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**30th ANNUAL
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SEGMENT 2: Legal Potpourri, Legislative Update

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Introduction:

The following is a survey of legislation enacted in 2021 by the Maine Legislature that I thought would be of interest to the general practitioner. Through one regular session and two special sessions of the Legislature this year, the following were enacted: 490 public laws, 12 private and special laws, 122 resolves, and one amendment to the Constitution was sent to the voters on the November ballot. Given the volume of legislation that made it across the finish line, it is quite possible I've missed something that would be "of interest." Moreover, what is "of interest" is often in the eye of the specific general practitioner. Nevertheless, I hope you find this information helpful.

The effective date for the vast majority of the bills that became law this year is October 18th. That being said, effective dates vary. Some of these laws may have gone into effect prior to October 18th and others may be delayed until the end of this calendar year (or later).

Probate Practice:

- Public Law 2021, Chapter 4 / LD 145 – **An Act To Amend the Maine Uniform Probate Code**

The "new" Probate Code is still relatively new and is still subject to refinement by the Legislature. This new law largely clarifies effective dates and which version of the Code applies to what proceedings.

- Public Law 2021, Chapter 14 / LD 209 – **An Act Concerning Name Changes for Minors**

Another refinement to the "new" Probate Code, this new law provides further direction regarding the process for changing a minor's name.

- Resolves 2021, Chapter 104 / LD 719 – **Resolve, To Establish the Commission to Create a Plan To Incorporate the Probate Courts into the Judicial Branch**

The Legislature is, yet again, studying the feasibility of integrating the County Probate Courts into the State Judicial Branch. This Resolve has empowered a 15-member Commission to examine this issue and to report back to the Judiciary Committee on their findings by December 1, 2021. This process is currently ongoing and welcoming public comments. This has proven to be a difficult knot to untie since the Maine Constitution was amended in 1967 to conditionally repeal the current probate system.

- Public Law 2021, Chapter 141 / LD 222 – **An Act To Update the Maine Parentage Act**

OK, this is Title 19-A and isn't "Probate Practice," but I thought it was close enough. This new law amends the process related to voluntary acknowledgement of parentage.

- Public Law 2021, Chapter 250 / LD 345 – **An Act Updating Certain Probate Filing and Certification Fees To Reflect Current Costs**

This new law increases filing fees and fees for certified documents from the Probate Courts.

Real Property:

- Public Law 2021, Chapter 13 / LD 192 – **An Act to Define the Responsibilities of Residential Property Owners for the Maintenance and Repair of Private Roads**

In the absence of an existing obligation via a road maintenance agreement, deed restriction, covenant, declaration, or road association, this new law creates a statutory obligation for residential parcels benefited by a private road to contribute proportionately to the repair and maintenance of that private road. Failure to contribute can be enforced by other property owners who share the same road.

- Public Law 2021, Chapter 145 / LD 596 – **An Act To Improve the Law Regarding Abandoned Roads**

A nearly perennial topic of legislative debate is abandoned and discontinued roads. This year was no different. This new law creates a new process, beginning October 1, 2021, that towns and counties must follow to abandon roads. This process does not affect the status of previously abandoned roads.

- Public Law 2021, Chapter 194 / LD 346 – **An Act Requiring the Use of Propane and Natural Gas Detectors**

This new law requires the installation of a propane / natural gas detector in every room containing an appliance fueled by gas in a wide variety of buildings, including apartments, hotels, and businesses. Landlords are required to provide gas detectors to tenants and any transfer of subject property after January 1, 2022 will require a certification signed at closing that gas detectors will be installed by the new owner within 30 days of possession or occupancy, whichever is later.

- Public Law 2021, Chapter 316 / LD 1508 – **An Act to Reduce Homelessness by Reducing Evictions**

This new law requires that an additional, court-generated form accompany a summons and complaint in an FED action describing the FED process, consequences of failing to appear, rental assistance programs, sources of legal representation, the ability to mediate, and a request for mediation. The Judicial Branch has developed this form, which is

included with these materials – these must be served with all summonses and complaints starting October 18, 2021.

- Public Law 2021, Chapter 350 / LD 1380 – **An Act To Increase Protections for Option Contracts for the Purchase of Real Property or Rent-to-own Real Property**

This new law creates new statutory requirements for option and rent-to-own agreements related to residential property, including standard terms that must be included in an option or rent-to-own contract. This law provides for the recordation of option agreements or memoranda of the same. Also included is specific language related to evictions and their effect on termination of option and rent-to-own agreements. Violations of this new law are per se violations of the Maine Unfair Trade Practices Act, which opens the door to the recovery of attorney's fees.

Pandemic Response:

The pandemic has required that we find new ways of doing old things when people cannot be physically together in the same location. The Legislature has responded accordingly by authorizing various proceedings to take place remotely.

- Public Law 2021, Chapter 290 / LD 32 – **An Act Regarding Remote Participation in Public Proceedings**

This new law authorizes various public bodies at the state, county, and municipal level to hold remote proceedings under certain circumstances. Town meetings and school budget meetings, however, must be held the old-fashioned way.

- Public Law 2021, Chapter 304 / LD 683 – **An Act to Allow Maine Nonprofit Corporations To Hold Meetings Electronically**

This new law amends the Maine Nonprofit Corporation Act to authorize remote meetings of members of a nonprofit, provided certain criteria are met and also authorizes remote voting by members of a nonprofit.

- Public Law 2021, Chapter 337 / LD 1399 – **An Act To Continue Temporary Modification of Certain In-person Notarization and Acknowledgement Requirements and Developing Permanent Implementation of Remote and Online Notarization**

Shortly after the outbreak of the pandemic, the Governor issued an Executive Order allowing for remote notarization in Maine. This new law codifies that process in statute, though it is scheduled to expire on January 1, 2023. The process is a bit cumbersome and should only be attempted after developing a checklist to ensure that your process is

compliant with the requirements of the law (read the statute and re-read the statute). That being said, the statute does provide a safe haven for notarial acts that are in “substantial compliance” with the new law. Before this temporary authority is scheduled to sunset, the Secretary of State is directed to submit recommended legislation to permanently authorize remote, and possibly, online notarization.

General Interest:

- **Public Law 2021, Chapter 153 / LD 894 – An Act to Increase Government Accountability by Removing the Restriction on the Dissemination of Information Regarding Investigations**

In a minor victory for transparency, this new law repeals existing law that prohibits law enforcement from confirming or denying the existence of an investigative record. While this does not create a right to access investigative records, you can at least be told whether or not an investigation exists.

- **Public Law 2021, Chapter 207 / LD 690 – An Act To Ensure That Victims of Assault, Battery and False Imprisonment, Including Victims of Domestic Violence, Have Parity under Tort Law**

This new law amends Title 14 so that the intentional torts of assault and battery and false imprisonment have a six-year statute of limitations as opposed to the previous two-year statute of limitations. Libel and slander continue to have the shorter statute of limitations.

- **Public Law 2021, Chapter 451 / LD 1692 – An Act To Improve Judicial Branch Facilities in Hancock County**

This new law authorizes the Maine Governmental Facilities Authority to borrow for purposes of acquiring and improving Judicial Branch facilities in Hancock County. This is in addition to existing authority for improvements to Judicial Branch facilities in Oxford, Waldo, and York Counties.

- **Public Law 2021, Chapter 382 / LD 737 – An Act To Increase the Value of Property Exempt from Attachment and Execution**

This new law increases the value of various types of property that are exempt from attachment and execution under 14 M.R.S.A. § 4422. Additionally, there are some changes in how residences are addressed. Further, this amendment to existing law creates a new class of exempt property – cash and deposit accounts are exempt property up to \$3,000.

STATE OF MAINE

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H.P. 101 - L.D. 145

An Act To Amend the Maine Uniform Probate Code

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine Uniform Probate Code took effect September 1, 2019, but the new confidentiality of records provisions applicable to adult guardianships, conservatorships and other protective arrangements were delayed until January 1, 2021 to allow the development and adoption of rules governing those records by the Supreme Judicial Court; and

Whereas, the rules governing confidentiality of Probate Court records have not yet been adopted; and

Whereas, the effective date of the statutory provisions should be delayed until the rules are adopted and any appropriate statutory amendments can be made; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 18-C MRSA §3-108, sub-§1, ¶D, as amended by PL 2019, c. 417, Pt. A, §4, is further amended to read:

D. An Regardless of whether the decedent dies before, on or after the effective date of this Code, an informal appointment or a formal testacy or appointment proceeding may be commenced more than 3 years after the decedent's death if no proceeding concerning the succession or estate administration has occurred within the 3-year period after the decedent's death, but the personal representative has no right to possess estate assets as provided in section 3-709 beyond that necessary to confirm title in the successors to the estate, and claims other than expenses of administration may not be presented against the estate;

Sec. 2. 18-C MRSA §5-308, sub-§4, as enacted by PL 2019, c. 417, Pt. A, §30, is amended to read:

4. Effective date. This section takes effect January 1, ~~2021~~ 2023.

Sec. 3. 18-C MRSA §5-409, sub-§4, as enacted by PL 2019, c. 417, Pt. A, §62, is amended to read:

4. Effective date. This section takes effect January 1, ~~2021~~ 2023.

Sec. 4. 18-C MRSA §5-423, sub-§2, ¶E, as amended by PL 2019, c. 417, Pt. A, §80, is further amended to read:

E. ~~An annual credit report of the individual subject to conservatorship and, to~~ To the extent feasible, a copy of the most recent reasonably available financial statements evidencing the status of bank accounts, investment accounts and mortgages or other debts of the individual subject to conservatorship, with all but the last 4 digits of the account numbers and the individual's social security number redacted, and, if ordered by the court, a credit report of the individual subject to guardianship;

Sec. 5. 18-C MRSA §5-431, sub-§8, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

8. Safeguard rights of individual. Unless the court otherwise orders for good cause, before terminating or modifying a conservatorship, the court shall follow the same procedures to safeguard the rights of the individual subject to conservatorship that apply to a petition for conservatorship.

Sec. 6. 18-C MRSA §5-511, sub-§4, as enacted by PL 2019, c. 417, Pt. A, §95, is amended to read:

4. Effective date. This section takes effect January 1, ~~2021~~ 2023.

Sec. 6. 18-C MRSA §8-301, sub-§2, ¶A-1, as amended by PL 2019, c. 598, §8, is further amended to read:

A-1. The intestate succession provisions of Article 2, Part 1, Subpart 1, the elective share provisions of Article 2, Part 2 ~~and~~, the exempt property and allowances provisions of Article 2, Part 4 and the wrongful death provisions of section 2-807 apply to the estates of decedents who die on or after the effective date;

Sec. 7. Retroactivity. Those sections of this Act that amend the Maine Revised Statutes, Title 18-C, section 5-308, subsection 4, section 5-409, subsection 4 and section 5-511, subsection 4 apply retroactively to January 1, 2021.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

STATE OF MAINE

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H.P. 144 - L.D. 209

An Act Concerning Name Changes for Minors

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 18-C MRSA §1-701, as amended by PL 2019, c. 629, §1, is further amended to read:

§1-701. Petition Process to change name

1. Petition, request; where filed. ~~If a person desires to have that person's name changed, the person may petition the judge in the county where the person resides. If the person is a minor, the person's legal custodian may petition on the person's behalf. If there is a proceeding involving custody or other parental rights with respect to the minor pending in the District Court, the petition must be filed in the District Court. This section governs the process to change the name of a person.~~

A. A person may petition to change that person's name in the Probate Court in the county where the person resides.

B. A parent or guardian of a minor may petition to change a minor's name in the Probate Court in the county where the minor resides, unless the District Court has exclusive jurisdiction pursuant to Title 4, section 152, subsection 5-A, in which case the petition must be filed in the District Court.

