An Act to Address Gun Violence in Maine by Requiring a Waiting Period for Certain Firearm Purchases	PUBLIC 678
Not Enacted	LD 2086	An Act to Amend the Law Governing the Disposition of Forfeited Firearms	Veto Sustained
	LD 2119	Resolve, to Establish the Task Force to Study the Creation of a System to Allow for the Voluntary Waiver of Firearm Rights	CARRIED OVER
	LD 2283	An Act to Enact the Crisis Intervention Order Act to Protect the Safety of the Public	CARRIED OVER

DIGEST OF BILLS
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Joint Standing Committee on Judiciary

Comm	LD	Title	Committee Action	Date of last Comm Action	Disposition upon R2 Adjournment	Law Ch		Analyst Note?
JUD	20	An Act to Further Protect Survivors of Economic Abuse	LTW	1/3/2024	Leave to Withdraw Pursuant to Joint Rule 310			
JUD	91	An Act to Adopt the National 2022 Amendments to the Uniform Commercial Code	OTP-AM	4/11/2024	Enacted	PL	669	
JUD	113	An Act to Provide Funding for Children's Guardians Ad Litem	OTP-AM/ONTP	4/7/2023				
JUD	186	An Act to Provide Funding for Prosecutor Positions	OTP-AM	5/11/2023				
JUD	279	An Act to Protect Against Discrimination by Public Entities	OTP-AM/ONTP	6/12/2023	Enacted	PL	489	
JUD	580	An Act to Improve Family Court Procedure	OTP-AM/OTP-AM/ONTP	5/10/2023				
JUD	653	An Act to Establish the Maine Commission on Public Defense Services and Establish Public Defender Offices for Aroostook, Penobscot and Piscataquis Counties	OTP-AM	3/18/2024	Emergency Enacted	PL	558	
JUD	747	An Act Regarding the Reporting of Adult Name Changes by the Probate Courts to the State Bureau of Identification	OTP-AM/ONTP	3/6/2024	Emergency Enacted	PL	560	
JUD	748	An Act to Strengthen the Due Process Rights of Persons in Law Enforcement Custody	ONTP	3/27/2024	Ought Not to Pass Pursuant to Joint Rule 310			
JUD	780	RESOLUTION, Proposing an Amendment to the Constitution of Maine to Protect Reproductive Autonomy	OTP-AM/ONTP	3/27/2024	Failed Final Passage			
JUD	870	An Act to Strengthen Freedom of Speech Protections by Enacting the Uniform Public Expression Protection Act	OTP-AM/ONTP	3/22/2024	Enacted	PL	626	
JUD	1056	An Act Restricting State Assistance in Federal Collection of Personal Electronic Data and Metadata	ONTP/OTP-AM	1/26/2024	Accepted Majority (ONTP) Report			

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Comm	LD	Title	Committee Action	Date of last Comm Action	Disposition upon R2 Adjournment	Law	Ch	Analyst Note?
JUD	1412	RESOLUTION, Proposing an Amendment to the Constitution of Maine Establishing That All Maine Residents Have Equal Rights Under the Law	OTP-AM/ONTP	6/15/2023				
JUD	1490	An Act to Reduce Rental Housing Costs by Limiting Additional Fees at or Prior to the Commencement of Tenancy	OTP-AM/ONTP	3/15/2024	Enacted	PL	594	
JUD	1535	An Act to Advance Justice in Sentencing by Amending the Laws Governing the Maine Criminal Justice Sentencing Institute	OTP-AM/ONTP	6/20/2023				
JUD	1550	An Act to Authorize the Expungement of Records of Nonviolent Crimes	ONTP	2/21/2024	Ought Not to Pass Pursuant to Joint Rule 310			
JUD	1576	An Act to Update the Laws Governing Electronic Device Information as Evidence	OTP-AM/ONTP	1/26/2024	Enacted	PL	499	
JUD	1596	An Act to Expand Access to Drug Treatment Courts	OTP-AM	2/15/2024	Enacted	PL	522	
JUD	1696	An Act to Create a Civil Cause of Action for Persons Suffering Damages Arising from the Illegal Sale or Marketing of Firearm-related Products	OTP-AM/ONTP/OTP-AM	4/11/2024	Accepted Report B (ONTP)			
JUD	1705	An Act to Give Consumers Control over Sensitive Personal Data by Requiring Consumer Consent Prior to Collection of Data	ONTP	3/27/2024	Ought Not to Pass Pursuant to Joint Rule 310			
JUD	1735	An Act to Safeguard Gender-affirming Health Care	ONTP	3/27/2024	Ought Not to Pass Pursuant to Joint Rule 310			
JUD	1763	An Act Regarding Trustee Duties to Beneficiaries	ONTP	1/30/2024	Ought Not to Pass Pursuant to Joint Rule 310			

