

STATE OF MAINE
126TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, amendments and laws enacted or finally passed

JOINT STANDING COMMITTEE ON JUDICIARY

May 2014

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STATE OF MAINE
126TH LEGISLATURE
SECOND REGULAR SESSION
LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

The *Digest* is arranged within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER.....carried over to a subsequent session of the Legislature
CON RES XXX chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSESHouse & Senate disagreed; legislation died
DIED IN CONCURRENCE defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT action incomplete when session ended; legislation died
EMERGENCYenacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE.....emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT.....legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW.....sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY.....ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX chapter # of enacted public Law
RESOLVE XXX chapter # of finally passed resolve
VETO SUSTAINED.....Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the Second Regular Session of the 126th Legislature is August 1, 2014. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Judiciary

LD 725 An Act To Implement the Recommendations of the Judicial Compensation Commission

**PUBLIC 563
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| | OTP-AM | S-383 S-551 HILL |

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill implements the recommendations of the Judicial Compensation Commission. It increases the salary of justices and judges in the Supreme Judicial Court, Superior Court and District Court to provide a cost-of-living increase equal to the amount that would have been awarded had statutory increases been granted in fiscal year 2003-04, fiscal year 2004-05, fiscal year 2010-11, fiscal year 2011-12 and fiscal year 2012-13. It also changes the reporting deadline for the Judicial Compensation Commission from December 1st to December 15th.

Committee Amendment "A" (S-383)

This amendment replaces the Judicial Compensation Commission’s recommended statutory salary increases for the justices and judges of the Supreme Judicial Court, Superior Court and District Court with a 2% adjustment for fiscal year 2014-15. The 2% increase is in addition to the 3% adjustments for each fiscal year 2013-14 and 2014-15 directed by Public Law 2013, chapter 368, Part BB.

Senate Amendment "A" To Committee Amendment "A" (S-551)

This amendment reduces the statutory maximum annual percentage cost-of-living increase for judicial salaries from 4% to 3%.

Enacted Law Summary

Public Law 2013, chapter 563 reduces the statutory maximum annual percentage cost-of-living increase for judicial salaries from 4% to 3%. In unallocated language, it provides a salary adjustment of 2% for fiscal year 2014-15. The 2% increase is in addition to the 3% adjustments for each fiscal year 2013-14 and 2014-15 directed by Public Law 2013, chapter 368, Part BB. It also changes the reporting date for the Judicial Compensation Commission to December 15th of each even numbered year.

Public Law 2013, chapter 563 was enacted as an emergency measure effective April 24, 2014.

LD 1194 Resolve, Directing a Study of Social Media Privacy in School and in the Workplace

**RESOLVE 112
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MCCLELLAN | OTP-AM | H-640 S-447 KATZ |

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill prohibits an employer or educational institution, whether public or private, from requiring or requesting an employee or a student, or a prospective employee or student, to disclose the username or account password for a personal social media account or e-mail account or to otherwise provide the employer or institution with access to those accounts.

Committee Amendment "A" (H-640)

Joint Standing Committee on Judiciary

This amendment replaces the bill with a resolve directing the Joint Standing Committee on Judiciary to study issues about social media and personal e-mail privacy in school and in the workplace. It requires the committee to meet up to four times and to submit a report by November 5, 2014 for presentation to the First Regular Session of the 127th Legislature. This amendment also adds an emergency preamble and clause.

Senate Amendment "A" To Committee Amendment "A" (S-447)

This amendment amends Committee Amendment "A" by directing the Joint Standing Committee on Judiciary to include in its study concerns about cloud computing services that process and store student data. The amendment also requires the committee to seek funding contributions to fully fund the cost of the study.

Enacted Law Summary

Resolve 2013, chapter 112 directs the Joint Standing Committee on Judiciary to study issues about social media and personal e-mail privacy in school and in the workplace, including concerns about cloud computing services that process and store student data. The committee may meet up to four times and must submit a report by November 5, 2014 for presentation to the First Regular Session of the 127th Legislature. The committee is required to seek funding contributions to fully fund the cost of the study.

Resolve 2013, chapter 112 was finally passed as an emergency measure effective May 1, 2014.

LD 1389 An Act To Expedite the Foreclosure Process

PUBLIC 521

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| CROCKETT | OTP-AM | H-734 |

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill allows an employee of a financial institution or credit union who is not an attorney to appear for that institution in connection with a foreclosure action. The bill also clarifies the standards for foreclosure mediation and allows for an expedited foreclosure of abandoned property.

Committee Amendment "A" (H-734)

This amendment replaces the bill. It is based on the recommendations the Attorney General developed through the Attorney General's working group on residential foreclosures.

Part A amends the laws regarding the real estate transfer tax to ensure that the tax is paid on property transferred when there is a foreclosure sale, regardless of whether the transfer is done by deed, assignment or other method of transfer. Part A specifically includes assignments by the plaintiff in a foreclosure action of the rights as high bidder or the foreclosure judgment itself.

Part B establishes an expedited procedure for properties that are abandoned in uncontested foreclosure cases.

Part C provides that there may be only one adjournment in a foreclosure action if the court determined the property to be abandoned. The court may permit additional adjournments if the bank or servicer can demonstrate good cause for the adjournment or in accordance with regulations concerning loss mitigation procedures in Title 12 of the Code of Federal Regulations, Section 1024.41.