C. A parent or guardian may request to change a minor's name as part of a proceeding concerning parentage or other parental rights, including actions for divorce, parental rights and responsibilities, post-judgment motions and any other proceeding involving parental rights with respect to the minor, in the District Court without filing a separate petition if the parent or guardian asserts good cause.

D. A minor may petition for a name change through an emancipation proceeding without filing a separate petition if the minor asserts good cause.

E. A change of a minor's name may not be ordered pursuant to a protection from abuse order under Title 19-A, section 4007.

For purposes of this section, "parent" means a person who, with respect to the minor, has established parentage pursuant to Title 19-A, chapter 61 and whose parental rights have not been terminated.

For purposes of this section, "guardian" means a person appointed by a court to make decisions with respect to the personal affairs of an individual. "Guardian" includes a coguardian and a permanency guardian appointed under Title 22, section 4038-C but does not include a guardian ad litem.

2. Notice and name change; adults; notice. Upon receipt of a petition filed under subsection 1, paragraph A, the judge court, after due notice, may change the name of the person who is an adult. To protect the person's safety of the person for whom the name change is sought, the judge court may limit the notice required if the person shows by a preponderance of the evidence that: the person is currently in reasonable fear of the person's safety.

B. The person is currently in reasonable fear of the person's safety.

2-A. Notice and name change; minors. A parent or guardian who has filed a petition under subsection 1, paragraph B or has requested a name change in a District Court proceeding under subsection 1, paragraph C shall provide notice pursuant to the applicable rules of procedure to any other parent, any guardian and any person or agency with legal custody of the minor; to the guardian ad litem if one is currently appointed; and to the minor if the minor is 14 years of age or older, but does not need to publish notice of the minor's name change unless the court orders that notice of the name change of the minor be published due to the specific circumstances of the case. To protect the safety of the minor for whom the name change is sought, the court may limit notice required if the parent who has sole parental rights and responsibilities shows by a preponderance of the evidence that:

A. The minor is a victim of abuse; or

B. The minor or petitioner is currently in reasonable fear of the minor's or petitioner's safety.

2-B. Evaluation of minor's name change. Upon proof of service of the notice required under subsection 2-A and after providing an opportunity for those entitled to notice to respond to the petition:

A. The court shall change a minor's name by agreement of all parties, which a party may indicate by signing a waiver; or

B. In the event that not all parties agree to the name change, the court shall consider the following factors to assess whether the request or petition is in the best interest of the minor:

(1) The minor's expressed preference, if the minor is of sufficient age and maturity to articulate a basis for preferring a particular name;

(2) If the minor is 14 years of age or older, whether the minor consents or objects to the name change petition;

(3) The extent to which the minor uses a particular name;

(4) Whether the minor's name is different from any of the minor's siblings and the degree to which the minor associates and identifies with siblings on any side of the minor's family;

(5) The difficulties, harassment or embarrassment that the minor may experience by bearing the current or proposed name; and

(6) Any other factor the court considers relevant to the minor's best interests, including the factors outlined in Title 19-A, section 1653, subsection 3.

If the court finds that the name change is in the best interest of the minor by a preponderance of the evidence, the court shall change the minor's name.

3. Record. The judge court shall make and preserve a record of a name change. If the judge court limited the notice required under subsection 2 or 2-A, the judge court may ~~seal~~ make the record of the name change confidential or not public.

4. Filing fee. The fee for filing a name change petition is \$40.

5. Background checks. The judge court may require a person seeking a name change to undergo one or more of the following background checks: a criminal history record check; a motor vehicle record check; or a credit check. The judge court may require the person to pay the cost of each background check required.

6. Denial of petition brought for improper purpose. The judge court may not change the name of a person if the judge court has reason to believe that the person is seeking the name change for purposes of defrauding another person or entity or for purposes otherwise contrary to the public interest.

Sec. 2. 19-A MRSA §1653, sub-§2, ¶F is enacted to read:

F. The court may order that a minor's name be changed pursuant to Title 18-C, section 1-701.

Sec. 3. 19-A MRSA §1843, sub-§3, as enacted by PL 2015, c. 296, Pt. A, §1 and affected by Pt. D, §1, is repealed and the following enacted in its place:

3. Change of name. Title 18-C, section 1-701 governs all name changes of minors.

STATE OF MAINE

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H.P. 530 - L.D. 719

Resolve, To Establish the Commission To Create a Plan To Incorporate the Probate Courts into the Judicial Branch

Preamble. Whereas, the existing probate court system established pursuant to the Constitution of Maine, Article VI, Section 6 was conditionally repealed by a vote of the people of Maine in 1967; and

Whereas, the effective date of repeal was dependent upon the creation of a different probate court system with full-time probate judges by the Legislature; and

Whereas, a different probate court system has not been created since the repeal and the Legislature has not considered a plan to establish a probate court system with full-time judges; and

Whereas, to honor the intent of a long-standing vote of Maine people and ensure that Maine people currently have the same access to justice in all Maine courts; now, therefore, be it

Sec. 1. Commission established. Resolved: That the Commission To Create a Plan To Incorporate the Probate Courts into the Judicial Branch, referred to in this resolve as "the commission," is established.

Sec. 2. Commission membership. Resolved: That, notwithstanding Joint Rule 353, the commission consists of 15 members appointed as follows:

1. Two members of the Senate appointed by the President of the Senate, including one member from each of the 2 parties holding the largest number of seats in the Legislature;
2. Three members of the House of Representatives appointed by the Speaker of the House of Representatives, including members from each of the 2 parties holding the largest number of seats in the Legislature;
3. Three members appointed by the Chief Justice of the Supreme Judicial Court;
4. One member who is a member of the Maine Probate Judges Assembly appointed by the Speaker of the House of Representatives;

5. One member who is a register of probate appointed by the Speaker of the House of Representatives;

6. One member who is a judicial branch clerk appointed by the Chief Justice of the Supreme Judicial Court;

7. One member who is a member of the Probate and Trust Law Advisory Commission appointed by that commission;

8. One member who is a member of the Family Law Advisory Commission appointed by that commission; and

9. Two members who are members of the Maine State Bar Association, one of whom is a member of a nonprofit organization providing statewide free legal services, appointed by the Speaker of the House of Representatives.

Sec. 3. Chairs; subcommittees. Resolved: That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the commission. The chairs of the commission are authorized to establish subcommittees to work on the duties listed in section 5 and to assist the commission. Any subcommittees established by the chairs must be composed of members of the commission and interested persons who are not members of the commission and who volunteer to serve on the subcommittees without reimbursement.

Sec. 4. Appointments; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the commission. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business.

Sec. 5. Duties. Resolved: That the commission shall create a plan for a probate court system with full-time judges. The commission may consider for inclusion in the plan any features that the commission determines relevant, including, but not limited to, features that will ensure timely, convenient and meaningful access to justice, promote judicial responsibility and adherence to the code of judicial responsibility, provide for qualified full-time judges, provide adequate professional staff, reflect efficient practices in scheduling and case management throughout the system, allow for convenient and consumer-friendly processing of matters that are not contested and reflect economies of scale in all appropriate operational aspects. The commission shall describe how the system would be funded.

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the commission, except that Legislative Council staff support is not authorized when the Legislature is in regular or special session.

Sec. 7. Information and assistance. Resolved: That the Administrative Office of the Courts and registers of probate shall provide to the commission information and assistance requested by the commission and required for the commission to perform its duties.

Sec. 8. Report. Resolved: That, no later than December 1, 2021, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Judiciary. The Joint Standing Committee on Judiciary may report out a bill regarding the subject matter of the report to the Second Regular Session of the 130th Legislature.

STATE OF MAINE

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H.P. 157 - L.D. 222

An Act To Update the Maine Parentage Act

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 19-A MRSA §1844, sub-§1, ¶A, as enacted by PL 2015, c. 296, Pt. A, §1 and affected by Pt. D, §1, is amended to read:

A. All signatories to an acknowledgment of paternity parentage or denial of parentage as provided in subchapter 3; and

Sec. 2. 19-A MRSA §1851, sub-§3, as enacted by PL 2015, c. 296, Pt. A, §1 and affected by Pt. D, §1, is amended to read:

3. Acknowledgment. An effective voluntary acknowledgment of paternity parentage under subchapter 3;

Sec. 3. 19-A MRSA c. 61, sub-c. 3, headnote is amended to read:

SUBCHAPTER 3

VOLUNTARY ACKNOWLEDGMENT OF PATERNITY PARENTAGE

Sec. 4. 19-A MRSA §1861, as enacted by PL 2015, c. 296, Pt. A, §1 and affected by Pt. D, §1, is amended to read:

§1861. Acknowledgment of paternity parentage

~~The woman who gives birth to a child and a man, not her spouse, claiming to be the genetic father of the child~~ following persons may sign an acknowledgment of paternity with intent parentage to establish paternity parentage of a child:

1. Woman who gave birth. A woman who gave birth to the child and who is not a gestational carrier;

2. Alleged genetic parent. A person who is the alleged genetic parent of the child and who is not a donor;

3. Presumed parent. A presumed parent of the child pursuant to subchapter 4, except that a presumed parent pursuant to section 1881, subsection 3 must meet the requirements of that subsection and may not submit an acknowledgment of parentage for at least 2 years from the time the child was born or adopted; and

4. Intended parent. An intended parent of the child pursuant to subchapter 7.

Sec. 5. 19-A MRSA §1862, as corrected by RR 2015, c. 1, §12, is amended to read:

§1862. Execution of acknowledgment of paternity parentage

1. Requirements. An acknowledgment of paternity parentage under section 1861 must:

A. Be in a record;

B. Be signed, or otherwise authenticated, under penalty of perjury by the woman giving who gave birth to the child, other than a gestational carrier, and by the ~~man~~ person seeking to establish his paternity parentage of the child;

C. State that:

(1) There is no other presumed parent of the child or, if there is another presumed parent, state that parent's full name; and

(2) There is no other acknowledged ~~father and no parent,~~ adjudicated parent ~~of the child or intended parent pursuant to subchapter 7~~ other than the woman giving who gave birth to the child;

D. State whether there has been genetic testing and, if so, that the acknowledging ~~man's~~ person's claim of paternity parentage is consistent with the results of the testing; and

~~E. State that the man signing the acknowledgment believes himself to be the biological father; and~~

F. State that the signatories understand that the acknowledgment is the equivalent of a court determination of paternity parentage of the child and that a challenge to the acknowledgment is permitted only under limited circumstances and is barred after 2 years.