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Comm	LD	Title	Committee Action	Date of last Comm Action	Disposition upon R2 Adjournment	Law	Ch	Analyst Note?
JUD	1771	An Act Regarding Speedy Trials	OTP-AM/ONTP	4/12/2024				
JUD	1834	An Act to Establish the Office of Tribal-State Affairs	OTP-AM/ONTP	3/6/2024				
JUD	1835	An Act to Require the State to Notify Indian Tribes and Indian Nations When New Laws Are Enacted That Need to Be Certified	OTP-AM/ONTP	3/22/2024	Enacted	PL	620	
JUD	1865	An Act Establishing the Maine Sentencing Guidelines Commission	ONTP	2/14/2024	Ought Not to Pass Pursuant to Joint Rule 310			
JUD	1902	An Act to Protect Personal Health Data	ONTP	3/27/2024	Ought Not to Pass Pursuant to Joint Rule 310			
JUD	1904	An Act to Enact the Maine Fair Chance Housing Act	ONTP	2/14/2024	Ought Not to Pass Pursuant to Joint Rule 310			
JUD	1937	An Act Regarding the Transportation of Hazardous Materials by Railroad Companies	OTP-AM	4/2/2024	Emergency Enacted	PL	618	
JUD	1973	An Act to Enact the Maine Consumer Privacy Act	ONTP/OTP-AM	4/16/2024	Accepted Majority (ONTP) Report			
JUD	1977	An Act to Enact the Maine Data Privacy and Protection Act	OTP-AM/ONTP	4/16/2024	Died Between Houses			
JUD	2007	An Act Regarding the Criminal Jurisdiction of Tribal Courts and to Extend the Time for the Penobscot Nation to Certify Its Agreement to Public Law 2023, Chapter 369	OTP-AM/ONTP/OTP-AM	4/2/2024	Enacted	PL	647	

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Comm	LD	Title	Committee Action	Date of last Comm Action	Disposition upon R2 Adjournment	Law Ch		Analyst Note?
						Law	Ch	
JUD	2035	An Act Regarding Disclosure of Flood Risk by Sellers of Real Estate	OTP-AM/ONTP	3/8/2024	Enacted	PL	585	
JUD	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	OTP-AM/ONTP	2/20/2024	Enacted	PL	532	
JUD	2084	An Act to Provide Funding for Essential Services for Victims of Crimes	OTP-AM	2/22/2024				v
JUD	2085	An Act to Update Maine's Domestic Violence and Stalking Laws	OTP-AM	2/15/2024	Emergency Enacted	PL	519	
JUD	2086	An Act to Amend the Law Governing the Disposition of Forfeited Firearms	OTP-AM/ONTP	4/9/2024	Veto Sustained			
JUD	2090	An Act to Modernize and Consolidate Certain Court Facilities	OTP-AM	3/22/2024	Enacted	PL	684	
JUD	2103	An Act to Protect Victims of Domestic Abuse and Violence by Amending the Law Regarding Proximity Restrictions in Final Protection from Abuse Orders	OTP-AM	2/15/2024	Held by Governor			
JUD	2119	Resolve, to Establish the Task Force to Study the Creation of a System to Allow for the Voluntary Waiver of Firearm Rights	OTP-AM/ONTP	4/11/2024				
JUD	2142	An Act to Correct Outdated References in and Relating to the Maine Human Rights Act	OTP-AM/ONTP	2/22/2024	Held by Governor			
JUD	2159	An Act to Protect the Confidentiality of Attorney-Client E-mail Communications for Residents of Jails and Correctional Facilities	ONTP	1/30/2024	Ought Not to Pass Pursuant to Joint Rule 310			
JUD	2171	An Act Establishing Concurrent Jurisdiction with the Federal Courts in Certain Juvenile Matters	OTP-AM	2/27/2024	Enacted	PL	605	
JUD	2192	Resolve, to Ensure That the Independent Commission to Investigate the Facts of the Tragedy in Lewiston Has Necessary Authority to Discharge Its Fact-finding Mission	OTP-AM	2/5/2024	Emergency Finally Passed	RESLV	129	
JUD	2195	An Act to Protect Businesses from Fraudulent or Predatory Financial Settlements by Allowing Those Businesses Opportunities to Remove Architectural Barriers in Noncompliance with the Maine Human Rights Act	ONTP	2/29/2024	Ought Not to Pass Pursuant to Joint Rule 310			

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Comm	LD	Title	Committee Action	Date of last Comm Action	Disposition upon R2 Adjournment	Law Ch		Analyst Note?
						Law	Ch	
JUD	2202	Resolve, to Allow Ireland Farms, Inc. to Sue the State	ONTP/OTP-AM	4/9/2024	Enacted	RESLV	184	
JUD	2210	An Act to Establish a Civil Rights Unit Within the Office of the Attorney General and Require Enhanced Ongoing Civil Rights Training for Civil Rights Officers	OTP-AM/ONTP	3/27/2024	Held by Governor			
JUD	2215	An Act to Implement the Recommendations of the Right to Know Advisory Committee Regarding Public Records Exceptions	OTP/OTP-AM	4/3/2024	Enacted	PL	637	
JUD	2218	An Act to Remove the Age-related Statutory Prerequisite for Sealing Criminal History Record Information	OTP/ONTP	4/11/2024	Enacted	PL	666	
JUD	2219	An Act to Implement the Recommendations Regarding the Maine Commission on Public Defense Services	OTP-AM/ONTP	4/9/2024	Enacted	PL	638	
JUD	2224	An Act to Strengthen Public Safety by Improving Maine's Firearm Laws and Mental Health System	OTP-AM/ONTP	4/11/2024	Enacted	PL	675	
JUD	2235	Resolve, Directing the Department of Administrative and Financial Services, the State Court Administrator and the Executive Director of the Legislative Council to Add a 3rd Option for Gender on State Forms	OTP-AM/ONTP	3/22/2024	Finally Passed	RESLV	163	
JUD	2236	An Act to Expand the List of Crimes Eligible for a Post-judgment Motion to Seal Criminal History Record Information to Include Convictions for Possession and Cultivation of Marijuana	OTP-AM/ONTP	4/9/2024	Enacted	PL	639	
JUD	2238	An Act to Address Gun Violence in Maine by Requiring a Waiting Period for Certain Firearm Purchases	OTP-AM/ONTP/OTP-AM	4/11/2024	Enacted	PL	678	
JUD	2240	Resolve, to Establish the Commission to Recommend Methods for Preventing Deed Fraud in the State	OTP-AM	4/9/2024				
JUD	2250	An Act to Allow the Department of Corrections and County Jails to Comply with the Federal Prison Rape Elimination Act of 2003	OTP-AM	4/1/2024	Emergency Enacted	PL	615	
JUD	2252	An Act to Establish the Criminal Records Review Commission	OTP-AM/ONTP/OTP-AM	4/15/2024				