Current law provides that, when property is acquired by a municipality for unpaid taxes, the new owner does not obtain marketable title until 15 years has passed from the time of the foreclosure. Part D shortens the challenge period from the current 15 years to five years for property subject to tax liens recorded after October 13, 2014. For property subject to a tax lien recorded after October 13, 1993 and on or before October 13, 2014, the challenge

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period ends upon the earlier of the expiration of the 15-year period immediately following the expiration of the period of redemption and October 13, 2019.

Part E gives the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection the authority to regulate residential real estate property management providers that enter presumably abandoned residences to winterize those residences, change the door locks or remove items of personal property. Part E further prohibits providers from breaching the peace against any person and requires providers to inventory personal property removed from a residence and immediately notify the appropriate consumer that the personal property will be made available in a manner convenient to the consumer.

Part F adds standards to those required of mediators in the foreclosure mediation program under the Maine Revised Statutes, Title 14, section 6321-A.

Enacted Law Summary

Public Law 2013, chapter 521 amends the foreclosure statutes in the following manner.

Part A amends the laws regarding the real estate transfer tax to ensure that the tax is paid on property transferred when there is a foreclosure sale, regardless of whether the transfer is done by deed, assignment or other method of transfer. Part A specifically includes assignments by the plaintiff in a foreclosure action of the rights as high bidder or the foreclosure judgment itself.

Part B establishes an expedited procedure for properties that are abandoned in uncontested foreclosure cases. If a foreclosure plaintiff produces clear and convincing evidence of abandonment and the case is uncontested, the court may declare the property abandoned, advance the foreclosure on the docket and grant judgment for the plaintiff. In such cases the redemption period is shortened from 90 days to 45 days. Part B suggests indicia of abandonment, but does not direct the court to limit its findings to these factors. Upon the later of the issuance of the order of abandonment or the judgment of foreclosure, if the premises include dwelling units occupied by tenants as their primary residence, the plaintiff must assume the duties of a landlord. In addition, the plaintiff must notify the municipality in which the premises are located and record the order of abandonment in the appropriate registry of deeds within 30 days from the later of the order of abandonment or the foreclosure judgment.

Part C provides that there may be only one adjournment in a foreclosure action if the court determined the property to be abandoned. The court may permit additional adjournments if the bank or servicer can demonstrate good cause for the adjournment or in accordance with regulations concerning loss mitigation procedures in Title 12 of the Code of Federal Regulations, Section 1024.41. Current law requires that the public sale must be held no less than 30 days and no more than 45 days after the first date of publication. Part C adds an exception for requirements included in Title 12 of the Code of Federal Regulations, Section 1024.41.

Current law provides that, when property is acquired by a municipality for unpaid taxes, the new owner does not obtain marketable title until 15 years has passed from the time of the foreclosure. Part D shortens the challenge period from the current 15 years to five years for property subject to tax liens recorded after October 13, 2014. For property subject to a tax lien recorded after October 13, 1993 and on or before October 13, 2014, the challenge period ends upon the earlier of the expiration of the 15-year period immediately following the expiration of the period of redemption and October 13, 2019.

Part E gives the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection the authority to regulate residential real estate property management providers that enter presumably abandoned residences to winterize those residences, change the door locks or remove items of personal property. Part E further prohibits providers from breaching the peace against any person and requires providers to inventory personal property removed from a residence and immediately notify the appropriate consumer that the personal property will be made available in a manner convenient to the consumer. The provider must make a permanent record of all steps taken to preserve and secure the dwelling and must produce that record and the inventory of removed unsecured

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items upon written request of the resident.

Part F adds standards to those required of mediators in the foreclosure mediation program under the Maine Revised Statutes, Title 14, section 6321-A. Part F requires mediators to ensure the parties appropriately determine net present value by using either the Federal Deposit Insurance Corporation Loan Modification Program Guide worksheet or other way of determining net present value that is as reasonable as the worksheet. Part F also requires that the mediator's report contain greater detail regarding the agreements made among the parties and the time frames within which the parties are required to provide information and reach determinations of loss mitigation eligibility.

LD 1428 An Act To Protect Religious Freedom

**Accepted Majority
(ONTP) Report**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| BURNS TIMBERLAKE | ONTP OTP-AM | |

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill creates the Preservation of Religious Freedom Act, which allows a person whose right to exercise the person's religion is burdened by a government law or exercise of authority to bring an action in court seeking equitable or monetary damages unless the government remedies the burden or shows that the law or exercise of authority is the least restrictive means of furthering a compelling governmental interest.

Committee Amendment "A" (S-390)

This amendment, which is the minority report of the committee, replaces the bill. This amendment provides that the government may not directly or indirectly burden a person's exercise of religion unless the application of the burden to the person is in furtherance of a compelling governmental interest and is accomplished through the least restrictive means. This amendment allows a person whose exercise of religion has been or is substantially likely to be burdened in violation of this legislation to assert the violation as a claim or defense in a court action.

**LD 1601 An Act To Increase the Amount of Funds Available to Counties for
Witness Fees, Extradition Expenses and Prosecution Costs**

PUBLIC 566

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-----------------------|-------------------------|---------------------------|
| WILLETTE JACKSON T | OTP-AM | H-648 |

Current law requires forfeited bail to be paid into an account maintained by each prosecutorial district for the purpose of paying expenses related to the extradition of fugitives from justice. The maximum amount that may be retained in that account is \$20,000. This bill increases the amount that may be retained in that account to \$40,000 and expands the uses of the funds in the account to allow it to be used to pay for fees or expenses, including witness fees, incurred by the district attorney in a criminal prosecution.

