

**STATE OF MAINE**  
127<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON JUDICIARY**

August 2015

**STAFF:**

MARGARET J. REINSCH, SENIOR LEGISLATIVE ANALYST  
HENRY FOUTS, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670

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**LD 8            Resolve, Regarding Legislative Review of Portions of Chapter 301: Fee Schedule and Administrative Procedures for Payment of Commission Assigned Counsel, a Major Substantive Rule of the Maine Commission on Indigent Legal Services** **CARRIED OVER**

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

This resolve provides for legislative review of portions of Chapter 301: Fee Schedule and Administrative Procedures for Payment of Commission Assigned Counsel, a major substantive rule of the Maine Commission on Indigent Legal Services.

This resolve was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 12            An Act To Limit the Liability of Landowners Who Allow Recreational Climbing on Their Land** **PUBLIC 20**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK STANLEY	OTP	

Current law limits the liability of landowners who allow certain recreational or harvesting activities on their land. This bill provides that recreational climbing is included in these activities.

**Enacted Law Summary**

Public Law 2015, chapter 20 provides that recreational climbing is included in the recreational and harvesting activities for which landowners' liability is limited when they permit such activities to take place on their land.

**LD 25            An Act To Regulate Domestic Unmanned Aerial Vehicle Use** **PUBLIC 307**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RUSSELL	OTP-AM	H-469

This bill regulates unmanned aerial vehicles, including their acquisition and lawful operation by law enforcement agencies. The bill requires approval of the acquisition of an unmanned aerial vehicle by the governing body overseeing the law enforcement agency. It prohibits a law enforcement agency from operating an unmanned aerial vehicle or collecting, disclosing or receiving information acquired through the operation of an unmanned aerial vehicle except pursuant to an emergency enforcement or administrative investigation exception, with the written consent of the person or property owner, pursuant to a warrant or pursuant to a court order. It permits the deployment of an unmanned aerial vehicle or any component parts by a manufacturer, subcontractor of a manufacturer, testing company or educational institution for the purposes of research, testing, training and manufacture of such vehicles. The bill also creates a private right of action against a law enforcement agency for violations of the provisions of the bill.

The bill includes a moratorium on all unmanned aerial vehicle use, with the exception of emergency enforcement situations, until July 1, 2017.

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### **Committee Amendment "A" (H-469)**

This amendment replaces the bill with various provisions regulating the use of unmanned aerial vehicles, also known as drones, by law enforcement agencies. This amendment includes a legislative findings provision to recognize the potential benefits and risks of the evolving technology of unmanned aerial vehicles and narrows the definition of "unmanned aerial vehicle" to include only vehicles with the capability of performing audio or visual surveillance.

It requires the governing body of the governmental unit overseeing a law enforcement agency to approve the acquisition of an unmanned aerial vehicle by the law enforcement agency. It requires that a law enforcement agency must comply with Federal Aviation Administration requirements when operating an unmanned aerial vehicle.

Under this amendment, a law enforcement agency may operate an unmanned aerial vehicle only after it has adopted the standards established by the Board of Trustees of the Maine Criminal Justice Academy. The amendment provides exceptions for the use of an unmanned aerial vehicle in search and rescue operations when the law enforcement agency determines that the use is necessary to alleviate immediate danger to any person or for training exercises to prepare for such uses and for an emergency use approved by the chief administrative officer of the agency or the Governor. In addition, a law enforcement agency may use unmanned aerial vehicles for purposes other than the investigation of crimes, such as aerial photography for the assessment of accidents, forest fires and other fire scenes, flood stages and storm damage.

This amendment prohibits a law enforcement agency from using a weaponized unmanned aerial vehicle. Additionally, a law enforcement agency may not use an unmanned aerial vehicle for criminal investigations without a warrant, except as permitted by a recognized exception to the requirement for a warrant under the Constitution of Maine or the United States Constitution. The amendment also prohibits law enforcement use of an unmanned aerial vehicle to conduct surveillance of private citizens peacefully exercising their rights of free speech and assembly.

This amendment requires the Board of Trustees of the Maine Criminal Justice Academy to establish minimum standards for written policies and protocols for use of unmanned aerial vehicles and the Commissioner of Public Safety to annually report to the Legislature.

### **Enacted Law Summary**

Public Law 2015, chapter 307 enacts provisions regulating the use of unmanned aerial vehicles, also known as "drones," by law enforcement agencies. It includes a legislative findings provision to recognize the potential benefits and risks of the evolving technology of unmanned aerial vehicles and narrows the definition of "unmanned aerial vehicle" to include only vehicles with the capability of performing audio or visual surveillance.