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Comm	LD	Title	Committee Action	Date of last Comm Action	Disposition upon R2 Adjournment	Law	Ch	Analyst Note?
JUD	2269	An Act to Automatically Seal Criminal History Record Information for Class D and Class E Crimes Relating to Marijuana Possession and Cultivation	ONTP/OTP-AM	4/15/2024	Accepted Majority (ONTP) Report			
JUD	2283	An Act to Enact the Crisis Intervention Order Act to Protect the Safety of the Public	OTP-AM/ONTP/OTP-AM/OTP-AM	4/16/2024				
JUD	2290	An Act to Correct Inconsistencies, Conflicts and Errors in the Laws of Maine	OTP-AM	4/16/2024	Emergency Enacted	PL	646	

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LD 91 An Act to Adopt the National 2022 Amendments to the Uniform Commercial Code

ENACTED LAW SUMMARY

Public Law 2023, chapter 669 updates the Uniform Commercial Code with the 2022 version approved by the National Conference of Commissioners on Uniform State Laws, except the provisions related to electronic money, including a new uniform Article 12 governing controllable electronic records. The Legislature accepts the explanatory notes and Uniform Comments as prepared by the uniform law commissioners as part of the 2022 amendments, except the explanatory notes and Uniform Comments for sections of the Uniform Commercial Code that have not been amended by this law.

Public Law 2023, chapter 669 takes effect July 1, 2025.

LD 279 An Act to Protect Against Discrimination by Public Entities

ENACTED LAW SUMMARY

Public Law 2023, chapter 489 amends the Maine Human Rights Act to prohibit a public entity from discriminating against an individual, excluding an individual from participation in a service, program or activity of that public entity or otherwise denying to an individual the benefits of a service, program or activity of that public entity by reason of the individual's race or color, sex, sexual orientation or gender identity, age, physical or mental disability, religion, ancestry or national origin. Like a place of public accommodation, however, a public entity is not required to permit an individual to participate in the public entity's services, programs or activities if that individual poses a direct threat to the health or safety of others that cannot be eliminated by a modification of the public entity's policies, practices or procedures or by the provision of auxiliary aids or services. Public Law 2023, chapter 489 also establishes, through June 14, 2025, both a limited-period Assistant Attorney General Position and a limited-period Correctional Care and Treatment Worker position in the Department of Corrections.

Public Law 2023, chapter 489 was finally enacted in both the House and the Senate prior to the adjournment sine die of the First Special Session in 2023 but was not signed by the Governor. Pursuant to the Constitution of Maine, Public Law 2023, chapter 489 became law without the Governor's signature on January 7, 2024.

LD 653 An Act to Establish the Maine Commission on Public Defense Services and Establish Public Defender Offices for Aroostook, Penobscot and Piscataquis Counties

ENACTED LAW SUMMARY

Public Law 2023, chapter 558 changes the name of the Maine Commission on Indigent Legal Services to the Maine Commission on Public Defense Services in order to more clearly describe

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the commission's mission and functions to the public. It also establishes the positions necessary to create a new public defender office to serve Aroostook County and a new public defender office to serve Penobscot and Piscataquis counties; a new Public Service Coordinator I position to perform investigative services for the existing public defender office in Kennebec County; and new positions in the Maine Commission on Indigent Legal Services' central office designed to assist with the formation and implementation of new public defender offices and training of new public defenders. It authorizes the transfer of funds from the All Other line category to the Personal Services line category of the Maine Commission on Indigent Legal Services program to pay the costs associated with these new positions.

Public Law 2023, chapter 558 was enacted as an emergency measure effective March 21, 2024.

LD 747 An Act Regarding the Reporting of Adult Name Changes by the Probate Courts to the State Bureau of Identification

ENACTED LAW SUMMARY

Public Law 2023, chapter 560 establishes a uniform process for the reporting of all name changes ordered by a probate court to the Department of Public Safety, Bureau of State Police, State Bureau of Identification.

Part A of Public Law 2023, chapter 560 amends the Maine Uniform Probate Code in the following ways.

1. It requires that an adult seeking a name change in a probate court undergo a criminal history record check and establishes a rebuttable presumption that the court may not order the name change if the adult is currently under official supervision as a probationer, a parolee or a sex offender on supervised release or if the adult is currently required to register as a sex offender.
2. It authorizes a probate court to order that the record of the name change of an adult be kept confidential if the court finds that the adult's interest in maintaining the confidentiality of the record outweighs the public interest in the disclosure of the record. It also establishes a rebuttable presumption that the public's interest in disclosure outweighs the adult's interest in maintaining confidentiality if the adult has been convicted of a Class D or E crime within the five years immediately preceding the filing of the name change request or of a more serious crime within the 10 years immediately preceding the filing of the name change request. The probate court may not order that the record of the name change is confidential if the adult is currently under official supervision as a probationer, a parolee or a sex offender on supervised release or if the adult is currently required to register as a sex offender.
3. Beginning January 1, 2025, it requires a probate court to electronically transmit an abstract of any name change order for an adult, including an order that has been made confidential, to the State Bureau of Identification unless the court orders, upon a showing of extraordinary

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circumstances, that an abstract of a name change order of an adult made confidential by the court not be transmitted to the State Bureau of Identification.