2. Notice. ~~Before the woman giving birth or alleged father may sign an acknowledgment of paternity~~ an acknowledgment is executed under section 1861, the woman giving who gave birth and the ~~putative father~~ acknowledging parent must be given oral and written notice of the alternatives to, the legal consequences of and the rights and responsibilities that arise from signing the acknowledgment.

3. Acknowledgment voidable. An acknowledgment of paternity parentage under section 1861 is voidable if it:

A. States that another person is a presumed parent, unless a denial of parentage signed or otherwise authenticated by the presumed parent is filed with the State Registrar of Vital Statistics;

B. States that another person is an acknowledged ~~father or parent,~~ adjudicated parent or intended parent; or

C. Falsely denies the existence of a ~~presumed parent, acknowledged father or adjudicated parent~~ with rights of parentage of the child under this chapter.

~~4. Presumed parent.~~ A man who is a presumed parent under section 1881, subsection 3 may sign or otherwise authenticate an acknowledgment of paternity in accordance with the requirements of this subchapter.

Sec. 6. 19-A MRSA §1863, first ¶, as enacted by PL 2015, c. 296, Pt. A, §1 and affected by Pt. D, §1, is amended to read:

A person presumed to be a parent under section 1881 or an alleged genetic parent may execute a denial of parentage only in the limited circumstances set forth in this section. A denial of parentage is valid only if:

Sec. 7. 19-A MRSA §1863, sub-§1, as enacted by PL 2015, c. 296, Pt. A, §1 and affected by Pt. D, §1, is amended to read:

1. Acknowledgment. An acknowledgment of paternity parentage signed or otherwise authenticated by ~~another man~~ is filed pursuant to this subchapter;

Sec. 8. 19-A MRSA §1863, sub-§3, ¶A, as enacted by PL 2015, c. 296, Pt. A, §1 and affected by Pt. D, §1, is amended to read:

A. Acknowledged paternity parentage, unless the previous acknowledgment has been rescinded pursuant to section 1867 or successfully challenged pursuant to section 1868; or

Sec. 9. 19-A MRSA §1864, as enacted by PL 2015, c. 296, Pt. A, §1 and affected by Pt. D, §1, is amended to read:

§1864. Filing of an acknowledgment of ~~paternity and related~~ parentage or denial of parentage

1. Acknowledgment and denial. An acknowledgment of ~~paternity and related parentage and~~ denial of parentage under this subchapter must be signed after the birth of the child and filed with the State Registrar of Vital Statistics and may be contained in a single document or may be signed in counterparts ~~and may be~~ filed separately or simultaneously. If the acknowledgment and denial are both necessary, neither is valid until both are filed.

2. Effective date. Subject to subsection 1, an acknowledgment of paternity parentage or denial of parentage takes effect on the date of the birth of the child or on the filing of the document with the State Registrar of Vital Statistics, whichever occurs later.

3. Signed by minor. An acknowledgment of paternity parentage or denial of parentage signed by a minor is valid if it is otherwise in compliance with this chapter.

Sec. 10. 19-A MRSA §1865, as enacted by PL 2015, c. 296, Pt. A, §1 and affected by Pt. D, §1, is amended to read:

§1865. Equivalent to adjudication

1. Acknowledgment. Except as otherwise provided in sections 1867 and 1868, a valid acknowledgment of paternity parentage under section 1861 filed with the State Registrar of Vital Statistics is equivalent to an adjudication of parentage of a child and confers upon the acknowledged ~~father~~ parent all of the rights and duties of a parent.

2. Denial. Except as otherwise provided in section 1867 and section 1868, subsection 1, a valid denial of parentage under section 1863 filed with the State Registrar of Vital

Statistics in conjunction with a valid acknowledgment of paternity parentage under section 1861 is equivalent to an adjudication of the nonparentage of the presumed parent or alleged genetic parent and discharges the presumed parent or alleged genetic parent from all rights and duties of a parent.

Sec. 11. 19-A MRS §1866, as enacted by PL 2015, c. 296, Pt. A, §1 and affected by Pt. D, §1, is amended to read:

§1866. No filing fee

The State Registrar of Vital Statistics may not charge a fee for filing an acknowledgment of paternity parentage or denial of parentage ~~under section 1864~~.

Sec. 12. 19-A MRS §1867, as enacted by PL 2015, c. 296, Pt. A, §1 and affected by Pt. D, §1, is amended to read:

§1867. Proceeding for rescission

A signatory may rescind an acknowledgment of paternity parentage or denial of parentage under this subchapter by commencing a court proceeding to rescind before the earlier of: subject to section 1869, subsection 4.

1. Sixty days after effective date Timing. ~~Sixty days after the effective date of the acknowledgment or denial, as provided in section 1864; and~~ The court proceeding to rescind an acknowledgment of parentage or denial of parentage must be commenced before the earlier of:

A. Sixty days after the effective date of the acknowledgment or denial, as provided in section 1864; and

B. The date of the first hearing, in a court proceeding to which the signatory is a party, to adjudicate an issue relating to the child, including a proceeding seeking child support.

~~**2. Date of first hearing.** The date of the first hearing, in a proceeding to which the signatory is a party, before a court to adjudicate an issue relating to the child, including a proceeding seeking child support.~~

3. Notice. If an acknowledgment of parentage is rescinded under this section, any associated denial of parentage becomes invalid, and the Office of Data, Research and Vital Statistics shall notify the woman who gave birth to the child and any person who signed a denial of parentage of the child that the acknowledgment of parentage has been rescinded. Failure to give notice required by this section does not affect the validity of the rescission.

Sec. 13. 19-A MRS §1868, as corrected by RR 2015, c. 1, §13, is amended to read:

§1868. Challenge to acknowledgment

1. Challenge by signatory. After the period for rescission under section 1867 has expired, a signatory of an acknowledgment of paternity parentage or denial of parentage may commence a proceeding to challenge the acknowledgment or denial only:

A. On the basis of fraud, duress, coercion, threat of harm or material mistake of fact; and

B. Within 2 years after the acknowledgment or denial is filed with the State Registrar of Vital Statistics.

2. Challenge by person not a signatory. If an acknowledgment of paternity parentage has been made in accordance with this subchapter, ~~an individual~~ a person who is neither the child nor a signatory to the acknowledgment of paternity parentage and who seeks to challenge the validity of the acknowledgment and adjudicate parentage must commence a proceeding not later than 2 years after the effective date of the acknowledgment, as provided in section 1864, unless the ~~individual~~ person did not know and could not reasonably have known of the ~~individual's~~ person's potential ~~genetic~~ parentage on account of material misrepresentation or concealment, in which case the proceeding must be commenced no later than 2 years after discovery.

3. Burden of proof. A party challenging an acknowledgment of paternity parentage or denial of parentage pursuant to this section has the burden of proof.

4. Consolidation. A court proceeding in which the validity of an acknowledgment of parentage is challenged may be consolidated with any other pending court actions regarding the child.

Sec. 14. 19-A MRSA §1869, as enacted by PL 2015, c. 296, Pt. A, §1 and affected by Pt. D, §1, is amended to read:

§1869. Procedure for rescission or challenge

1. Every signatory party. Every signatory to an acknowledgment of paternity parentage and ~~any related~~ denial of parentage under this subchapter must be made a party to a proceeding under section 1867 or 1868 to rescind or challenge the acknowledgment or denial.

2. Submission to personal jurisdiction. For the purpose of rescission of or challenge to an acknowledgment of paternity parentage or denial of parentage, a signatory submits to personal jurisdiction of this State by signing the acknowledgment or denial, effective upon the filing of the document with the State Registrar of Vital Statistics pursuant to section 1864.

3. Suspension of legal responsibilities. Except for good cause shown, during the pendency of a proceeding under section 1867 or 1868 to rescind or challenge an acknowledgment of paternity parentage or denial of parentage, the court may not suspend the legal responsibilities of a signatory arising from the acknowledgment, including the duty to pay child support.

4. Proceeding to rescind or challenge. A proceeding under section 1867 or 1868 to rescind or challenge an acknowledgment of paternity parentage or denial of parentage must be conducted as a proceeding to adjudicate parentage under subchapter 1.

5. Amendment to birth record. At the conclusion of a proceeding under section 1867 or 1868 to rescind or challenge an acknowledgment of paternity parentage or denial of parentage, the court shall order the State Registrar of Vital Statistics to amend the birth record of the child, if appropriate.

Sec. 15. 19-A MRSA §1870, as enacted by PL 2015, c. 296, Pt. A, §1 and affected by Pt. D, §1, is amended to read:

§1870. Ratification not permitted

A court or administrative agency conducting a judicial or administrative proceeding may not ratify an unchallenged acknowledgment of paternity parentage under section 1861.

Sec. 16. 19-A MRSA §1871, as enacted by PL 2015, c. 296, Pt. A, §1 and affected by Pt. D, §1, is amended to read:

§1871. Forms for acknowledgment and denial of paternity parentage

To facilitate compliance with this subchapter, the State Registrar of Vital Statistics shall prescribe forms for the acknowledgment of paternity parentage and the denial of parentage. A valid acknowledgment of paternity parentage or denial of parentage is not affected by a later modification of the prescribed form.

Sec. 17. 19-A MRSA §1872, as enacted by PL 2015, c. 296, Pt. A, §1 and affected by Pt. D, §1, is amended to read:

§1872. Release of information

The State Registrar of Vital Statistics may release information relating to an acknowledgment of paternity parentage under section 1861 as provided in Title 22, section 2706.

Sec. 18. 19-A MRSA §1924, sub-§3, as enacted by PL 2015, c. 296, Pt. A, §1 and affected by Pt. D, §1, is amended to read:

3. Consent form. Consent under subsection 1 executed via a consent form adopted by the Office of Data, Research and Vital Statistics must be accepted and relied upon for purposes of issuing a birth record. Nothing in this subsection precludes a person from filing a voluntary acknowledgment of parentage under subchapter 3.

Sec. 19. 19-A MRSA §3016, sub-§10, as enacted by PL 2003, c. 436, §25, is amended to read:

10. Voluntary acknowledgment admissible. A voluntary acknowledgment of paternity parentage, certified as a true copy, is admissible to establish parentage of the child.

Sec. 20. Effective date. This Act takes effect October 1, 2021.

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
H.P. 243 - L.D. 345

**An Act Updating Certain Probate Filing and Certification Fees To Reflect
Current Costs**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 18-C MRSA §1-602, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

§1-602. Filing and certification fees

The person making the request shall pay the register the following fees for filing or certifying documents.