It requires the governing body of the governmental unit overseeing a law enforcement agency to approve the acquisition of an unmanned aerial vehicle by the law enforcement agency. It also requires that a law enforcement agency must comply with Federal Aviation Administration requirements when operating an unmanned aerial vehicle.

Under chapter 307, a law enforcement agency may operate an unmanned aerial vehicle only after it has adopted the standards established by the Board of Trustees of the Maine Criminal Justice Academy. It provides exceptions for the use of an unmanned aerial vehicle in search and rescue operations when the law enforcement agency determines that the use is necessary to alleviate immediate danger to any person or for training exercises to prepare for such uses and for an emergency use approved by the chief administrative officer of the agency or the Governor. In addition, a law enforcement agency may use unmanned aerial vehicles for purposes other than the investigation of crimes, such as aerial photography for the assessment of accidents, forest fires and other fire scenes, flood stages and storm damage.

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It prohibits a law enforcement agency from using a weaponized unmanned aerial vehicle. Additionally, a law enforcement agency may not use an unmanned aerial vehicle for criminal investigations without a warrant, except as permitted by a recognized exception to the requirement for a warrant under the Constitution of Maine or the United States Constitution. It also prohibits law enforcement use of an unmanned aerial vehicle to conduct surveillance of private citizens peacefully exercising their rights of free speech and assembly.

Chapter 307 requires the Board of Trustees of the Maine Criminal Justice Academy to establish minimum standards for written policies and protocols for use of unmanned aerial vehicles and the Commissioner of Public Safety to annually report to the Legislature.

**LD 57      An Act To Increase Mileage Reimbursement and Compensation for Jurors      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J BURNS	OTP-AM	H-90

This bill increases the mileage reimbursement for citizens who serve as jurors from 15¢ per mile to 44¢ per mile. It restores the per diem compensation to \$20 per day, the rate paid to jurors until 1991.

Juror daily compensation and mileage reimbursement are included in the Biennial Budget, LD 1019, Public Law 2015, chapter 267, part A, section A-43 and Part PPP.

### **Committee Amendment "A" (H-90)**

This amendment adds an appropriations and allocations section to the bill. It appropriates funds to pay increased mileage reimbursement and increased per diem compensation to jurors.

**LD 58      An Act To Require Transparency of the Ownership of All Companies Providing Funds To Build Infrastructure for Development Purposes      Accepted Majority (ONTP) Report**

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

This bill requires a private entity to provide complete information about the ownership of that entity before it enters into an agreement with a governmental entity to provide funding for the construction of infrastructure for development purposes. The information must be provided to the governmental entity, which shall immediately release that information to the public. Information about such private entities is a public record for the purpose of the Freedom of Access Act.

This bill applies to all construction of infrastructure for development purposes, including contracts that the Department of Transportation supervises.

### **Committee Amendment "A" (H-18)**

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

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**LD 71      An Act To Amend the Laws Governing Service of Process in Eviction  
Actions**

**PUBLIC 22**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE	OTP	

This bill repeals language that was included when this section of law was amended in 2013 that required the law to be repealed September 1, 2016, at which time the original law would go back into effect. The section of law that continues in effect requires that a plaintiff in an eviction case mail and post the summons as well as the complaint after three good faith attempts to serve the defendant in hand have been unsuccessful. It requires the plaintiff to file an affidavit that the service has occurred, as is required under Rule 4 of the Maine Rules of Civil Procedure when the court orders service by the mailing and posting of the summons and complaint.

**Enacted Law Summary**

Public Law 2015, chapter 22 repeals language that was included when this section of law was amended in 2013 that required the law to be repealed September 1, 2016, at which time the original law would go back into effect. The section of law that continues in effect requires that a plaintiff in an eviction case mail and post the summons as well as the complaint after three good faith attempts to serve the defendant in hand have been unsuccessful. It requires the plaintiff to file an affidavit that the service has occurred, as is required under Rule 4 of the Maine Rules of Civil Procedure when the court orders service by the mailing and posting of the summons and complaint.

**LD 83      An Act To Strengthen the Consent Laws for Abortions Performed on  
Minors and Incapacitated Persons**

**Accepted Majority  
(ONTP) Report**

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

This bill repeals the current law concerning consent for a minor's abortion.

This bill requires the written consent of a parent or legal guardian before an abortion may be performed on a minor or an incapacitated person. Consent may be given in certain circumstances by a brother or sister who is at least 21 years of age or by a stepparent or a grandparent. Consent is not required in a medical emergency. The Probate Court or District Court may issue an order for the purpose of consenting to the abortion in two circumstances. First, the court may waive the need for third-party consent if it finds by clear and convincing evidence that the petitioner is both sufficiently mature and well-informed to decide whether to have an abortion. Second, the court may waive the need for third-party consent if the court finds by clear and convincing evidence that there is a pattern of physical or sexual abuse or neglect of the petitioner by one or both of her parents or her guardian or that notification of a parent or guardian is not in the best interests of the petitioner.