Part B of Public Law 2023, chapter 560 directs that, in response to a request for an adult's public criminal history record information, a Maine criminal justice agency may disseminate information associated with each of the adult's former and current legal names unless a name change was made confidential, in which case the agency may not disclose to any person that is not authorized to receive confidential criminal history record information the existence of the name change order or any criminal history record information associated with a legal name of the adult that is not included within the request.

Public Law 2023, chapter 560 was enacted as an emergency measure effective March 25, 2024.

LD 870 An Act to Strengthen Freedom of Speech Protections by Enacting the Uniform Public Expression Protection Act

ENACTED LAW SUMMARY

Public Law 2023, chapter 626 repeals the State's law against strategic lawsuits against public participation, commonly known as the anti-SLAPP law, and replaces it with the Uniform Law Commission's 2020 Uniform Public Expression Protection Act. The Legislature accepts the explanatory notes and Uniform Comments as prepared by the commission as part of the uniform law.

Public Law 2023, chapter 626 takes effect January 1, 2025.

LD 1490 An Act to Reduce Rental Housing Costs by Limiting Additional Fees at or Prior to the Commencement of Tenancy

ENACTED LAW SUMMARY

Public Law 2023, chapter 594 amends the laws regarding rental property by adding definitions for "mandatory recurring fee", "rent", "utility service costs" and "optional recurring fee." It also requires landlords to provide notice to tenants 45 days in advance when increasing a mandatory recurring fee; establishes a limit on the amount of money required to initiate a tenancy; adds certain fees, penalties and other charges to the statutory list of unenforceable provisions currently in law; and requires landlords to provide a total price disclosure statement to potential tenants or lessees prior to entering a lease or tenancy at will agreement.

Public Law 2023, chapter 594 takes effect January 1, 2025.

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LD 1576 An Act to Update the Laws Governing Electronic Device Information as Evidence

ENACTED LAW SUMMARY

Public Law 2023, chapter 499 amends the provisions of current law that require state and local government entities to obtain a search warrant, unless certain enumerated circumstances exist, before accessing information regarding the content of portable electronic device communications to provide that the same provisions apply when state or local government entities seek to obtain content information associated with electronic devices that are not portable. It also clarifies that these provisions of law apply when the electronic device content information a state or local government entity seeks to obtain is stored by a remote computing service that provides Internet storage to the public, commonly referred to as a “cloud storage service.”

LD 1596 An Act to Expand Access to Drug Treatment Courts

ENACTED LAW SUMMARY

Public Law 2023, chapter 522 provides that the goals of the substance use disorder treatment programs that the Judicial Department is authorized to establish include ensuring that such programs are available statewide and are accessible to residents in rural areas of the State.

LD 1835 An Act to Require the State to Notify Indian Tribes and Indian Nations When New Laws Are Enacted That Need to Be Certified

ENACTED LAW SUMMARY

Public Law 2023, chapter 620, Part A, requires the Secretary of State, within 15 business days after the final adjournment of a legislative session, to notify the chiefs of the Penobscot Nation, the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians or the Mi’kmaq Nation, or the relevant designees, of each item of legislation enacted during the legislative session that, pursuant to federal law, will not take effect unless the Secretary of State receives written certification that the nation, tribe or band agrees to the legislation. The notice must inform the chief or designee of each nation, tribe or band of any deadline included in the legislation for transmittal of a written certification of agreement; this deadline may not be less than 120 days after final adjournment of the legislative session. The Secretary of State must send a second notice between 60 and 75 business days after final adjournment to the chief or designee of each nation, tribe or band, identifying each item of legislation for which a required certification of agreement has not yet been received.

Public Law 2023, chapter 620, Part B extends the deadline for the Chief of the Penobscot Nation or the chief’s designee, the Chief of the Passamaquoddy Tribe at Sipayik and the Chief of the Passamaquoddy Tribe at Motahkomikuk or the chiefs’ designee and the Chief of the Houlton Band

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of Maliseet Indians or the chief's designee to certify their respective agreements to Public Law 2023, chapter 370, An Act Regarding the Maine Indian Tribal-State Commission.

LD 1937 An Act Regarding the Transportation of Hazardous Materials by Railroad Companies

ENACTED LAW SUMMARY

Public Law 2023, chapter 618 requires a railroad company to submit to the Commissioner of Transportation, on request, records related to routine inspections of trains, rail corridors and safety equipment and provides that these records are not public records for purposes of the Freedom of Access Act. It also requires railroad companies to submit prevention and response plans to the Department of Environmental Protection.

Public Law 2023, chapter 618 also establishes procedures and notices to be provided to agencies and the public in the event of a mainline train derailment involving hazardous materials and clarifies that any such records are public records for purposes of the Freedom of Access Act. It also requires railroad companies to offer periodic training to fire departments and emergency medical services to address train derailments and requires the Commissioner of Transportation to conduct a review after any accident involving hazardous materials. After conducting a post-accident review, the commissioner must submit a report to the joint standing committees of the Legislature having jurisdiction over railroads and public records matters.

Public Law 2023, chapter 618 was enacted as an emergency measure effective April 12, 2024.