1. Certification. For making and certifying to the register of deeds copies of devises of real estate, abstracts of petitions for appointment of a personal representative or for an elective share and any other document for which certification is required, the fee is ~~\$15~~ \$20 plus the fee for recording as provided by Title 33, section 751, except as otherwise expressly provided by law. The fee must be paid by the personal representative, petitioner or other person filing the document to be certified when the copy of the devise, abstract, petition for elective share or other document for which certification is required is requested. The register of probate shall deliver the certified document to the register of deeds together with the fee for recording as provided by Title 33, section 751.

2. Filing. For receiving and entering each petition or application for all estates, testate and intestate, including foreign estates, and the filing of a notice by a domiciliary foreign personal representative, except for the filing of a successor personal representative, when the value of the estate is:

- A. \$10,000 and under, the fee is ~~\$20~~ \$40;
- B. \$10,001 to \$20,000, the fee is ~~\$40~~ \$60;
- C. \$20,001 to \$30,000, the fee is ~~\$60~~ \$75;
- D. \$30,001 to \$40,000, the fee is ~~\$75~~ \$95;
- E. \$40,001 to \$50,000, the fee is ~~\$95~~ \$125;
- F. \$50,001 to \$75,000, the fee is ~~\$125~~ \$190;

- G. \$75,001 to \$100,000, the fee is ~~\$190~~ \$250;
- H. \$100,001 to \$150,000, the fee is ~~\$250~~ \$325;
- I. \$150,001 to \$200,000, the fee is ~~\$325~~ \$375;
- J. \$200,001 to \$250,000, the fee is ~~\$375~~ \$450;
- K. \$250,001 to \$300,000, the fee is ~~\$450~~ \$500;
- L. \$300,001 to \$400,000, the fee is ~~\$500~~ \$575;
- M. \$400,001 to \$500,000, the fee is ~~\$575~~ \$625;
- N. \$500,001 to \$750,000, the fee is ~~\$625~~ \$700;
- O. \$750,001 to \$1,000,000, the fee is ~~\$700~~ \$750;
- P. \$1,000,001 to \$1,500,000, the fee is ~~\$750~~ \$875;
- Q. \$1,500,001 to \$2,000,000, the fee is ~~\$875~~ \$950; or
- R. More than \$2,000,000, the fee is ~~\$950~~ \$1,200, and continuing in steps of ~~\$100~~ \$250 for every increase in value of \$500,000 or part thereof above \$2,500,000.

For filing a will for no probate, ~~there the fee is no charge~~ \$15.

For filing a will to be probated and without an appointment, the fee is ~~\$15~~ \$20.

3. Copies of court records. For making copies from the records of the court, the fee is \$1 for each page.

4. Certificate of appointment. For each certificate, under seal of the court, of the appointment and qualification of a personal representative, guardian, conservator or trustee, the fee is ~~\$5~~ \$10, and for each double certificate, the fee is ~~\$10~~ \$20.

5. Petition for appointment as guardian. For filing a petition for appointment as guardian, the fee is ~~\$50~~ \$90.

6. Application for involuntary hospitalization. For filing an application for involuntary hospitalization, the fee is \$10.

7. Petition for guardian and conservator. For filing a joined petition for guardian and conservator, the fee is ~~\$75~~ \$115.

8. Petition for appointment of conservator. For filing a petition for appointment of conservator, the fee is ~~\$50~~ \$90.

9. Petition for elective share. For filing a petition for elective share, the fee is \$120.

10. Subsequent informal appointments. For all other subsequent informal appointments, the fee is ~~\$25~~ \$50.

11. Other formal proceeding. For filing any other formal proceeding, the fee is ~~\$25~~ \$50.

12. Registration of guardianship order from another state or acceptance of transfer. For registering a guardianship order from another state or acceptance of transfer, the fee is ~~\$25~~ \$50.

Sec. 2. 18-C MRSA §1-701, sub-§4, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

4. Filing fee. The fee for filing a name change petition is ~~\$40~~ \$75.

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
S.P. 80 - L.D. 192

**An Act To Define the Responsibilities of Residential Property Owners for the
Maintenance and Repair of Private Roads**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 23 MRSA c. 305, sub-c. 2-A is enacted to read:

SUBCHAPTER 2-A

**MAINTENANCE OF PRIVATE ROADS THAT BENEFIT RESIDENTIAL
PROPERTIES**

**§3121. Responsibility for cost of repairs to and maintenance of private roads that
benefit residential properties**

1. Cost sharing. If more than one property shares a common benefit from a private road, each property owner who shares the common benefit is responsible for a share of the cost of reasonable and necessary repairs to and maintenance of that private road determined pursuant to the terms of any agreement entered into to determine the share of the cost of reasonable and necessary repairs to and maintenance of the private road, any deed restriction, covenant or declaration applicable to the benefited property, any road association created pursuant to this chapter or otherwise or any method elected under section 3101, when applicable. In the absence of any such agreement, restriction, covenant, declaration, road association or method elected under section 3101, each residential property owner, after reasonable due process and notice, shall share equally in the cost of reasonable and necessary repairs to and maintenance of the private road when the private road is the primary means of access to the benefited property. For purposes of this section, each residential property may be assessed only one share toward the collective cost of repairs and maintenance regardless of whether there are multiple owners of record for one property.

2. Repairs and maintenance defined. For the purposes of this section, "repairs and maintenance" has the same meaning as set forth in section 3101, subsection 1, paragraph B.

3. Enforcement. If a residential property owner fails to pay that owner's share of the cost of reasonable and necessary repairs to and maintenance of the private road in accordance with subsection 1, after a demand in writing, a legal claim for payment of the amount owed may be brought against that owner by a residential property owner or owners who share a common benefit in the road, either jointly or severally.

4. Conflict. In the event of any conflict between the provisions of this section and an agreement, restriction, covenant, declaration, road association or method elected in section 3101 existing on or entered into after the effective date of this section, the terms of the agreement, restriction, covenant, declaration, road association or method elected in section 3101 control.

5. Exceptions. This section does not apply to:

A. A private road constructed or primarily used for commercial or forest management purposes; or

B. A property owner who issues a ground lease to a 3rd party who maintains a residence on the subject property. As used in this section, "ground lease" means an arrangement under which a property owner leases only land to a lessee and the lessee retains the rights to use the land and any improvements the lessee makes for the term of the lease.

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
S.P. 234 - L.D. 596

An Act To Improve the Law Regarding Abandoned Roads

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 23 MRSA §3028, as amended by PL 2015, c. 464, §7, is repealed.

Sec. 2. 23 MRSA §3028-A is enacted to read:

§3028-A. Abandonment of town ways

Beginning October 1, 2021, a town way, or portion thereof, may not be declared discontinued by abandonment unless the municipality or county where the proposed abandoned town way is situated complies with the requirements of this section. A municipality or its officials or a county or its officials are not liable for nonperformance of a legal duty with respect to a town way declared discontinued by abandonment in accordance with this section.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Affected property" means real property that abuts the town way to be declared discontinued by abandonment and real property for which the town way is the only access route.

B. "Best practicable notice" means, at minimum, the mailing of notice by the United States Postal Service, postage prepaid, first class, to affected property owners whose addresses appear in the assessment records of the municipality or county.

2. Declaration of abandonment. Municipal officers or county commissioners may vote to declare a town way discontinued by abandonment if:

A. For a period of 30 or more consecutive years, the town way was not kept passable for the use of motor vehicles at the expense of the municipality or county. Isolated acts of maintenance by the municipality or county without other evidence that shows a clear intent by the municipality or county to consider or use the town way as if it were a public way as defined in section 1903, subsection 11 does not negate evidence that the town way was not kept passable for the use of motor vehicles; and

B. The municipal officers or county commissioners vote to declare the town way discontinued by abandonment at a regularly scheduled meeting of the municipal officers or county commissioners. If the municipal officers or county commissioners vote to declare a town way discontinued by abandonment, they must also vote on whether a public easement is retained.

A municipality or county may not declare a town way discontinued by abandonment if evidence is presented to the municipal officers or county commissioners at a meeting held pursuant to paragraph B or a public hearing held pursuant to subsection 4 that the municipality or county received funds for any portion of the town way that is the subject of the discontinuance by abandonment for more than 84 months of the period of 30 or more consecutive years specified in paragraph A.

3. Notification of discontinuation by abandonment. The municipal officers or county commissioners shall give best practicable notice to all affected property owners of the town way to be declared discontinued by abandonment at least 30 days prior to the meeting required in subsection 2, paragraph B.

A. The notice must include information regarding the potential retention of a public easement, and:

(1) The affected property owners' maintenance obligations for and right of access to the town way, if any;

(2) The right of access to the town way by the public if a public easement is retained; and

(3) Information regarding the rights of affected property owners to enter into agreements regarding maintenance of and access to that town way, including the right of affected property owners to create private easements.

B. If the town way to be declared discontinued by abandonment is the only means of access to property in an adjacent municipality or county, the municipal officers or county commissioners shall cause a written notice of the meeting required in subsection 2, paragraph B to be given to the municipal officers or county commissioners of the adjacent municipality or county at least 30 days prior to that meeting.

4. Public hearing. The municipal officers or county commissioners shall hold a public hearing prior to voting to declare a town way discontinued by abandonment under subsection 2 upon receipt of written request signed by at least 25% of affected property owners. The written request for a public hearing must be received by the municipal clerk or county clerk no more than 10 days after the notification issued pursuant to subsection 3.

5. Status of town way discontinued by abandonment. If the municipal officers or county commissioners vote to declare a town way discontinued by abandonment, the interests of the municipality or county in the abandoned town way pass as follows.

A. If the municipal officers or county commissioners vote to not retain a public easement in the abandoned town way, all interests of the municipality or county in the town way, if any, pass to the abutting property owners to the center of the town way.

B. If the municipal officers or county commissioners vote to retain a public easement in the abandoned town way, all other interests of the municipality or county in the town way, if any, pass to the abutting property owners to the center of the town way and the

public easement retained is limited to rights of access by foot or motor vehicle as defined in Title 29-A, section 101, subsection 42.

An easement for public utility facilities necessary to provide or maintain service remains in a town way declared to be discontinued by abandonment regardless of whether a public easement is retained by the municipality or county.

6. Filing in registry of deeds. If the municipal officers or county commissioners vote to declare a town way discontinued by abandonment, the municipal clerk or county clerk shall record an attested certificate of the discontinuance by abandonment in the registry of deeds in the county where the abandoned town way is situated.

A. The certificate of discontinuance by abandonment may not be filed before the appeal period in subsection 7 has passed or, if an appeal is filed, before the appeal process has ended.

B. The certificate of discontinuance by abandonment must list the date of the vote by the municipal officers or county commissioners, describe the town way and include whether a public easement was retained.