Committee Amendment "A" (H-648)

This amendment provides for a \$10,000 increase in the amount that may be retained in a district attorney's Extradition and Prosecution Expenses Account from the current cap of \$20,000 to \$30,000, instead of to \$40,000 as proposed in the bill.

Enacted Law Summary

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Public Law 2013, chapter 566 increases the amount that may be retained in district attorneys' extradition accounts from \$20,000 to \$30,000 and expands the uses of the funds in the accounts to allow it to be used to pay for fees or expenses, including witness fees, incurred by the district attorney in a criminal prosecution.

LD 1660 An Act Regarding Bad Faith Assertions of Patent Infringement

PUBLIC 543

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| HASKELL DECHANT | OTP-AM OTP-AM | S-442 |

This bill authorizes a person against whom a bad faith assertion of patent infringement has been made to bring a civil action in Superior Court for equitable relief, damages, court costs and fees and punitive damages. It authorizes the Attorney General to bring an action and it provides that a bad faith assertion of patent infringement is a violation of the Maine Unfair Trade Practices Act.

Committee Amendment "B" (S-443)

This amendment is the minority report of the committee and incorporates a fiscal note.

Committee Amendment "A" (S-442)

This amendment is the majority report of the committee and adds an exemption for demand letters and assertions of patent infringement that include a claim for relief arising under Title 35 of the United States Code, Section 271(e)(2) or Title 42 of the United States Code, Section 262.

Enacted Law Summary

Public Law 2013, chapter 543 authorizes a person against whom a bad faith assertion of patent infringement has been made to bring a civil action in Superior Court for equitable relief, damages, court costs and fees and punitive damages. It authorizes the Attorney General to bring an action and it provides that a bad faith assertion of patent infringement is a violation of the Maine Unfair Trade Practices Act. Chapter 543 exempts demand letters and assertions of patent infringement that include a claim for relief arising under Title 35 of the United States Code, Section 271(e)(2) or Title 42 of the United States Code, Section 262.

LD 1688 An Act To Streamline Enforcement of Child Support Orders Issued by the Penobscot Nation

**PUBLIC 479
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-----------------------|-------------------------|---------------------------|
| MITCHELL VALENTINO | OTP-AM | H-639 |

This bill authorizes the Secretary of State to suspend the operator's license of a person who is in violation of an order issued by the Penobscot Nation for the support and maintenance of a child or a child and the parent with whom the child is living.

Committee Amendment "A" (H-639)

This amendment provides that an appeal of the Secretary of State's suspension of an operator's license must be filed in Superior Court, not the Penobscot Nation Tribal Court.

Enacted Law Summary

Public Law 2013, chapter 479 authorizes the Secretary of State to suspend the operator's license of a person who is in violation of an order issued by the Penobscot Nation for the support and maintenance of a child or a child and the

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parent with whom the child is living.

Public Law 2013, chapter 479 was enacted as an emergency measure effective March 16, 2014.

LD 1697 An Act To Provide Funding for the Veterans Treatment Courts

PUBLIC 584

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| FOWLE BOYLE | OTP-AM | H-649 S-538 HILL |

This bill provides a General Fund appropriation of \$1,158,797 in fiscal year 2014-15 for the Judicial Department to expand access to veterans treatment courts statewide.

Committee Amendment "A" (H-649)

This amendment replaces the bill. It provides funding for one half-time Assistant District Attorney to participate in veterans treatment courts.

Senate Amendment "A" To Committee Amendment "A" (S-538)

This amendment reduces the General Fund cost of the bill by \$42,045 in fiscal year 2014-15 by paying for the one-half Assistant District Attorney position through savings from managing vacancies within the Department of Defense, Veterans and Emergency Management.

Enacted Law Summary

Public Law 2013, chapter 584 provides funding for one half-time Assistant District Attorney to work in the Veterans Treatment Court by recognizing Personal Services savings in the Department of Defense, Veterans and Emergency Management.

LD 1720 An Act To Improve the Operations of the Office of the Attorney General

**Died On
Adjournment**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|------------------------|-------------------------|---------------------------|
| JORGENSEN VALENTINO | OTP-AM | H-707 |

This bill funds a litigation support position within the Office of the Attorney General as well as a part-time position to serve as the Domestic Abuse Homicide Review Panel Coordinator. Additionally, this bill appropriates funds necessary to allow the Office of the Chief Medical Examiner to provide for statutorily authorized payments to medical examiners, reimbursement to funeral homes and funds for contracted forensic pathologist services necessary for the operation of the office.

Committee Amendment "A" (H-707)

This amendment deletes from the bill the proposed funding for a trial preparation assistant in the Criminal Division within the Office of the Attorney General and a part-time position to serve as the Domestic Abuse Homicide Review Panel Coordinator.

The amendment increases the proposed funding to the Office of the Chief Medical Examiner within the Office of the Attorney General by \$10,000 in fiscal year 2014 and \$20,000 in fiscal year 2015 to cover the anticipated costs of preparing histological slides.

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The amendment provides funding for one half-time Assistant District Attorney position to handle domestic violence prosecutions that will be funded through a grant secured by Prosecutorial District Number 4.