LD 2007 An Act Regarding the Criminal Jurisdiction of Tribal Courts and to Extend the Time for the Penobscot Nation to Certify Its Agreement to Public Law 2023, Chapter 369

ENACTED LAW SUMMARY

Public Law 2023, chapter 647, Parts A to D, amend An Act to Implement the Maine Indian Claims Settlement, commonly known as “the Maine Implementing Act”, and the Mi’kmaq Nation Restoration Act to adopt most of federal Indian law related to the criminal jurisdiction of tribal courts, including the Indian Civil Rights Act of 1968, the Tribal Law and Order Act of 2010 and the tribal jurisdiction provisions of the Violence Against Women Act Reauthorization Act of 2022. It expands the criminal jurisdiction of the Passamaquoddy Tribal Court, the Penobscot Nation Tribal Court and the Houlton Band of Maliseet Indians Tribal Court as well as the potential criminal jurisdiction of the Mi’kmaq Nation Tribal Court, collectively referred to in this summary as “the tribal courts of the Wabanaki Nations” in the following ways.

1. It recognizes the exclusive jurisdiction of the tribal courts of the Wabanaki Nations over Class C, D and E crimes committed within the relevant Wabanaki Nation’s respective Indian territory or jurisdiction land by an adult member of a federally recognized Indian tribe if those crimes:

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- A. Are defined in the Maine Revised Statutes, Title 15, 17, 17-A, 19-A or 29-A and are not committed against a person or the property of a person; or
 - B. Are defined in any Title of the Maine Revised Statutes and are committed against a person or the property of a person who is a member of any federally recognized Indian tribe.
2. It recognizes the concurrent jurisdiction of the State and of the tribal courts of the Wabanaki Nations over Class C, D and E crimes committed within the relevant Wabanaki Nation's respective Indian territory or jurisdiction land:
 - A. By an adult member of a federally recognized Indian tribe against a person or the property of a person who is not a member of any federally recognized Indian tribe; or
 - B. By a person who is not a member of any federally recognized Indian tribe against a member of any federally recognized Indian tribe as authorized in the federal Violence Against Women Act Reauthorization Act of 2022, commonly known as "VAWA." When exercising concurrent criminal jurisdiction under VAWA, the tribal courts of the Wabanaki Nations may not deny to a defendant the protections enumerated in 25 United States Code, Sections 1302(a), 1302(c), 1303 and 1304(d) and all other rights whose protection is necessary under the United States Constitution in order for Congress or the State to recognize the tribal court's concurrent jurisdiction.
3. It provides that the tribal courts of the Wabanaki Nations may not deny to any criminal defendant prosecuted for a Class C crime the rights and protections enumerated in 25 United States Code, Section 1302(c), including the requirement that the judge presiding over the criminal proceeding is licensed to practice law and has sufficient legal training; the right to the effective assistance of counsel; the right to the appointment of licensed counsel at the expense of the tribal government if the defendant is indigent; the right to advance notice of all criminal laws and applicable court rules of the tribal government; and the right to have the criminal proceeding recorded.
4. It retains the provisions of current law directing that, when the tribal courts of the Wabanaki Nations exercise exclusive or concurrent criminal jurisdiction, the definitions of the relevant crimes and the punishments applicable to those crimes are governed by state law but clarifies that, in doing so, the tribal courts of the Wabanaki Nations are nevertheless enforcing their respective tribal law. It also retains the provisions of current law directing that 25 United States Code, Sections 1301 to 1303 and federal rules or regulations generally applicable to the exercise of criminal jurisdiction by Indian tribes apply when the tribal courts of the Wabanaki Nations exercise their exclusive or concurrent criminal jurisdiction.
5. It recognizes the exclusive jurisdiction of the State over all crimes and juvenile crimes not within the exclusive or concurrent jurisdiction of the tribal courts of the Wabanaki Nations that are committed on Indian territory or jurisdiction land, including:

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- A. Notwithstanding any provision of law to the contrary, all crimes and juvenile crimes against the State or any office, department, agency, authority, commission, board, institution, hospital or other instrumentality of the State; and
 - B. All Class C, D and E crimes defined in provisions of the Maine Revised Statutes outside of Titles 15, 17, 17-A, 19-A and 29-A committed by an adult member of any federally recognized Indian tribe that are not committed against a person or the property of a person.
6. It clarifies that nothing within the Maine Implementing Act or the Mi'kmaq Nation Restoration Act affects, alters or preempts the authority of the State to investigate or prosecute any conduct occurring on Indian territory or trust land that is within the State's exclusive or concurrent jurisdiction.

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

1. It recognizes the exclusive authority of the Penobscot Nation in Penobscot Indian territory to enact ordinances regulating drinking water unless the nation exercises its discretion to enter into an intergovernmental agreement authorizing the State to exercise concurrent jurisdiction over specific drinking water-related issues. It also prohibits the State from exercising primary enforcement authority to implement the federal Safe Drinking Water Act within Penobscot Indian territory and recognizes the authority of the Penobscot Nation to seek to be treated as a state and to obtain primary enforcement authority to implement the federal Safe Drinking Water Act within Penobscot Indian territory. Additionally, it recognizes the exclusive authority of the Penobscot Nation Tribal Court to enforce any drinking water ordinances adopted by the nation for Penobscot Indian territory, except that the nation may not exercise jurisdiction over a nonprofit public municipal corporation.
2. It provides that the exclusive jurisdiction of the Penobscot Nation Tribal Court over certain criminal offenses, juvenile crimes, small claims and civil drug possession actions arising within the Penobscot Indian reservation under current law extends to those same types of criminal offenses, juvenile crimes, small claims and civil drug possession actions arising within all of Penobscot Indian territory. To the extent that the Penobscot Nation Tribal Court has exclusive jurisdiction over members of the Passamaquoddy Tribe or the Penobscot Nation under these provisions, it extends that exclusive jurisdiction to members of any of the Wabanaki Nations. It also provides that the exclusive jurisdiction of the Penobscot Nation Tribal Court over domestic relations matters between members of the Passamaquoddy Tribe and the Penobscot Nation, both of whom reside on the Penobscot Indian reservation, extends to the same types of domestic relations matters arising between members of any of the Wabanaki Nations, both of whom reside within Passamaquoddy Indian territory.