C. The register of deeds shall record the certificate of discontinuance by abandonment under the name of the town way, the name of the municipality or county and the names of the affected property owners. The municipal clerk or county clerk shall provide a photocopy of the certificate to the Department of Transportation, Bureau of Maintenance and Operations.

7. Appeal. Notwithstanding section 3029, a person affected by a vote to declare a town way discontinued by abandonment may appeal the decision by filing a written appeal request within 10 days of the vote as follows:

A. With the municipal clerk for an appeal of a vote by the municipal officers in a municipality with a board of appeals authorized to hear the appeal;

B. With the county clerk for an appeal of a vote by the municipal officers in a municipality that does not have a board of appeals authorized to hear the appeal; or

C. With the county clerk for an appeal of a vote by the county commissioners.

Within 15 days after receiving a written appeal request filed pursuant to this subsection, the municipal clerk or county clerk shall schedule a public hearing on the appeal before the municipal board of appeals or county commissioners and provide written notice of the hearing date to the municipal officers or county commissioners and the person filing the appeal request. The public hearing must occur no more than 30 days after the appeal request is received.

A person aggrieved by the decision of the municipal board of appeals or county commissioners pursuant to this subsection may appeal the decision to the Superior Court in the county where the town way is situated, pursuant to the Maine Rules of Civil Procedure, Rule 80B.

8. Quasi-judicial act. The determination of the municipal officers regarding the status of a town way pursuant to this section is a quasi-judicial act under Title 14, section 8104-B, subsection 2.

9. Previously abandoned town ways. This section does not alter the status of a town way abandoned by a municipality or county under the terms of former section 3028.

10. Common law abandonment. This section does not alter the ability of a town way to be abandoned under the common law presumption of abandonment.

11. Removal of obstructions. If the municipal officers or county commissioners have declared a town way discontinued by abandonment and have retained a public easement in the abandoned town way under this section, the municipality, county commissioners or an abutter on the way, acting with the written permission of the municipal officers or county commissioners, may remove any gates, bars or other obstructions in the town way.

Sec. 3. Effective date. This Act takes effect October 1, 2021.

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
H.P. 244 - L.D. 346

An Act Requiring the Use of Propane and Natural Gas Detectors

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 25 MRSA §2469 is enacted to read:

§2469. Fuel gas detectors

1. Fuel gas detector. As used in this section, unless the context otherwise indicates, "fuel gas detector" means a device:

- A. With an assembly that incorporates a sensor control component and an alarm notification that detects elevations in propane, natural gas or any liquified petroleum gas;
- B. That sounds a warning alarm; and
- C. That is approved or listed for the purpose specified in paragraph B by a nationally recognized independent testing laboratory.

A fuel gas detector may be battery-operated, plugged into an electrical outlet or hardwired.

2. Fuel gas detector required. The building owner shall install, or cause to be installed, in accordance with the manufacturer's requirements at least one approved fuel gas detector in every room containing an appliance fueled by propane, natural gas or any liquified petroleum gas in:

- A. Each unit in any building of multifamily occupancy;
- B. A fraternity house, sorority house or dormitory that is affiliated with an educational facility;
- C. A children's home, emergency children's shelter, children's residential care facility, shelter for homeless children or specialized children's home as defined in Title 22, section 8101, subsections 1, 2, 4, 4-A and 5, respectively;
- D. A hotel, motel or inn;
- E. A mixed use occupancy that contains a dwelling unit;
- F. A business occupancy;

G. A mercantile occupancy; or

H. An assembly occupancy.

3. Residential rental units. In a residential rental unit occupied under the terms of a rental agreement or under a month-to-month tenancy:

A. At the time of each occupancy, the landlord shall provide fuel gas detectors in accordance with subsection 2 if fuel gas detectors are not already present. Each fuel gas detector must be in working condition. After notification, in writing, by the tenant of any deficiencies in a fuel gas detector, the landlord shall repair or replace the fuel gas detector. If the landlord did not know and had not been notified of the need to repair or replace a fuel gas detector, the landlord's failure to repair or replace the fuel gas detector may not be considered evidence of negligence in a subsequent civil action arising from death, property loss or personal injury; and

B. The tenant shall keep the fuel gas detectors in working condition by keeping the fuel gas detectors connected to the electrical service in the building or keeping charged batteries in battery operated fuel gas detectors, by testing the fuel gas detectors periodically and by refraining from disabling the fuel gas detectors.

4. Transfer of building. A person who, after January 1, 2022, acquires by sale or exchange a building listed in subsection 2, paragraph A shall install fuel gas detectors in accordance with subsection 2 in the acquired building within 30 days of acquisition or occupancy of the building, whichever is later, if fuel gas detectors in accordance with subsection 2 are not already present, and shall certify at the closing of the transaction that fuel gas detectors will be installed. This certification must be signed and dated by the person acquiring the building. A fuel gas detector must be installed in accordance with the manufacturer's requirements at the time of installation in each area containing an appliance fueled by propane, natural gas or liquified petroleum gas. A person may not have a claim for relief against a property owner, a property purchaser, an authorized agent of a property owner or purchaser, a person in possession of real property, a closing agent or a lender for any damages resulting from the operation, maintenance or effectiveness of a fuel gas detector. Violation of this subsection does not create a defect in title.

5. Penalties. A person who violates this section commits a civil violation for which a fine of not more than \$500 for each violation may be adjudged. The court may waive any penalty or cost against a violator upon satisfactory proof that the violation was corrected within 10 days of the issuance of a complaint.

6. Liability. Nothing in this section gives rise to any action against an owner required to comply with subsection 2 or 3 if the owner has conducted an inspection of the required fuel gas detectors immediately after installation and has reinspected the fuel gas detectors prior to occupancy by each new tenant, unless the owner has been given at least 24 hours' actual notice of a defect or failure of the fuel gas detector to operate properly and has failed to take action to correct the defect or failure.

7. Noninterference. A person may not knowingly interfere with or make inoperative any fuel gas detector required by this section, except that the owner or the agent of an owner of a building may temporarily disconnect a fuel gas detector in a dwelling unit or common area only for construction or rehabilitation activities when such activities are likely to activate the fuel gas detector or make it inactive. The fuel gas detector must be immediately

reconnected at the cessation of construction or rehabilitation activities each day, regardless of the intent to return to construction or rehabilitation activities on succeeding days.

Sec. 2. Application. Notwithstanding the Maine Revised Statutes, Title 25, section 2469, subsection 2, paragraphs F, G and H, a business occupancy, a mercantile occupancy or an assembly occupancy in existence on January 1, 2022 shall comply with Title 25, section 2469, subsection 2 by January 1, 2026.

Sec. 3. Effective date. This Act takes effect January 1, 2022.

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
S.P. 485 - L.D. 1508

An Act To Reduce Homelessness by Reducing Evictions

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 14 MRSA §6004, as amended by PL 2015, c. 22, §1, is repealed and the following enacted in its place:

§6004. Commencement of action

1. Summons and complaint; service. The process of forcible entry and detainer must be commenced and service made in the same manner as other civil actions, except that if at least 3 good faith efforts on 3 different days have been made to serve the defendant, service may be accomplished by both mailing the summons and complaint by first-class mail to the defendant's last known address and leaving the summons and complaint at the defendant's last and usual place of abode. If service has been made by mailing and posting the summons and complaint, the plaintiff shall file with the court an affidavit demonstrating that compliance with the requirement of service has occurred. When the plaintiff lives out of the State and a recognizance is required of the plaintiff, any person may recognize in the plaintiff's behalf and is personally liable.

2. Form notice. If the defendant is a residential tenant, the plaintiff shall attach to the summons and complaint that is served on the defendant as provided in subsection 1 a one-page to 2-page form notice provided by the judicial branch in consultation with other resources and posted on the publicly accessible website of the judicial branch, written in language that is plain and readily understandable by the general public, that contains at a minimum the following:

A. A description of the court procedure to be followed in the case, including a clear explanation of the process that must be followed before a tenant is required to vacate a rental unit;

B. A statement that failure to appear at any scheduled status conference or hearing may result in the entry of judgment in favor of the landlord, which would require the tenant to leave the rental unit;

C. A list of rental assistance programs available to residential tenants;

D. A list of resources that provide legal information and representation available to residential tenants;

E. A list of resources that provide housing counseling available to residential tenants;

F. A statement that either party may request, or the court may at any time refer the parties to, mediation on any issue; and

G. A court-approved form to request mediation.

MAINE JUDICIAL BRANCH

RESIDENTIAL FORCIBLE ENTRY AND DETAINER (EVICTION) INFORMATION SHEET AND MEDIATION REQUEST

- You have been served with an eviction complaint and a summons with your court date.
- If you do not attend court on the date your case is scheduled, you will likely have to move out of your home.

Help is available:

Help paying rent:

Contact MaineHousing at: www.mainehousing.org/covidrent or by calling 1-800-452-4668. You can apply online or through a Community Action Agency on the MaineHousing website. If you are eligible for help with rent, you may also be able to get help paying utility bills, getting housing counseling services, help to move, and other services to help you keep stable housing.

Legal Help to Prevent Eviction:

- Attorney Help - If you qualify, you might be able to get free legal help from Pine Tree Legal Assistance or Legal Services for the Elderly.
- Legal Services for the Elderly - Free for those 60 and older: Call 1-800-750-5353.
- Pine Tree Legal Assistance (PTLA) - Free for low income tenants:
Hotline hours are Monday 12:00 – 2:30, Tuesday, Thursday, Friday 9:00 – 11:30. Call 207-774-8211.
- Information Sessions: PTLA holds free weekly eviction information sessions on Tuesdays at 9:00 am. Go to ptla.org/fed for phone or internet/video options to learn more about the eviction process in Maine.

Housing Counseling Help:

Housing counseling services are available from organizations at the following:

<https://apps.hud.gov/offices/hsg/sfh/hcc/hcs.cfm?webListAction=search&searchstate=ME>

Court Process:

- **You must attend your court hearing date on the summons.** The summons says when and how to appear in eviction court for a court hearing, and if it will be in person or by video or phone. If you do not attend your hearing date you may be evicted.
- **You can ask for mediation. Mediation can help to settle your case.** The judge might order your case to mediation before hearing the case. To ask for mediation, you must use the Request for Mediation Form.
- **Questions:** If you have questions please contact the court at the number on the summons.

ADA Notice: The Maine Judicial Branch complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation contact the Court Access Coordinator, accessibility@courts.maine.gov, or a court clerk.

Language Services: For language assistance and interpreters, contact a court clerk or interpreters@courts.maine.gov

MAINE JUDICIAL BRANCH

Mediation in Eviction Cases:

Either party may ask for mediation, or a judge may refer the case to mediation.

What is mediation?

In mediation, a person approved by the court tries to help the parties come to an agreement. This person is called a mediator and is trained to help parties explore solutions without taking sides. Some options for agreement are: a plan for rent payment to keep a tenant in the rented home, setting a move-out date, or some other solution that the tenant and landlord both agree to. Mediation is held on Zoom by video or phone, or in person.