**Committee Amendment "A" (S-197)**

This amendment, which is the minority report of the committee, replaces the bill. The amendment deletes references to abortions performed on incapacitated persons.

The amendment retains current law concerning the consent necessary for a physician to perform an abortion on a pregnant minor, but the amendment provides that an abortion may not be performed unless, in addition to the minor's receiving information and counseling, at least one of the minor's parents or guardian or adult family member consents to the abortion. The amendment does not permit a minor or a counselor to consent to an abortion without a

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parent's consenting, except that the amendment permits a physician to perform an abortion without the required consent if the physician determines that a medical emergency exists. The amendment retains the judicial bypass in current law that allows a minor or next friend of the minor to petition the Probate Court or District Court for consent rather than obtaining parental consent. This amendment limits who may act as the next friend of the minor to adult family members and counselors. If a pregnant minor files a petition in the Probate Court or District Court for consent to an abortion without parental consent, the court may appoint a guardian ad litem for the minor, and the guardian ad litem is directed to act to maintain the confidentiality of the proceedings.

**LD 111      An Act To Ensure That Defendants Receive Proper Notification in Foreclosure Proceedings      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY MILLETT	OTP-AM	H-391

This bill requires that the notice of right to cure and all other notices and correspondence sent by a mortgagee to the mortgagor in a foreclosure action must be sent by certified mail.

**Committee Amendment "A" (H-391)**

This amendment replaces the bill. It requires the mortgagee to send the right to cure notice by both certified mail, return receipt requested, and ordinary mail.

The time the notice is given to the mortgagor or cosigner is the sooner of:

1. The date the mortgagor or cosigner signs the receipt or, if the notice is undeliverable, the date the post office last attempts to deliver it, under the Maine Revised Statutes, Title 14, section 6111, subsection 3, paragraph A; and
2. The date the mortgagor or cosigner receives the notice under Title 14, section 6111, subsection 3, paragraph B. A post office department certificate of mailing to the mortgagor or cosigner is conclusive proof of receipt on the 7th calendar day after mailing when notice is provided under Title 14, section 6111, subsection 3, paragraph B.

**LD 136      An Act To Clarify That the Medical Records of Applicants for Disability Variances Submitted to Municipal Boards of Appeal Are Not Public Records      PUBLIC 152**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MONAGHAN	OTP-AM	H-163

This bill provides that documents submitted to a municipal board of appeals or a municipal code enforcement officer that describe or verify the disability of a person who is seeking a variance from municipal zoning ordinances in order to accommodate the disability are not public records pursuant to the Freedom of Access Act.

**Committee Amendment "A" (H-163)**

This amendment clarifies that all medical records submitted to a municipal board of appeals or a code enforcement officer and any other documents submitted for the purpose of describing or verifying a person's disability are confidential. The amendment addresses a concern that under the language in the bill, medical records submitted to the board or code enforcement officer that do not actually describe or verify a person's disability but nonetheless contain private information would become public records.

**Enacted Law Summary**

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Public Law 2015, chapter 152 provides that all medical records submitted to a municipal board of appeals or a code enforcement officer and any other documents submitted for the purpose of describing or verifying a person's disability are confidential.

### **LD 159      An Act To Prevent Bad Faith Assertions of Patent Infringement**

**Accepted Majority  
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY HASKELL	ONTP OTP	

Current law prohibits a person from making a bad faith assertion of patent infringement against another person. A person who does make a bad faith assertion may have to pay remedies awarded by the court, including equitable relief, damages, costs and fees and punitive damages; however, the law exempts persons seeking relief pursuant to 35 United States Code, Section 271(e)(2) or 42 United States Code, Section 262 from the law prohibiting bad faith assertions of patent infringement, which may include businesses such as pharmaceutical companies. This bill removes the exemption.

### **LD 160      An Act To Provide Reasonable Compensation to Jurors**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THERIAULT BURNS	ONTP	

This bill increases the mileage reimbursement for citizens who serve as jurors from 15¢ per mile to 44¢ per mile and the per diem compensation to \$32 per day, the amount paid to Legislators for meals.

Juror daily compensation and mileage reimbursement is included in the Biennial Budget, LD 1019, Public Law 2015, chapter 267, Part A, section A-43 and Part PPP.