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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.

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LD 2171 An Act Establishing Concurrent Jurisdiction with the Federal Courts in Certain Juvenile Matters

ENACTED LAW SUMMARY

Public Law 2023, chapter 605 provides that the jurisdiction of the Juvenile Court is concurrent with that of a federal court sitting in the State over proceedings involving a violation of federal law committed by a juvenile on a military installation of the United States Department of Defense if the United States Attorney for the District of Maine or the federal court waives exclusive jurisdiction and the violation is also a juvenile crime as defined in the Maine Juvenile Code.

LD 2192 Resolve, to Ensure That the Independent Commission to Investigate the Facts of the Tragedy in Lewiston Has Necessary Authority to Discharge Its Fact-finding Mission

ENACTED LAW SUMMARY

Resolve 2023, chapter 129 authorizes the Independent Commission to Investigate the Facts of the Tragedy in Lewiston to request and receive records in the possession of any state agency or instrumentality that it determines are necessary to fulfill the independent commission's fact-finding mission, including confidential records and records not otherwise subject to public disclosure. It also authorizes the independent commission to issue subpoenas to compel the testimony of witnesses and the production of documents. In issuing subpoenas, the independent commission must comply with state law and the Maine Rules of Civil Procedure. The testimony of subpoenaed witnesses must be taken under oath and in open session, except that the testimony may be taken in executive session upon a showing that confidentiality is necessary to the independent commission's fact-finding mission. The independent commission's subpoena authority is effective only until July 1, 2024. A detailed account of each subpoena issued must be included in the final report of the independent commission's work.

Resolve 2023, chapter 129 was finally passed as an emergency measure effective February 13, 2024.

LD 2202 Resolve, to Allow Ireland Farms, Inc. to Sue the State

ENACTED LAW SUMMARY

Resolve 2023, chapter 184 authorizes Ireland Farms, Inc., in Presque Isle, Maine, which claims to have suffered damages in connection with actions taken by the Department of Agriculture, Conservation and Forestry, to sue the Department of Agriculture, Conservation and Forestry for damages resulting from those actions and waives the State's defense of immunity under the Maine Revised Statutes, Title 14, chapter 741.

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LD 2215 An Act to Implement the Recommendations of the Right to Know Advisory Committee Regarding Public Records Exceptions

ENACTED LAW SUMMARY

Public Law 2023, chapter 637 implements statutory changes recommended by the Right to Know Advisory Committee after reviewing existing public records exceptions in the Maine Revised Statutes, Title 22. The law repeals and replaces the statutory provision governing the confidentiality of records and information under the Maine Medical Use of Cannabis Act with a new provision specifying the following.

1. Information that identifies a qualifying patient, a visiting qualifying patient or a registered patient is confidential and may not be disclosed by the Department of Administrative and Financial Services, except with the written consent of the patient or pursuant to a court order or a subpoena.
2. Information that identifies a caregiver who is exempt from registration under the Maine Medical Use of Cannabis Act is confidential and may not be disclosed by the Department of Administrative and Financial Services, except with the written consent of the caregiver, pursuant to a court order or a subpoena or when necessary to protect the public from a threat to public health or safety.
3. Personal contact information of a registered caregiver or of an applicant for registration as a registered caregiver is confidential and may not be disclosed by the Department of Administrative and Financial Services, except with the written consent of the registrant or applicant, pursuant to a court order or a subpoena or when necessary to protect the public from a threat to public health or safety. In addition, if the registered caregiver resides at the same address where the registered caregiver engages in activities authorized under the Maine Medical Use of Cannabis Act, the department may disclose that address to a state, county or municipal employee responsible for the administration of the Act or of rules, ordinances or warrant articles authorized under the Act, including a law enforcement officer or code enforcement officer.
4. Personal contact information of a holder of a registry identification card who is an assistant, officer or director of a registered caregiver, dispensary, manufacturing facility or cannabis testing facility; of an applicant for a registry identification card as an assistant, officer or director of a registered caregiver, dispensary, manufacturing facility or cannabis testing facility; or of an applicant for a registration certificate for a dispensary, manufacturing facility or cannabis testing facility is confidential and may not be disclosed by the Department of Administrative and Financial Services, except in response to a court order or a subpoena.
5. A final written decision of the Department of Administrative and Financial Services imposing an administrative penalty, ordering forfeiture and destruction of cannabis or suspending or revoking a registry identification card or registration certificate is not confidential.

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Public Law 2023, chapter 637 also clarifies the language of other confidentiality provisions in Title 22 in the following ways.

1. It clarifies that a record relating to a medical examiner case is confidential and that the location or custodian of the record does not affect the record's confidentiality.
2. It clarifies that a professional or occupational licensing board that receives confidential information from the Director of the Office of Child and Family Services or the Director of the Office of MaineCare Services within the Department of Health and Human Services may release that confidential information during the pendency of an investigation to the person being investigated as provided in Title 10, Section 8003-B, subsection 2, paragraph G, as long as that confidential information is not further disclosed for any other purpose.
3. It clarifies that any personally identifiable information obtained by the Maine Health Insurance Marketplace is confidential.

LD 2218 An Act to Remove the Age-related Statutory Prerequisite for Sealing Criminal History Record Information

ENACTED LAW SUMMARY

Public Law 2023, chapter 666 removes the requirement that, to be eligible to file a post-judgment motion to seal criminal history record information related to a criminal conviction for certain Class E crimes, the person must have been between 18 and 27 years of age at the time the person committed the crime.