Who will be there?

The mediator, **you**, your lawyer if you have one, **the other party** and the other party’s lawyer if they have one. Others might also be present for support.

How to ask for mediation:

If you would like to mediate your case, send or bring the Request for Mediation form below to the court.

REQUEST FOR MEDIATION

I would like mediation in my case.

I am the defendant (tenant). the plaintiff (landlord).

My Name is (please print): _____

Cell phone: _____

My email address is: _____

Name of the other party listed on the summons and complaint: _____

Address of rental property: _____

To the best of my knowledge, the other party’s cell phone number is: _____

To the best of my knowledge, the other party’s email address is: _____

Personal information in this form will be used only for court purposes and will not be shared with the public.

Date (mm/dd/yyyy): _____

▶ _____

Signature

ADA Notice: The Maine Judicial Branch complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation contact the Court Access Coordinator, accessibility@courts.maine.gov, or a court clerk.
Language Services: For language assistance and interpreters, contact a court clerk or interpreters@courts.maine.gov

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
H.P. 1014 - L.D. 1380

**An Act To Increase Protections for Option Contracts for the Purchase of
Real Property or Rent-to-own Real Property**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 14 MRSA §6203-F, sub-§1-A is enacted to read:

1-A. Mediation. Upon the request of either party, mediation must be provided as set forth in section 6321-A if the premises are owner-occupied residential real property of no more than 4 units and the primary residence of the owner-occupant.

Sec. 2. 14 MRSA §6203-H is enacted to read:

§6203-H. Option contract for purchase of real property or rent-to-own real property

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Option contract for the purchase of real property or rent-to-own real property" means an agreement for the occupancy of purchaser-occupied residential real property of no more than 4 units that is the primary residence of the purchaser in which the purchaser is required to make an initial payment in excess of 4 times the periodic monthly payments required to occupy the premises and any agreement in which a person is induced to occupy such property as a primary residence by a promise or offer to grant ownership of the property to the person at a future date, at the option of the purchaser.

B. "Purchaser" means a person who enters into an option contract for the purchase of real property or rent-to-own real property and thereby obtains an option to purchase the real property.

C. "Vendor" means the owner of real property that is the subject of an option contract for the purchase of real property or rent-to-own real property and who enters into an option contract for the purchase of real property or rent-to-own real property for that real property. A vendor is a creditor under Title 9-A, section 1-301, subsection 17, except that an individual who engages in no more than 2 transactions per year and not more than 4 in a 5-year period may not be considered a creditor for purposes of Title 9-A, section 1-301, subsection 17.

2. Requirements. An option contract for the purchase of real property or rent-to-own real property must:

A. Be in writing;

B. Include a statement that the vendor has inspected the property to be conveyed and certifies that the property is in compliance with sections 6021 and 6021-A, subject to the provisions of section 6021, subsection 5 authorizing a waiver for a stated reduction in payment or other specified fair consideration;

C. Identify the party required to maintain the premises in compliance with sections 6021 and 6021-A;

D. State the amount of the initial payment to secure the option contract for the purchase of real property or rent-to-own real property;

E. State the amount of the monthly payment due;

F. State the date by which the option contract for the purchase of real property or rent-to-own real property must be exercised;

G. State the amount due to exercise the option contract for the purchase of real property or rent-to-own real property;

H. Identify the party responsible to make payments for any real property taxes and homeowner's insurance;

I. State whether the amounts paid for rent, property taxes or homeowner's insurance will be deducted from the amount due to exercise the option contract for the purchase of real property or rent-to-own real property;

J. Include a termination clause that recites the provisions set forth in subsection 4;

K. Include a clear and conspicuous provision above the place for the signature of the purchaser that acknowledges receipt by the purchaser of a copy of the option contract for the purchase of real property or rent-to-own real property; and

L. Include language that in the event the option contract for the purchase of real property or rent-to-own real property is not exercised, the vendor shall return to the purchaser any amounts paid by the purchaser to the vendor at the commencement of the option contract for the purchase of real property or rent-to-own real property in excess of the lesser of:

(1) Four times the monthly rent; and

(2) One percent of the contract price for the purchase of the real property.

3. Recordation. Within 20 days after the option contract for the purchase of real property or rent-to-own real property has been signed by both the vendor and the purchaser, the vendor shall cause a copy of the option contract for the purchase of real property or rent-to-own real property or a memorandum of the option contract for the purchase of real property or rent-to-own real property to be recorded at the purchaser's expense in the registry of deeds in the county where the real property sold under the option contract for the purchase of real property or rent-to-own real property is located. If a memorandum of the option contract for the purchase of real property or rent-to-own real property is recorded, it must be entitled "Memorandum of a Land Installment Contract" and must at a minimum contain the names of the parties, the signatures of the parties, a description of the

real property and the applicable time periods. A person other than a vendor and purchaser may rely on the recorded materials in determining whether the requirements of this subsection have been met.

4. Termination. The following provisions govern the termination of an option contract for the purchase of real property or rent-to-own real property.

A. An option contract for the purchase of real property or rent-to-own real property may be terminated only pursuant to the eviction process set forth chapter 709 if:

(1) The vendor has entered into not more than one contract in any calendar year or 2 contracts in any 5-year period;

(2) The option contract for the purchase of real property or rent-to-own real property does not require an initial payment of more than 4 times the monthly rent charged for the real property;

(3) The option contract for the purchase of real property or rent-to-own real property requires the vendor to maintain the real property pursuant to the provisions of section 6021, unless a waiver pursuant to the provisions of section 6021, subsection 5 has been entered into, and section 6021-A; and

(4) The vendor has otherwise complied with the requirements of this section.

B. If paragraph A does not apply, an option contract for the purchase of real property or rent-to-own real property may be terminated only pursuant to the foreclosure process set forth in section 6203-F.

5. Violations. A violation of this section is a violation of the Maine Unfair Trade Practices Act. In addition to any other rights and remedies a purchaser may have in the law, upon a finding that a violation of this section by a vendor has occurred, a court shall find one or more of the following:

A. The purchaser is entitled to recover all actual damages or \$1,000, whichever is greater;

B. The purchaser may rescind the option contract for the purchase of real property or rent-to-own real property and recover all payments made on the contract; and

C. The purchaser is entitled to recover the aggregate amount of costs, expenses and attorney's fees determined by the court to have reasonably been incurred on the purchaser's behalf in connection with the prosecution or defense of the matter.

Sec. 3. 33 MRS §483 is enacted to read:

§483. Prohibited acts

1. Bad faith avoidance. A person may not in bad faith attempt to avoid the application of this chapter including engaging in subterfuge or designing or structuring a transaction with the purpose of evading the provisions of this chapter.

2. Survival of foreclosure. A land installment contract may not require a purchaser to enter into a promissory note or any other financial instrument or obligation that survives the foreclosure of the purchaser's interest in the real estate, or enforce any such obligation, unless:

A. The term of the promissory note does not exceed the term of the land installment contract;

B. Payments of principal made during the term of the promissory note are credited to reduce the principal due on the note; and

C. After obtaining a judgment for foreclosure and the expiration of the period of redemption set forth in Title 14, section 6203-F, the vendor conducts a sale in the same manner as required for a mortgagee in Title 14, section 6323 and complies with the provisions of Title 14, section 6324 except with the equity of redemption being 60 days.

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
S.P. 40 - L.D. 32

An Act Regarding Remote Participation in Public Proceedings

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the state of emergency declared by the Governor pursuant to the Maine Revised Statutes, Title 37-B, section 742 in response to the public health emergency caused by the spread of the novel coronavirus disease referred to as COVID-19 may terminate sooner than 90 days after the adjournment of the First Special Session of the 130th Legislature; and

Whereas, the Maine Revised Statutes, Title 1, section 403-A governs remote participation in public proceedings of certain public bodies but is automatically repealed 30 days after the termination of the state of emergency declared by the Governor; and

Whereas, there is a need to have in place a law that governs remote participation in public proceedings of certain public bodies after the termination of the state of emergency declared by the Governor; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 1 MRSA §403-B is enacted to read:

§403-B. Remote participation in public proceedings

1. Remote participation. This section governs remote methods of participation in public proceedings of certain public bodies. For the purposes of this section, "remote methods" means telephonic or video technology allowing simultaneous reception of information and may include other means when such means are necessary to provide reasonable accommodation to a person with a disability. Public proceedings may not be conducted by text-only means such as e-mail, text messages or chat functions.

2. Requirements. A public body subject to this subchapter may allow members of the body to participate in a public proceeding using remote methods only under the following conditions:

A. After notice and hearing the body has adopted a written policy governing the conditions upon which members of the body and the public may participate in a public proceeding of that body by remote methods;

B. The policy adopted pursuant to paragraph A must provide that members of the body are expected to be physically present for public proceedings except when being physically present is not practicable. Circumstances in which physical presence for one or more members is not practicable may include:

(1) The existence of an emergency or urgent issue that requires the public body to meet by remote methods;

(2) Illness, other physical condition or temporary absence from the jurisdiction of the body that causes a member of the body to face significant difficulties traveling to and attending in person at the location in the notice under section 406;

(3) With respect to a public body with statewide membership, significant distance a member must travel to be physically present at the location in the notice under section 406; and

(4) The area of the public body's jurisdiction includes geographic characteristics that impede or slow travel, including but not limited to islands not connected by bridges;

C. The policy adopted pursuant to paragraph A must provide members of the public a meaningful opportunity to attend by remote methods when members of the body participate by remote methods, and reasonable accommodations may be provided when necessary to provide access to individuals with disabilities;

D. If the body allows or is required to provide an opportunity for public input during the proceeding, an effective means of communication between the members of the body and the public must be provided;

E. Notice of the proceeding must be provided in accordance with section 406. When the public may attend by remote methods pursuant to paragraphs C and D, the notice must include the means by which members of the public may access the proceeding using remote methods. The notice must also identify a location for members of the public to attend in person. The body may not determine that public attendance at a proceeding will be limited solely to remote methods except under the conditions in paragraph B, subparagraph (1);

F. A member of the body who participates in a public proceeding by remote methods is present for purposes of a quorum and voting;

G. All votes taken during a public proceeding using remote methods must be taken by roll call vote that can be seen and heard if using video technology, and heard if using only audio technology, by the other members of the public body and the public; and

H. The public body must make all documents and other materials considered by the public body available, electronically or otherwise, to the public who attend by remote methods to the same extent customarily available to members of the public who attend

the proceedings of the public body in person, as long as additional costs are not incurred by the public body.

3. Remote participation not permitted. This section does not authorize town meetings held pursuant to Title 30-A, section 2524 or regional school unit budget meetings held pursuant to Title 20-A, section 1482-A to be conducted using remote methods.