The amendment retains the provision in the bill that appropriates funds necessary to allow the Office of the Chief Medical Examiner to provide for statutorily authorized payments to medical examiners and reimbursements to funeral homes.

The funding included in this amendment is included in Public Law 2013, chapter 502, Part A, Section A-1.

LD 1730 An Act To Assist Victims of Human Trafficking

**PUBLIC 537
EMERGENCY**

| | | |
|---------------------------|-----------------------------------|------------------------------------|
| <u>Sponsor(s)</u> VOLK | <u>Committee Report</u> OTP-AM | <u>Amendments Adopted</u> H-763 |
|---------------------------|-----------------------------------|------------------------------------|

This bill proposes to assist victims of human trafficking in three ways.

First, it establishes a defense for a person charged with engaging in prostitution if the person proves that the person was compelled to do so as set forth in the law that describes aggravated sex trafficking.

Second, it creates the Trafficking Prevention and Intervention Fund to support state and local efforts to reduce human trafficking offenses, including sex trafficking. At least half the funds must be spent on prevention, including education programs for offenders and rehabilitation services, such as mental health and substance abuse counseling, parenting skills training, housing relief, education, vocational training, drop-in centers and employment counseling to help individuals transition out of the commercial sex industry. The Department of the Attorney General, Victims' Compensation Board is required to administer the fund, which is funded through an assessment imposed on persons convicted of certain sex crimes and may receive private donations and federal and state funds.

Third, it authorizes a person to file a petition seeking a pardon immediately upon the imposition of a sentence for a crime if the person engaged in the conduct constituting the crime did so as a direct result of being a victim of a human trafficking offense.

Committee Amendment "A" (H-763)

This amendment replaces the bill. It establishes an affirmative defense to the crime of prostitution.

This amendment amends the victims' compensation laws to include two additional crimes for which a victim may seek compensation, as well as providing additional funding sources. It assesses \$1,000 on any person convicted of aggravated sex trafficking, \$500 on any person convicted of sex trafficking, \$500 on any person for the first conviction and \$1,000 for each subsequent conviction of engaging in prostitution and \$500 on a person for the first conviction and \$1,000 for each subsequent conviction of patronizing prostitution of a minor or patronizing prostitution of a mentally disabled person.

Enacted Law Summary

Public Law 2013, chapter 537 establishes an affirmative defense to the crime of engaging in prostitution. The person charged with engaging in prostitution may raise the affirmative defense that the person engaged in prostitution because the person was compelled to do so as described in the provisions regarding the crime of aggravated sex trafficking.

Public Law 2013, chapter 537 amends the victims' compensation laws to include two additional crimes for which a victim may seek compensation, as well as providing additional funding sources. It allows a victim of aggravated sex

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trafficking or sex trafficking to seek compensation from the Victims' Compensation Fund for medical and other costs. It assesses \$1,000 on any person convicted of aggravated sex trafficking, \$500 on any person convicted of sex trafficking, \$500 on any person for the first conviction and \$1,000 for each subsequent conviction of engaging in prostitution and \$500 on a person for the first conviction and \$1,000 for each subsequent conviction of patronizing prostitution of a minor or patronizing prostitution of a mentally disabled person. Public Law 2013, chapter 607 corrects the assessments to provide that the additional assessment is on those convicted of engaging a prostitute, as described in Title 17-A, section 853-B, rather than engaging in prostitution, as described in Title 17-A, section 853-A.

Public Law 2013, chapter 537 was enacted as an emergency measure effective April 10, 2014.

LD 1734 An Act To Create a Cold Case Homicide Unit in the Department of the Attorney General

PUBLIC 585

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|----------------------|-------------------------|---------------------------|
| STANLEY JACKSON T | OTP-AM | H-708 S-535 HILL |

This bill directs the Attorney General in collaboration with the Commissioner of Public Safety to establish a cold case homicide unit within the Department of the Attorney General to work exclusively on unsolved murders in the State.

Committee Amendment "A" (H-708)

This amendment adds an appropriations and allocations section to the bill.

Senate Amendment "A" To Committee Amendment "A" (S-535)

This amendment removes the appropriations and allocations section. It directs the Commissioner of Public Safety and the Attorney General to pursue federal funding for the cost of the cold case homicide unit. The amendment provides that the statutory changes do not take effect unless sufficient funding is available.

Enacted Law Summary

Public Law 2013, chapter 585 directs the Attorney General in collaboration with the Commissioner of Public Safety to establish a cold case homicide unit within the Department of the Attorney General to work exclusively on unsolved murders in the State. It directs the Commissioner of Public Safety and the Attorney General to pursue federal funding for the cost of the cold case homicide unit. The statutory changes do not take effect unless sufficient funding is available.

LD 1737 Resolve, Extending the Date by Which the Family Law Advisory Commission Must Report on Its Study of the Uniform Parentage Act and Other Similar Laws and Proposals

RESOLVE 83

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| | | |

This bill was acted upon without reference to committee.

This resolve extends the date for the Family Law Advisory Commission to issue its final report on the Uniform Parentage Act to December 15, 2014. Resolve 2013, chapter 12 established the commission's duty to conduct a comprehensive study and set a reporting date of December 1, 2013. The Family Law Advisory Commission

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submitted an interim report before the report was originally due.

Enacted Law Summary

Resolve 2013, chapter 83 amends Resolve 2013, chapter 12 to extend the date for the Family Law Advisory Commission to issue its final report on the Uniform Parentage Act to December 15, 2014. Chapter 83 applies retroactively to December 1, 2013.