LD 2219 An Act to Implement the Recommendations Regarding the Maine Commission on Public Defense Services

ENACTED LAW SUMMARY

Public Law 2023, chapter 638 amends the laws governing the Maine Commission on Public Defense Services and related provisions of law in the following ways.

1. It clarifies the commission's purpose to provide high-quality, effective and efficient representation and to promote due process for persons who receive indigent legal services in parity with the resources of the State and consistent with federal and state constitutional and statutory obligations.
2. It requires that the commission's executive director be an attorney licensed to practice law and a member in good standing of the bar of the State.

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3. It defines “employed counsel” to mean an attorney employed by the commission to provide legal services directly to persons who are eligible to receive indigent legal services in civil proceedings and defines “public defender” to mean an attorney employed by the commission to provide legal services directly to persons who are eligible to receive indigent legal services in criminal and juvenile proceedings and clarifies that an attorney employed by the commission may serve in both capacities.
4. It specifies that when the commission, through employed counsel and public defenders, retains investigative and expert services that are reasonably necessary for case-specific purposes, those services are not required to be made through the state procurement process.
5. It clarifies that any information subject to a privilege under the Maine Rules of Evidence or the Maine Rules of Professional Conduct or otherwise protected by the attorney-client privilege remains confidential when it is in the possession or control of the commission or when it is received, obtained, maintained or stored by or on behalf of employed counsel and public defenders.
6. It clarifies that, to ensure an adequate pool of qualified attorneys, the commission has a duty to develop training and evaluation programs for attorneys throughout the State to provide representation in criminal, juvenile, child protective, involuntary commitment and all other types of proceedings for which parties may be entitled to receive indigent legal services.
7. It clarifies that, although information obtained or gathered by the commission through a formal or informal complaint or when performing an evaluation or investigation of an attorney is generally confidential, if the attorney appeals from a decision finding the attorney ineligible to receive case assignments, the information may be disclosed at a public hearing conducted by the commission on the appeal unless the information is protected by the attorney-client privilege or by any other provision of law, the Maine Rules of Evidence or the Maine Rules of Professional Conduct.
8. It requires that a Juvenile Court consider any juvenile who requests counsel to be indigent for the purposes of appointing counsel; authorizes Maine criminal justice agencies to disseminate confidential juvenile history record information to the commission for the purposes of assigning, evaluating or supervising counsel; and requires the Juvenile Court, on request, to disseminate juvenile case records to the commission for the purposes of assigning, evaluating or supervising counsel.
9. It provides that the executive director of the commission or the executive director’s designee may attend and observe child protection proceedings for purposes related to assigning, evaluating or supervising counsel unless the court finds that the executive director’s or designee’s attendance at all or a part of a proceeding is inappropriate under the particular circumstances of that proceeding. It also requires the court and authorizes the Department of Health and Human Services to disclose child protective records to the commission for the purposes of assigning, evaluating or supervising counsel.

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LD 2224 An Act to Strengthen Public Safety by Improving Maine’s Firearm Laws and Mental Health System

ENACTED LAW SUMMARY

Public Law 2023, chapter 675 makes the following changes to the laws governing dangerous weapons, including firearms, and mental health services.

1. Under current law, it is a Class D crime for a person to own, possess or have under that person’s control a firearm if that person is a restricted person under an extreme risk protection order in this State. Public Law 2023, chapter 675 similarly makes it a Class D crime for a person to own, possess or have under that person’s control a firearm if that person is a restricted person under an order issued by another jurisdiction that is similar to an extreme risk protection order in this State.
2. Under current law, it is a Class D crime to intentionally or knowingly sell or transfer a firearm to a person who is prohibited from owning, possessing or having under that person’s control a firearm. Public Law 2023, chapter 675 also prohibits recklessly selling or transferring a firearm to a person who is prohibited from owning, possessing or having under that person’s control a firearm and elevates the classification of this offense to a Class C crime.
3. It provides that a seller who is not a federally licensed firearms dealer and who sells a firearm to a buyer at a gun show or as a result of an advertisement may not complete the transaction unless the seller facilitates the transaction through a federally licensed firearms dealer. The dealer must perform a background check of the putative buyer by using the Federal Bureau of Investigation, National Instant Criminal Background Check System in the same manner as if the dealer were the seller of the firearm that is the subject of the transaction. If the background check reveals that the putative buyer is prohibited from purchasing a firearm, the dealer must notify the seller of that fact and of the fact that the transaction may not proceed. The dealer may charge a reasonable fee for serving as the facilitator. Sale of a firearm in violation of this provision is a Class C crime. This provision does not apply to a transaction in which the buyer and seller are family members as defined in the law or a transaction for a firearm that is an antique firearm or to a transaction for a firearm that is a curio or relic if the sale, transfer or exchange is between collectors of firearms as curios or relics who each have in their possession a valid collector of curios and relics license issued by the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives.
4. It provides that if a law enforcement officer is unable to take a person into protective custody to conduct an assessment in connection with an extreme risk protection order, the law enforcement officer may apply for a protective custody warrant. The officer must submit an affidavit of probable cause for a protective custody warrant to a Justice of the Superior Court, Judge of the District Court or justice of the peace, who must issue the warrant upon finding the affidavit is sufficient to establish:

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- A. Probable cause to believe that the person is mentally ill and due to that condition presents a likelihood of serious harm;
 - B. Probable cause to believe that the person possesses, controls or may acquire a dangerous weapon; and
 - C. That the officer has made reasonable attempts to take the person into custody without a warrant.
5. It provides that an assessment performed in connection with an extreme risk protection order may be facilitated using telehealth technology and that the medical practitioner may rely on information provided by a third party who has recently personally observed or conversed with the person being assessed. It also changes the required timing of certain events related to an extreme risk protection order, including by extending, from 14 to 30 days after a restricted person has been notified of the initial restrictions, the deadline for the District Court to hold a hearing to determine whether to dissolve or to extend initial restrictions against possessing or owning a dangerous weapon. This deadline may be extended upon a showing of good cause.
 6. It requires the Department of Health and Human Services to provide children and families injury and violence prevention programs, including data collection, synthesis and evaluation.
 7. It also requires the Department of Health and Human Services to develop a plan for and provide assistance to a statewide network of crisis receiving centers to provide immediate and short-term mental health and substance use disorder crisis stabilization services.