4. Application. This section does not apply to:

A. The Legislature; or

B. A public body to which specific statutory provisions for remote participation apply.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
S.P. 271 - L.D. 683

**An Act To Allow Maine Nonprofit Corporations To Hold Meetings
Electronically**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 13-B MRSA §602, sub-§1, as enacted by PL 1977, c. 525, §13, is amended to read:

1. Where held; remote communication. Meetings of members, if any, may be held at such place, either within or without this State, as may be provided in the bylaws or at such place reasonably convenient to members, as determined by the board of directors. In the absence of any such provision, all meetings ~~shall~~ must be held at the registered office of the corporation in this State or, in the discretion of the board of directors, a meeting may be held entirely through means of remote communication without a specific site for the meeting or partially through means of remote communication with those members attending in person at the location provided in the meeting notice. The board of directors may, in its discretion, adopt guidelines and procedures authorizing members who are not physically present at a meeting of members to, by means of remote communication:

A. Participate in a meeting of members; and

B. Be deemed present in person for quorum purposes and vote at a meeting of members, whether such meeting is to be held at a designated place or entirely or partially through means of remote communication, only if:

(1) The corporation has implemented reasonable measures to verify each person participating remotely is a member or proxy holder of a member;

(2) The corporation has implemented procedures to accommodate remote communication; and

(3) If any member or proxy holder votes or takes other action at the meeting by means of remote communication, a record of such vote or other action is maintained by the corporation.

For the purposes of this chapter, "remote communication" means reasonable measures that provide the members or their proxy holders a reasonable opportunity to participate in the meeting and to vote on matters submitted to the members, including an opportunity to

communicate and to read or hear the proceedings of the meeting, substantially concurrently with the proceedings, when not attending in person.

Sec. 2. 13-B MRSA §604, sub-§5, as enacted by PL 2019, c. 200, §2, is amended to read:

5. Voting by electronic transmission; voting remotely. The bylaws may provide, or the board of directors or members may determine, that some or all votes by members, as well as actions taken in accordance with section 606, may be conducted by electronic transmission under procedures established by the corporation. If the board of directors adopts guidelines and procedures under section 602, subsection 1 authorizing members to vote by means of remote communication, votes may be conducted remotely. A vote conducted by electronic transmission or remotely must be filed with the minutes of members' meetings and has the same effect as an in-person vote or a vote by proxy, and votes conducted remotely must be counted for quorum purposes.

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
H.P. 1033 - L.D. 1399

**An Act To Continue Temporary Modification of Certain In-person
Notarization and Acknowledgement Requirements and Developing
Permanent Implementation of Remote and Online Notarization**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Executive Order 37 FY 19/20 as amended by Executive Order 37-A FY 19/20 has provided authorization for remote notarization with appropriate safeguards during the state of emergency declared by the Governor; and

Whereas, the need for providing for remote notarization beyond the state of emergency is universally recognized; and

Whereas, a thorough review of the notarization laws is necessary to update the State's laws and to incorporate long-term remote authorization procedures; and

Whereas, the review and enactment might not be completed by the time the state of emergency terminates; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 4 MRSA §961 is enacted to read:

§961. Continuation of temporary modification of certain in-person notarization and acknowledgement requirements

This section is intended to continue the effect of Executive Order 37 FY 19/20 as amended by Executive Order 37-A FY 19/20 beyond the end of the state of emergency declared by the Governor pursuant to Title 37-B, section 742 until January 1, 2023.

1. Remote notarization. This section applies to all laws of the State that require a signature to be acknowledged, witnessed or notarized in person, with the exceptions of

solemnizing marriages, administering oaths to circulators of state or local direct initiatives of legislation or referendum petitions and nomination petitions of candidates for electoral office and absentee ballots in state and local elections. This section authorizes remote, not electronic, notarization. This section does not affect any requirements under laws of this State pertaining to the taking of sworn statements and acknowledgments by notaries and those authorized to perform notarial acts other than the requirement to appear in person.

2. Requirements. Until January 1, 2023, with the exceptions noted in subsection 1, the enforcement of the laws of this State pertaining to notarization that require the physical presence of the person whose oath is being taken and who is signing a document, referred to in this section as "the signatory," at the same location as the notary public or other person authorized to perform a notarial act, referred to in this section as "the notary," and any witness to the signing are suspended as long as the following conditions are met:

A. The notary is physically within the State while performing the notarial act and follows any additional guidance for remote notarization issued by the Secretary of State;

B. The act of notarization or witnessing required by law is completed remotely using 2-way audio-visual communication technology and:

(1) The 2-way audio-visual communication technology allows direct contemporaneous interaction between the signatory, the notary and any witness by sight and sound in real time. Prerecording is not permitted;

(2) The signatory is reasonably identified by the notary in one of the following ways:

(a) The signatory is personally known to the notary;

(b) The signatory presents a valid photo identification to the notary during the 2-way audio-visual communication; or

(c) The oath or affirmation is provided by a witness who:

(i) Is in the physical presence of either the notary or the signatory; or

(ii) Is able to communicate with the notary and the signatory simultaneously by sight and sound through 2-way audio-visual communication technology at the time of the notarization, if the witness has personal knowledge of the signatory and has been reasonably identified by the notary under division (a) or (b);

(3) The signatory attests to being physically located in the State and affirmatively states the name of the county in which the signatory is located at the time of execution during the 2-way audio-visual communication;

(4) The notary and any witness attest to being physically located in the State during the 2-way audio-visual communication;

(5) For wills and powers of attorney, the notary or at least one witness is an attorney licensed to practice law in the State;

(6) Before any documents are signed, the notary is able to view by 2-way audio-visual communication technology the entire space in which the signatory and any

witness is located, and any person who is present in those spaces states the person's name while in clear view of the notary;

(7) The signatory affirmatively states on the 2-way audio-visual communication which document the signatory is signing, and the notary is provided with a copy of the document prior to the signing;

(8) Each page of the document being witnessed is shown to the notary and any witness on the 2-way audio-visual communication in a means clearly legible to the notary and initialed by the signatory in the presence of the notary and any witness;

(9) The act of signing and of initialing pursuant to subparagraph (8) is captured sufficiently close to the 2-way audio-visual communication technology for the notary to observe;

(10) The signatory transmits by fax or other electronic means, which may include transmitting a photograph of every page by cellular telephone, a legible copy of the entire signed document directly to the notary and any witness immediately after signing the document or, if that is not possible, no later than 24 hours after the signatory's signing of the document;

(11) The signatory sends the original signed document directly to the witness within 96 hours after the signatory's execution of the document or to the notary if no witness is involved;

(12) Within 96 hours after receiving the original signed document from the signatory, the witness signs it and sends it to the 2nd witness, if any, or to the notary if no other witness is involved. Within 96 hours after receiving the original signed document signed by the first witness, the 2nd witness signs it and sends it to the notary. The official date and time of each witness's signature is the date and time when the witness witnesses the signatory's signature using the 2-way audio-visual communication technology; and

(13) Upon review of the original signed document and satisfactory comparison with the faxed or other electronic document provided on the date of signing, the notary notarizes the original document within 96 hours after receiving the original signed document; the official date and time of the notarization is the date and time when the notary witnessed the signature using the 2-way audio-visual communication technology. The notary shall add the following language below the notary and witness signature lines on the original signed document: "Notarized (and/or witnessed) remotely, in accordance with the Maine Revised Statutes, Title 4, section 961."

Any witness required or permitted to properly execute any original document according to law may similarly witness the signing of the document by the signatory using 2-way audio-visual communication technology and may sign as a witness to the document upon receipt of the original document; and

C. A recording of the 2-way audio-visual communication is made and preserved by the notary for a period of at least 5 years from the date of the notarial act. The notary shall provide a copy of the recording to the signatory and the Secretary of State upon request.

3. Validity. Any document that is required under law to be notarized in the presence and hearing or in a similar manner of a signatory, and that is signed, notarized or witnessed in accordance with the terms of this section is deemed to have been signed, notarized or both in the presence and hearing of the signatory.

The validity and recognition of a notarization or witnessing under this section may not prevent an aggrieved person from seeking to invalidate a record or transaction that is the subject of a notarization or from seeking other remedies based on state or federal law other than this section for any reason not addressed in this section, such as incapacity, absence of authority or undue influence.

The failure of a notary or a witness to meet a requirement specified in this section may not invalidate or impair the recognition of a notarization performed by the notary if it was performed in substantial compliance with this section.

4. Remote notarization not required. This section does not require a notary to perform remote notarization.

5. Judicial notice. It is the intent of the Legislature that the acts, records and proceedings under this section receive full faith and credit in the courts of the United States and other states.

Sec. 2. Secretary of State guidance. The Secretary of State shall, using existing budgeted resources or available grants or other funding sources, provide guidance consistent with this Act and protect the integrity of the remote notarization process.

Sec. 3. Secretary of State remote and online notarization study. The Secretary of State shall conduct a study on remote and online notarization and develop recommendations for permanently implementing remote and online notarization in this State. In conducting the study under this section, the Secretary of State shall seek input from a Maine association of real estate agents and the Maine State Bar Association, Maine Bankers Association, Maine Credit Union League, Legal Services for the Elderly, Maine Registers of Deeds Association, Maine Real Estate and Development Association, Uniform Law Commission, Maine Probate and Trust Law Advisory Commission and others.

Sec. 4. Report; legislation. By February 1, 2022, the Secretary of State shall submit a report, including recommended legislation, based on the study in section 3, as well as any other recommendations related to the Revised Uniform Law on Notarial Acts to the Joint Standing Committee on Judiciary. The report must include a plan to implement the recommendations including a deadline for implementation. The Joint Standing Committee on Judiciary may submit legislation related to the report to the Second Regular Session of the 130th Legislature.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

APPROVED
JUNE 10, 2021
BY GOVERNOR

CHAPTER
153
PUBLIC LAW

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
H.P. 650 - L.D. 894

**An Act To Increase Government Accountability by Removing the Restriction
on the Dissemination of Information Regarding Investigations**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 16 MRSA §807, as amended by PL 2013, c. 507, §8, is repealed.

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
H.P. 502 - L.D. 690

**An Act To Ensure That Victims of Assault, Battery and False Imprisonment,
Including Victims of Domestic Violence, Have Parity under Tort Law**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the statute of limitations for most tort causes of action is 6 years; and

Whereas, the statute of limitations for assault and battery and false imprisonment is only 2 years, effectively depriving victims of domestic violence, among others, the same opportunity that most other victims of torts have to seek redress for their damages; and

Whereas, changing the statute of limitations for assault and battery and false imprisonment as soon as possible will allow those whose claims would otherwise be foreclosed while waiting for this Act to be effective an opportunity to seek redress;

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 14 MRSA §753, as amended by PL 1985, c. 804, §§1 and 22, is further amended to read:

§753. Two years

Actions for ~~assault and battery, and for false imprisonment,~~ slander and libel shall must be commenced within 2 years after the cause of action accrues.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
S.P. 548 - L.D. 1692

An Act To Improve Judicial Branch Facilities in Hancock County

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 4 MRSA §1610-I, as reallocated by PL 2017, c. 288, Pt. A, §2, is amended to read:

§1610-I. Additional securities; ~~Judicial Branch~~ judicial branch

Notwithstanding any limitation on the amount of securities that may be issued pursuant to section 1606, subsection 2, the authority may issue additional securities from time to time in an aggregate amount not to exceed \$95,600,000 outstanding at any one time for the purposes of paying the costs associated with the planning, purchasing, financing, acquiring, constructing, renovating, furnishing, equipping, improving, extending, enlarging and consolidating new and existing facilities and projects relating to the ~~Judicial Branch~~ judicial branch in the counties of Oxford, Waldo and York, acquiring and improving property relating to the judicial branch in Hancock County and planning for other court facilities.