LD 1738 **Resolve, Concerning Maine's Involuntary Treatment and Involuntary Commitment Processes**

**RESOLVE 106
EMERGENCY**

Sponsor(s)

MALABY

Committee Report

OTP-AM

Amendments Adopted

H-764

This bill amends the laws governing involuntary hospitalization and involuntary treatment in hospital emergency departments and psychiatric hospitals and judicial process for involuntary commitment and treatment.

Committee Amendment "A" (H-764)

This amendment replaces the bill with a resolve which responds to the offer of the Chief Justice of the Supreme Judicial Court to convene a working group to review involuntary commitment and involuntary treatment processes, including holding and commitment periods, involuntary treatment during those periods, the lack of medical professionals for evaluations and any other ways to improve involuntary commitment and involuntary treatment processes. The Chief Justice or the Chief Justice's designee may invite representatives from interested parties to participate.

Enacted Law Summary

Resolve 2013, chapter 106 responds to the offer of the Chief Justice of the Supreme Judicial Court to convene a working group to review involuntary commitment and involuntary treatment processes, including holding and commitment periods, involuntary treatment during those periods, the lack of medical professionals for evaluations and any other ways to improve involuntary commitment and involuntary treatment processes. The Chief Justice or the Chief Justice's designee may invite representatives from interested parties to participate. The working group is required to submit its report by December 15, 2014 to the joint standing committee of the Legislature having jurisdiction over judiciary matters and the committee may report out legislation to the First Regular Session of the 127th Legislature.

Resolve 2013, chapter 106 was finally passed as an emergency measure effective April 15, 2014.

LD 1741 **Resolve, Extending the Date by Which the Probate and Trust Law Advisory Commission Must Report on Its Work on Maine's Probate Code and the Uniform Probate Code**

RESOLVE 82

Sponsor(s)

Committee Report

Amendments Adopted

This bill was acted upon without reference to committee.

This resolve extends the date for the Probate and Trust Law Advisory Commission to issue its final report on its work on the Uniform Probate Code to December 15, 2014. Resolve 2013, chapter 5 established the commission's duty to conduct a review and set a reporting date of December 1, 2013.

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Enacted Law Summary

Resolve 2013, chapter 82 amends Resolve 2013, chapter 5 to extend the date for the Probate and Trust Law Advisory Commission to issue its final report on its work on the Uniform Probate Code to December 15, 2014. Chapter 82 applies retroactively to December 1, 2013.

LD 1742 Resolve, Extending the Date by Which the Probate and Trust Law Advisory Commission Must Report on Its Review of the Issue of Inheritance of Digital Assets RESOLVE 81

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| | | |

This bill is reported out by the Joint Standing Committee on Judiciary pursuant to Resolve 2013, Chapter 27, Section 2.

This bill extends the date for the Probate and Trust Law Advisory Commission to issue its final report on the inheritance of digital assets to December 15, 2014. Resolve 2013, chapter 27 established the commission's duty to conduct a review and set a reporting date of December 1, 2013.

Enacted Law Summary

Resolve 2013, chapter 81 amends Resolve 2013, chapter 27 to extend the date for the Probate and Trust Law Advisory Commission to issue its final report on the inheritance of digital assets to December 15, 2014. Chapter 81 applies retroactively to December 1, 2013.

LD 1778 An Act To Revise the Description of Commercial Fishing Vessels That Are Exempt from Attachment PUBLIC 510 EMERGENCY

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| COOPER JOHNSON C | OTP-AM | H-709 |

This bill changes the description of commercial fishing boats exempt from attachment under the civil judgment and bankruptcy laws from those not exceeding five tons burden to those not exceeding 45 feet in length.

Committee Amendment "A" (H-709)

This amendment changes the maximum length of a fishing boat subject to the exemption to 46 feet.

Enacted Law Summary

Public Law 2013, chapter 510 changes the description of commercial fishing boats exempt from attachment under the civil judgment and bankruptcy laws from those not exceeding five tons burden to those not exceeding 46 feet in length.

Public Law 2013, chapter 510 was enacted as an emergency measure effective April 2, 2014.

Joint Standing Committee on Judiciary

LD 1789 An Act To Modernize and Improve the Efficiency of Maine's Courts

PUBLIC 571

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| FREDETTE HASKELL | OTP-AM | H-765 |

This bill authorizes the Maine Governmental Facilities Authority to issue additional securities in an amount not to exceed \$15,000,000 to fund the planning, purchasing, customizing and implementing of a case management, data storage, and electronic filing system for the judicial branch in order to increase court efficiency and improve public service and safety. The bill requires the Chief Justice of the Supreme Judicial Court to provide a report to the joint standing committee of the Legislature having jurisdiction over judiciary matters regarding this system.

Committee Amendment "A" (H-765)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2013, chapter 571 authorizes the Maine Governmental Facilities Authority to issue additional securities in an amount not to exceed \$15,000,000 to fund the planning, purchasing, customizing and implementing of a case management, data storage and electronic filing system for the judicial branch in order to increase court efficiency and improve public service and safety. It requires the Chief Justice of the Supreme Judicial Court to provide a report to the joint standing committee of the Legislature having jurisdiction over judiciary matters regarding this system.