LD 2235 Resolve, Directing the Department of Administrative and Financial Services, the State Court Administrator and the Executive Director of the Legislative Council to Add a 3rd Option for Gender on State Forms

ENACTED LAW SUMMARY

Resolve 2023, chapter 163 directs the Department of Administrative and Financial Services, the State Court Administrator and the Executive Director of the Legislative Council, within existing resources, to perform the following duties with respect to any form, application or other document that requires the designation of a person's gender, unless the form, application or other document is created pursuant to federal law or regulation or for the purpose of multijurisdictional cooperation and uniformity.

1. All such printed forms, applications and other documents must be updated by December 31, 2024 to add an option to designate "X" for gender unless the designation of a person's gender is not necessary for the purposes of the form, in which case the question must be removed from the form.

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2. All such digital forms, applications and other documents must be updated in the regular course of updating such forms to add an option to designate “X” for gender unless the designation of a person’s gender is not necessary for the purposes of the form, in which case the question must be removed from the form.

LD 2236 An Act to Expand the List of Crimes Eligible for a Post-judgment Motion to Seal Criminal History Record Information to Include Convictions for Possession and Cultivation of Marijuana

ENACTED LAW SUMMARY

Public Law 2023, chapter 639 changes the definition of “eligible criminal conviction” in the Maine Revised Statutes, Title 15, section 2261, subsection 6, which identifies the crimes for which an individual may file a post-judgment motion to seal criminal history record information related to a conviction for that crime, to include crimes committed prior to January 30, 2017 that are no longer considered illegal under Maine’s adult use cannabis laws.

LD 2238 An Act to Address Gun Violence in Maine by Requiring a Waiting Period for Certain Firearm Purchases

ENACTED LAW SUMMARY

Public Law 2023, chapter 678 requires a 72-hour waiting period between an agreement for the purchase and sale of a firearm and the delivery of that firearm to the purchaser. This waiting period must be concurrent with any waiting period imposed by any background check process required by federal or state law. The waiting period does not apply to the sale of a firearm to a law enforcement or corrections officer; to a person employed by certain security companies or licensed as a security guard; to a family member as defined in the law; to a federally licensed firearm dealer; if a background check is not required under federal or state law; if the firearm is an antique firearm; or if the firearm is a curio or relic and the sale, transfer or exchange is between collectors of firearms as curios or relics who each have in their possession a valid collector of curios and relics license issued by the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives.

LD 2250 An Act to Allow the Department of Corrections and County Jails to Comply with the Federal Prison Rape Elimination Act of 2003

ENACTED LAW SUMMARY

Public Law 2023, chapter 615 amends the confidentiality laws related to state and county employee personnel records to allow an alleged victim of sexual misconduct or sexual harassment within a

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correctional facility, county jail or detention facility to receive the following information, unless the allegation has been determined to be unfounded:

1. Whether the alleged perpetrator remains employed at the facility and remains assigned to the same work location where the sexual misconduct or sexual harassment allegedly occurred; and
2. Whether the alleged perpetrator has or has not been criminally charged, including by indictment, or has been convicted of a crime arising out of the allegation of sexual misconduct or sexual harassment.

These amendments to the confidentiality laws are designed in part to ensure that the State's Department of Corrections and county jail and detention facilities comply with the requirements established by the United States Department of Justice under 28 Code of Federal Regulations, Section 115.73 pursuant to the federal Prison Rape Elimination Act of 2003.

Public Law 2023, chapter 615 was enacted as an emergency measure effective April 11, 2024.

LD 2290 An Act to Correct Inconsistencies, Conflicts and Errors in the Laws of Maine

ENACTED LAW SUMMARY

Public Law 2023, chapter 646 corrects technical inconsistencies, conflicts and errors in the laws of Maine. It also clarifies the intent of the Legislature that the exception to the hearsay rule for recordings of forensic interviews in the Maine Revised Statutes, Title 16, section 358, which was enacted by Public Law 2023, chapter 193, applies to proceedings pending on the date that the law was enacted and to proceedings initiated after that date, regardless of when the conduct described in the forensic interview allegedly occurred.

Public Law 2023, chapter 646 was enacted as an emergency measure effective April 22, 2024.

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ANALYST NOTES

This section includes additional information relating to certain LDs as noted in a committee digest. This is 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.

LD 2084 An Act to Provide Funding for Essential Services for Victims of Crimes

This bill would have provided ongoing funding to replace current and anticipated reductions in grants to the Department of Health and Human Services under the federal victim assistance formula grant program pursuant to the federal Victims of Crime Act of 1984. Although this bill was not enacted, one-time funding for this purpose was included in Public Law 2023, chapter 643, the supplemental budget bill enacted in the Second Regular Session. See Appropriations and Financial Affairs, Enacted Law Summary, LD 2214, Part A.