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
H.P. 542 - L.D. 737

An Act To Increase the Value of Property Exempt from Attachment and Execution

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 14 MRSA §3126-A, sub-§3, ¶B, as enacted by PL 1999, c. 587, §3, is amended to read:

B. The amount by which the sum of disposable earnings and exempt income for that week exceeds 40 times the minimum hourly wage prescribed by 29 United States Code, Section 206(a)(1) or the state minimum hourly wage prescribed by Title 26, section 664, whichever is higher at the time the earnings are payable; or

Sec. 2. 14 MRSA §4422, as amended by PL 2017, c. 177, §§1 to 4 and c. 209, §1 and corrected by RR 2017, c. 1, §7, is further amended to read:

§4422. Exempt property

The following property is exempt from attachment and execution, except to the extent that it has been fraudulently conveyed by the debtor:

1. Residence. A debtor's residence. The exemption of a debtor's residence is subject to this subsection.

A. Except as provided in paragraph B, the debtor's aggregate interest, not to exceed ~~\$47,500~~ \$80,000 in value, in real or personal property that the debtor or a dependent of the debtor uses as a residence, in a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence, or in a burial plot for the debtor or a dependent of the debtor, except that if minor dependents of the debtor have their principal place of residence with the debtor, the debtor's aggregate interest may not exceed ~~\$95,000~~ \$160,000 and except that if the debtor's interest is held jointly with any other person or persons, the exemption may not exceed in value the lesser of ~~\$47,500~~ \$80,000 or the product of the debtor's fractional share times ~~\$95,000~~ \$160,000.

B. The debtor's aggregate interest, not to exceed ~~\$95,000~~ \$160,000 in value, in property described in paragraph A, if the debtor or a dependent of the debtor is either a person 60 years of age or older or a person physically or mentally disabled and because of such disability is unable to engage in substantial gainful employment and

whose disability has lasted or can be expected to last for at least 12 months or can be expected to result in death; except that if the debtor's interest is held jointly with any other person or persons, the exemption may not exceed in value the lesser of ~~\$95,000~~ \$160,000 or the product of the fractional share of the debtor's interest times ~~\$190,000~~ \$240,000. ~~This paragraph does not apply to liens obtained prior to its effective date or to judgments based on torts involving other than ordinary negligence on the part of the debtor. If the property is both the surviving owner's and deceased joint owner's primary residence, the maximum exemption for debtors who are joint owners may not be reduced due to the death of one of the joint owners when either:~~

(1) The deceased joint owner dies at 67 years of age or older and the surviving joint owner is at least 60 years of age; or

(2) The surviving joint owner is at least 67 years of age.

C. That portion of the proceeds from any sale of property ~~which~~ that is exempt under this section ~~shall be~~ is exempt for a period of ~~6~~ 12 months from the date of receipt of such proceeds for purposes of reinvesting in a residence within that period.

D. Any exemption claimed under this subsection does not apply to judgments based on torts involving other than ordinary negligence on the part of the debtor.

E. The amount of any exemption claimed under this subsection is limited to the amount of the exemption in effect on the date of the recording of the lien on the property against which the exemption is claimed;

2. Motor vehicle. The debtor's interest, not to exceed ~~\$7,500~~ \$10,000 in value, in one motor vehicle-;

3. Clothing; furniture; appliances; and similar items. The debtor's interest, not to exceed ~~\$200~~ \$500 in value in any particular item, in household furnishings, household goods, wearing apparel, appliances, books, animals, crops or musical instruments, that are held primarily for the personal, family or household use of the debtor or a dependent of the debtor-;

4. Jewelry. The debtor's aggregate interest, not to exceed ~~\$750~~ \$1,000 in value, in jewelry held primarily for the personal, family or household use of the debtor or a dependent of the debtor and the debtor's aggregate interest, not to exceed \$4,000, in a wedding ring and an engagement ring-;

5. Tools of the trade. The debtor's aggregate interest, not to exceed ~~\$5,000~~ \$9,500 in value, in any implements, professional books or tools of the trade of the debtor or the trade of a dependent of the debtor, including, but not limited to, power tools, materials and stock designed and procured by the debtor and necessary for carrying on the debtor's trade or business and intended to be used or wrought in that trade or business-;

6. Furnaces, stoves and fuel. The debtor's interest in the following items held primarily for the personal, family or household use of the debtor or a dependent of the debtor:

A. One cooking stove;

B. All furnaces or stoves used for heating; and

C. All cooking and heating fuel not to exceed 10 cords of wood, 5 tons of coal, 1,000 gallons of petroleum products or its equivalent-;

7. Food, produce and animals. The debtor's interest in the following items held primarily for the personal, family or household use of the debtor or a dependent of the debtor:

A. All food provisions, whether raised or purchased, reasonably necessary for 6 months;

B. All seeds, fertilizers, feed and other material reasonably necessary to raise and harvest food through one growing season; and

C. All tools and equipment reasonably necessary for raising and harvesting food-;

8. Farm equipment. The debtor's interest in one of every type of farm implement reasonably necessary for the debtor to raise and harvest agricultural products commercially, including any personal property incidental to its maintenance and operation-;

9. Fishing boat. The debtor's interest in one boat, not exceeding 46 feet in length, used by the debtor primarily for commercial fishing-;

9-A. Logging implements. The debtor's interest in one of every type of professional logging implement reasonably necessary for the debtor to harvest and haul wood commercially, including any personal property incidental to its maintenance and operation-;

10. Life insurance contract. Any unmaturred life insurance contract owned by the debtor, other than a credit life insurance contract-;

11. Life insurance dividends, interest and loan value. The debtor's aggregate interest, not to exceed in value \$4,000 ~~\$5,000~~ less any amount of property of the estate transferred in the manner specified in ~~the~~ 11 United States Code, ~~Title 11~~, Section 542(d), in any accrued dividend or interest under, or loan value of, any unmaturred life insurance contract owned by the debtor under which the insured is the debtor or an individual of whom the debtor is dependent-;

12. Health aids. Professionally prescribed health aids for the debtor or a dependent of the debtor-;

13. Disability benefits; pensions. The debtor's right to receive the following:

A. A social security benefit, unemployment compensation or a federal, state or local public assistance benefit, including, but not limited to, all tax refunds attributable to the federal earned income tax credit and ~~additional~~ any child tax credit;

B. A veterans' benefit;

C. A disability, illness or unemployment benefit;

D. Alimony, support or separate maintenance, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor; or

E. A payment or account under a stock bonus, pension, profit-sharing, annuity or similar plan or contract on account of illness, disability, death, age or length of service, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor, unless:

- (1) The plan or contract was established by or under the auspices of an insider that employed the debtor at the time the debtor's rights under the plan or contract arose;
- (2) The payment is on account of age or length of service; and
- (3) The plan or contract does not qualify under the United States Internal Revenue Code of 1986, Section 401(a), 403(a), 403(b), 408 or 409;

13-A. Retirement funds. Retirement funds to the extent those funds are in a fund or account that is exempt from taxation under the United States Internal Revenue Code of 1986, Section 401, 403, 408, 408A, 414, 457 or 501(a), up to an aggregate value of ~~\$1,000,000~~ \$1,054,550. This subsection does not exempt:

A. Amounts contributed to the account or fund within 120 days before:

- (1) The debtor files for bankruptcy if this exemption is being applied in a federal bankruptcy proceeding; or
- (2) If this exemption is being applied in a proceeding other than a federal bankruptcy proceeding or for child support or spousal support covered by paragraph B, the earlier of the entry of judgment or other ruling against the debtor or the issuance of the levy, attachment, garnishment or other execution or order against which this exemption is being applied; or

B. Amounts in the account or fund necessary to satisfy child support or spousal support obligations;

14. Legal awards; life insurance benefits. The debtor's right to receive or property that is traceable to the following:

A. An award under a crime victim's reparation law;

B. A payment on account of the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor;

C. A payment under a life insurance contract that insured the life of an individual of whom the debtor was a dependent on the date of the individual's death, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor;

D. A payment, not to exceed ~~\$12,500~~ \$20,000, on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the debtor or an individual of whom the debtor is a dependent; or

E. A payment in compensation of loss of future earnings of the debtor or an individual of whom the debtor is or was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor;

15. Other property. The debtor's aggregate interest, not to exceed in value ~~\$400~~ \$500, in any property, whether or not otherwise exempt under this section;

16. Unused residence exemption for other exemptions. The debtor's interest, equal to any unused amount of the exemption provided under subsection 1 but not exceeding ~~\$6,000~~ \$10,500, in any property exempt under subsections 3 and 5 and subsection 14, paragraph D; and

17. Cash; bank account. The debtor's interest in cash or in deposit accounts or other accounts of a financial institution, equal to any amount in cash or in the deposit account or other account of financial institutions, but not exceeding \$3,000. The plaintiff, defendant or any other account owner may file an ex parte motion for dissolution of modification in the court in which a judgment or prejudgment order was entered for a hearing to establish how and to which account any exemption should be applied.

The exemptions set forth in this section are automatically adjusted to reflect changes by the percentage change, if any, from January 1st to December 31st of the preceding year in the Consumer Price Index for All Urban Consumers, Annual City Average, for the Northeast Region, or its successor index, as published by the United States Department of Labor, Bureau of Labor Statistics or its successor agency, beginning April 1, 2024 and every 3 years thereafter. The Supreme Judicial Court shall publish the 3-year adjustment for an effective date of April 1st for the following year. Adjustments made pursuant to this paragraph must be rounded up to the next \$50.

Sec. 3. 14 MRSA §4426, as amended by PL 2011, c. 203, §1, is further amended to read:

§4426. Exemptions in bankruptcy proceedings

Notwithstanding anything to the contrary in ~~the 11~~ United States Code, ~~Title 11~~, Section 522(b), a debtor may exempt from property of the debtor's estate under ~~11~~ United States Code, ~~Title 11~~, only that property exempt under ~~the 11~~ United States Code, ~~Title 11~~, Section 522(b)(3)(A) and (B), except that any debtor eligible for a residence exemption under section 4422, subsection 1, paragraph ~~B~~; A-1 may exempt the amount allowed in that paragraph.