LD 1809 An Act Concerning Meetings of Boards of Trustees and Governing Bodies of Quasi-municipal Corporations and Districts That Provide Water, Sewer and Sanitary Services

Veto Sustained

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| | OTP-AM | H-798 |
| | ONTP | H-812 WILLETTE |

This bill prohibits the use of telephonic, video, electronic or other similar means of communication to conduct public proceedings of elected public bodies of municipalities, quasi-municipal entities and school administrative units. It allows nonelected public bodies of municipalities, quasi-municipalities and school administrative units to do so only if specific requirements are met. Subject to the listed requirements, a body may conduct a public proceeding during which a member of the body participates in the discussion or transaction of public or governmental business through telephonic, video, electronic or other similar means of communication.

Committee Amendment "A" (H-798)

This amendment is the majority report of the Joint Standing Committee on Judiciary. This amendment limits the application of the bill to the governing bodies of quasi-municipal corporations and districts, as defined in the Maine Revised Statutes, Title 30-A, section 2351, subsection 4, that provide water, sewer or sanitary services if the governing bodies adopt policies that meet specified requirements.

House Amendment "A" To Committee Amendment "A" (H-812)

This amendment expressly allows a member of the Loring Development Authority of Maine, or the Midcoast Regional Redevelopment Authority who is not physically present at a meeting but who is participating through combined audio and video means of communication to be considered present for purposes of establishing a quorum, and to participate and vote in all proceedings of the respective authority.

Joint Standing Committee on Judiciary

LD 1818 An Act To Facilitate Public Records Requests to State Agencies

ONTP

Sponsor(s)

Committee Report

Amendments Adopted

ONTP

This bill implements recommendations of the Public Access Ombudsman pursuant to Public Law 2013, chapter 229, section 3 related to the feasibility of developing a centralized system for coordinating the receipt of and response to requests to state agencies for public records in accordance with the Freedom of Access Act.

The bill requires state agencies' public access officers to include their contact information on their agency websites. It also requires the Department of Administrative and Financial Services, Office of Information Technology, in consultation with state agencies, to develop a standardized link to Freedom of Access Act pages and requires state agencies to use executive branch resources to create a keyword match for "FOAA" in their websites.

The bill requires the Public Access Ombudsman and the Office of Information Technology to work with InforME to develop and implement a system of consistent tracking and reporting of public records requests under the Freedom of Access Act.

LD 1821 An Act To Implement Recommendations of the Right To Know Advisory Committee

Veto Sustained

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-811

This bill implements recommendations from the Right To Know Advisory Committee.

Part A implements the recommendations of the Right To Know Advisory Committee relating to existing public records exceptions in the Maine Revised Statutes, Titles 22, 26, 29-A, 35-A and 38.

Part B adds one additional member to the Right To Know Advisory Committee, appointed by the Governor. The new position will bring information technology expertise to the committee.

Current law requires the Public Access Ombudsman to submit an annual report to the Right To Know Advisory Committee and the Legislature by March 15th of each year. Part C changes the reporting date to January 15th of each year, which is the same date by which the Right To Know Advisory Committee is required to submit its annual report.

Part D amends the Freedom of Access Act to clarify that the date of receipt of a request to copy or inspect a public record is the date a sufficient description of the public record is received by the body, agency or official. Current law requires a body, agency or official to provide, within five days of the receipt of a request to inspect or copy a public record, a written notice that the request is denied. Part D clarifies that refusing to allow inspection or copying is considered a denial, as is the failure, within ten days of the receipt of a request, to provide a written notice that the request is denied.

Part D amends the Freedom of Access Act with regard to appeals of denials of requests to inspect or copy public records. Under current law, a person whose request has been denied may appeal the denial to any Superior Court within 30 calendar days of receipt of the written notice of denial. The bill provides that if no written notice of denial is provided, the requester may file an appeal within 40 calendar days of the request in the Superior Court for the

Joint Standing Committee on Judiciary

county where the requester resides or where the body, agency or official maintains an office to which the request was made. Current law requires the agency or official to file an answer within 14 calendar days. This bill clarifies that the body, agency or official must file an answer within 14 calendar days of service of the appeal. This bill provides that the court does not have to convene a trial, but must conduct a de novo review and take testimony and other evidence it determines necessary, and if it determines that the denial was not for just and proper cause, the court is required to enter an order for disclosure.

Committee Amendment "A" (H-811)

This amendment provides that the reports of the State Board of Arbitration and Conciliation in a labor dispute must be released 30 days after its receipt by the Governor and the Executive Director of the Maine Labor Relations Board if the conciliation process is not successful.

This amendment deletes changes proposed in the bill to identify when access to a record is denied and when an appeal of that denial may be made.

LD 1828 An Act To Limit Consent Regarding Land Transfers to the Federal Government

**Accepted Majority
(ONTP) Report**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| THOMAS | ONTP OTP-AM | |

This bill amends the blanket consent that is statutorily given by the State to the Federal Government to acquire lands required for various government purposes. The bill limits the consent to the acquisition of land not exceeding five square miles.

Committee Amendment "A" (S-496)

This amendment is the minority report. It changes the bill to state that the Legislature's consent is not provided when the Federal Government acquires a tract or contiguous tracts of land the total of which exceeds 40 acres for any purpose other than the specific purposes listed in the current law. An affirmative vote of a majority of the members of each house of the Legislature is required to consent to such an acquisition. The amendment provides that the changes do not limit the Legislature's consent to acquisition by the Federal Government of land to be held in trust for the benefit of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians, or the Aroostook Band of Micmacs pursuant to applicable state or federal law.

LD 1841 An Act To Correct Errors and Inconsistencies in the Laws of Maine

**PUBLIC 588
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| | OTP-AM | H-841 |

This bill corrects errors and inconsistencies in the laws of Maine.

Part A makes technical corrections.

Part B makes technical changes to the law to reflect the reorganization of the administration of the liquor laws made by Public Law 2013, chapter 368, Part V.

Joint Standing Committee on Judiciary

Part C corrects cross-references pursuant to Public Law 2013, chapter 228, section 3. Public Law 2013, chapter 228 repealed Title 10, chapter 210, the Fair Credit Reporting Act, and enacted a new Fair Credit Reporting Act as Title 10, chapter 209-B. Public Law 2013, chapter 228, section 3 directs the Revisor of Statutes to include in the errors and inconsistencies bill any sections necessary to correct and update any cross-references in the statutes to provisions of law repealed by the chapter.

Committee Amendment "A" (H-841)

This amendment makes additional corrections to the laws of Maine.

Part D further amends sections contained in the original bill.

Part E contains corrections not included in the bill.

Section E-1 amends the scheduling of reviews under the State Government Evaluation Act to make the reviews of the Department of Professional and Financial Regulation be conducted by two different joint standing committees of the Legislature in 2015. Public Law 2013, chapter 505 enacted different years for review. Section E-2 makes the changes in section 1 take effect the same time as chapter 505 will take effect, which is 90 days after the adjournment of the Second Regular Session of the 126th Legislature. Sections E-1 and E-2 make a substantive change that is supported by the Joint Standing Committee on State and Local Government.

Section E-3 corrects a clerical error in Public Law 2013, chapter 391 by deleting the word "retirement" and inserting the word "retired" to maintain consistency with other retirement statutes. This is a technical change.

Section E-4 corrects the wording to clearly state that the different scenarios under which a member qualifies for a service retirement benefit apply when the member is first covered under the participating local district consolidated plan under the Maine Revised 10 Statutes, Title 5, chapter 427 after June 30, 2014. This is a technical change.

Section E-5 amends the language proposed in the bill as Part A, section 16 pertaining to the issuance of elver licenses by the Penobscot Nation. Public Law 2013, chapter 604 provided for eight licenses to authorize the use of two pieces of gear, specifically an elver fyke net and a dip net. Section E-5 codifies the current practice of allowing the holders of the licenses to use two fyke nets. This is a substantive change supported by the Joint Standing Committee on Marine Resources.

Section E-6 corrects an error that occurred when an existing sunset repealed the Maine Revised Statutes, Title 12, section 13104, subsection 15 on October 1, 2013, before Public Law 2013, chapter 386, enacted during the First Regular Session of the 126th Legislature, which repealed the sunset provision regarding weekend snowmobile registration reciprocity, took effect on October 9, 2013. Section E-6 restores, in accordance with the intent of the Legislature, the reciprocal agreement between Maine and other states regarding a snowmobile weekend registration and to make that provision permanent as intended in chapter 386. Section E-7 makes section E-6 take effect retroactively to the date the sunset took effect. Sections E-6 and E-7 make a substantive change that is supported by the Joint Standing Committee on Inland Fisheries and Wildlife.

Sections E-8 and E-9 correct inadvertent omissions in the Committee Amendment of the Joint Standing Committee on Criminal Justice and Public Safety to LD 1656, An Act to Increase Safety for Victims of Domestic Violence, which is now Public Law 2013, chapter 478. LD 1656 allowed law enforcement agencies to share confidential criminal history record information with family violence advocates for the sole purpose of planning for the safety of a victim of domestic violence. The committee amended the bill to also authorize the sharing of that information with sexual assault counselors for the sole purpose of planning for the safety of a victim of sexual assault. Sections E-8 and E-9 enact the language that was inadvertently omitted. Section E-10 deletes from the family violence advocates' statute the unnecessary reference to sexual assault victims. These changes are substantive changes, supported by the Joint Standing Committee on Criminal Justice and Public Safety.

Joint Standing Committee on Judiciary

Section E-11 corrects a conflict in the sales tax laws when Part M and Part N of Public Law 2013, chapter 368 amended the same section without reference to each other. Part M increased the general sales tax temporarily. Part N clarified that the general sales tax applies to products transferred electronically. Section 11 corrects the conflict and expressly clarifies that the general sales tax applies to products transferred electronically. This is a technical change.

Enacted Law Summary

Public Law 2013, chapter 588 corrects errors and inconsistencies in the laws of Maine. It also makes a few substantive corrections as requested by the committees of jurisdiction.

Public Law 2013, chapter 588 was enacted as an emergency measure effective April 30, 2014.

LD 1863 An Act To Correct an Error in the Laws To Assist Victims of Human Trafficking

**PUBLIC 607
EMERGENCY**

Sponsor(s)

DION
BOYLE

Committee Report

Amendments Adopted

This bill was acted upon without reference to committee.

This bill corrects an inadvertent error made in the committee amendment to LD 1730, which was enacted as Public Law 2013, chapter 537. The intent was to impose an additional assessment to be paid to the Victims' Compensation Fund on persons convicted of engaging a prostitute, which is described in the Maine Revised Statutes, Title 17-A, section 853-B. The committee amendment was erroneously printed and adopted with the assessment being imposed on persons convicted of a violation of Title 17-A, section 853-A, which is engaging in prostitution. This bill corrects who is subject to the additional Victims' Compensation Fund assessment.

Enacted Law Summary

Public Law 2013, chapter 607 corrects an inadvertent error made in Public Law 2013, chapter 537 concerning Victims' Compensation Fund assessments imposed on crimes related to prostitution. Public Law 2013, chapter 607 corrects who is subject to the additional Victims' Compensation Fund assessment by deleting the crime of engaging in prostitution and including the crime of engaging a prostitute.

Public Law 2013, Chapter 607 was enacted as an emergency measure effective May 12, 2014.

Joint Standing Committee on Judiciary

SUBJECT INDEX

Attorney General & District Attorneys

Enacted

| | | |
|---------|---------------------------------------------------------------------------------------------------------------------------|------------|
| LD 1601 | An Act To Increase the Amount of Funds Available to Counties for Witness Fees, Extradition Expenses and Prosecution Costs | PUBLIC 566 |
| LD 1734 | An Act To Create a Cold Case Homicide Unit in the Department of the Attorney General | PUBLIC 585 |

Not Enacted

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|---------|------------------------------------------------------------------------|------------------------|
| LD 1720 | An Act To Improve the Operations of the Office of the Attorney General | Died On Adjournment |
|---------|------------------------------------------------------------------------|------------------------|

Courts

Enacted

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|---------|---------------------------------------------------------------------------------|-------------------------|
| LD 725 | An Act To Implement the Recommendations of the Judicial Compensation Commission | PUBLIC 563 EMERGENCY |
| LD 1697 | An Act To Provide Funding for the Veterans Treatment Courts | PUBLIC 584 |
| LD 1789 | An Act To Modernize and Improve the Efficiency of Maine's Courts | PUBLIC 571 |

Criminal Law and Procedure

Enacted

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|---------|-------------------------------------------------------------------------------|-------------------------|
| LD 1730 | An Act To Assist Victims of Human Trafficking | PUBLIC 537 EMERGENCY |
| LD 1863 | An Act To Correct an Error in the Laws To Assist Victims of Human Trafficking | PUBLIC 607 EMERGENCY |

Family Law

Enacted

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|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| LD 1688 | An Act To Streamline Enforcement of Child Support Orders Issued by the Penobscot Nation | PUBLIC 479 EMERGENCY |
| LD 1737 | Resolve, Extending the Date by Which the Family Law Advisory Commission Must Report on Its Study of the Uniform Parentage Act and Other Similar Laws and Proposals | RESOLVE 83 |

Foreclosure

Enacted

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|---------|--------------------------------------------|------------|
| LD 1389 | An Act To Expedite the Foreclosure Process | PUBLIC 521 |
|---------|--------------------------------------------|------------|

Freedom of Access/Confidentiality/Privacy

Enacted

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|---------|-----------------------------------------------------------------------------------|--------------------------|
| LD 1194 | Resolve, Directing a Study of Social Media Privacy in School and in the Workplace | RESOLVE 112 EMERGENCY |
|---------|-----------------------------------------------------------------------------------|--------------------------|

Not Enacted

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|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| LD 1809 | An Act Concerning Meetings of Boards of Trustees and Governing Bodies of Quasi-municipal Corporations and Districts That Provide Water, Sewer and Sanitary Services | Veto Sustained |
| LD 1818 | An Act To Facilitate Public Records Requests to State Agencies | ONTP |
| LD 1821 | An Act To Implement Recommendations of the Right To Know Advisory Committee | Veto Sustained |

Human Rights and Medical Rights

Enacted

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|---------|----------------------------------------------------------------------------------------|--------------------------|
| LD 1738 | Resolve, Concerning Maine's Involuntary Treatment and Involuntary Commitment Processes | RESOLVE 106 EMERGENCY |
|---------|----------------------------------------------------------------------------------------|--------------------------|

Not Enacted

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|---------|-------------------------------------|---------------------------|
| LD 1428 | An Act To Protect Religious Freedom | Majority (ONTP) Report |
|---------|-------------------------------------|---------------------------|

Miscellaneous

Enacted

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|---------|------------------------------------------------------------------------------------------------|-------------------------|
| LD 1660 | An Act Regarding Bad Faith Assertions of Patent Infringement | PUBLIC 543 |
| LD 1778 | An Act To Revise the Description of Commercial Fishing Vessels That Are Exempt from Attachment | PUBLIC 510 EMERGENCY |

Probate Code and Trust Code

Enacted

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|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| LD 1741 | Resolve, Extending the Date by Which the Probate and Trust Law Advisory Commission Must Report on Its Work on Maine's Probate Code and the Uniform Probate Code | RESOLVE 82 |
| LD 1742 | Resolve, Extending the Date by Which the Probate and Trust Law Advisory Commission Must Report on Its Review of the Issue of Inheritance of Digital Assets | RESOLVE 81 |

Real Property, Property Rights and Eminent Domain

Not Enacted

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|---------|----------------------------------------------------------------------------|---------------------------|
| LD 1828 | An Act To Limit Consent Regarding Land Transfers to the Federal Government | Majority (ONTP) Report |
|---------|----------------------------------------------------------------------------|---------------------------|

Statutes and the Constitution

Enacted

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|---------|-------------------------------------------------------------------|-------------------------|
| LD 1841 | An Act To Correct Errors and Inconsistencies in the Laws of Maine | PUBLIC 588 EMERGENCY |
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