### **LD 161      An Act To Ban the United Nations Agenda 21 in Maine**

**Died Between  
Houses**

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

This bill prohibits the State or any political subdivision of the State from adopting or implementing policies originating in the United Nations Agenda 21 or other international laws that restrict private property rights without due process. Because the United Nations has accredited and enlisted numerous nongovernmental and intergovernmental organizations to assist in the implementation of its policies related to Agenda 21 around the world, the bill prohibits the State or any political subdivision from entering into agreements or financial arrangements with those organizations.

#### **Committee Amendment "A" (H-463)**

This amendment, which is the minority report of the committee, replaces the bill to eliminate references to United Nations Agenda 21 and any international law or ancillary plan of action that contravenes the United States Constitution or the Constitution of Maine, but still focuses on the protection of private property rights. The

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amendment requires the State and political subdivisions to identify the effect of planning and zoning policies on private property rights. It requires the State and political subdivisions to ensure participation of private property owners in the process of developing planning and zoning policies. It provides that the State and political subdivisions may provide an estimate of the effect of planning and zoning policies on the fair market value of private property.

### **LD 162      An Act To Protect the Rights of Property Owners**

**Accepted Majority  
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'CONNOR COLLINS	ONTP OTP-AM	

This bill requires that any entity enacting or enforcing a land use regulation that creates a taking of privately owned land, defined as a reduction in fair market value of the land, provide compensation in the amount of the reduction in fair market value to the owner of the land or repeal or not enforce the regulation against that owner. The bill provides a remedy and cause of action for owners of privately owned land who are subject to a taking by a land use regulation, with a statute of limitations of three years after the effective date of this legislation or when a land use regulation creating a taking is used as a criterion for approval of a land use permit application by an owner of privately owned land, whichever comes later. Exceptions to the compensation requirements include common law nuisances, public health and safety protections, regulations enacted prior to the date of acquisition of the property by the owner or a family member of the owner and regulations consistent with the original intent of the United States Constitution and the Constitution of Maine.

#### **Committee Amendment "A" (H-48)**

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

### **LD 181      An Act To Create Efficiencies in Court Process**

**PUBLIC 78**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MONAGHAN BURNS	OTP-AM	H-91

This bill authorizes the Supreme Judicial Court to adopt any rules or issue any orders necessary to implement its electronic case management and filing system. The bill requires the court to notify the Legislature of any such rules or orders and to recommend any changes in law needed to implement or promote the system.

#### **Committee Amendment "A" (H-91)**

This amendment replaces the bill but retains the provision of the bill that provides the Supreme Judicial Court the authority to adopt rules governing the use of electronic forms and filing processes. The amendment authorizes the Judicial Branch to accept electronic signatures, which is already authorized for executive branch agencies under the Maine Digital Signature Act.

#### **Enacted Law Summary**

Public Law 2015, chapter 78 authorizes the Supreme Judicial Court to adopt any rules or issue any orders necessary to implement its electronic case management and filing system. It authorizes the Judicial Branch to accept electronic signatures, which is already authorized for executive branch agencies under the Maine Digital Signature Act. The court must notify the Legislature of any such rules or orders and must recommend any changes in law

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needed to implement or promote the system.

**LD 199 An Act To Improve the Reporting of Child Abuse**

**PUBLIC 117**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	S-93

This bill amends the law regarding mandated reporters of suspected child abuse and neglect and of the suspicious death of a child by striking language allowing those reporters to cause someone else to make a report. Individual mandated reporters are still required to report suspected child abuse and neglect and suspicious death of a child.

**Committee Amendment "A" (S-93)**

The bill eliminates language allowing mandated reporters of child abuse and neglect to report to an institution, facility or agency rather than directly to the Department of Health and Human Services. This amendment retains the current language and instead requires a mandated reporter, described as the "notifying person," to acknowledge in writing that the mandated reporter has received confirmation that the report has been made by the institution, facility or agency to the department. If the mandated reporter does not receive that confirmation within 24 hours of notifying the institution, facility or agency, the mandated reporter is required to report directly to the department. The amendment also prohibits an employer from taking any action to prevent or discourage an employee from making a report. The amendment adds similar requirements for reports that must be made to the appropriate district attorney's office.

**Enacted Law Summary**

Public Law 2015, chapter 117 requires a mandated reporter of child abuse and neglect, to acknowledge in writing that the mandated reporter has received confirmation that the report has been made by the institution, facility or agency to the department. If the mandated reporter does not receive that confirmation within 24 hours of notifying the institution, facility or agency, the mandated reporter is required to report directly to the department. An employer is prohibited from taking any action to prevent or discourage an employee from making a report. Chapter 117 adds similar requirements for reports that must be made to the appropriate district attorney's office.

**LD 206 An Act To Clarify Restrictions on Disclosure of E-9-1-1 System Information**

**PUBLIC 153**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-165

This bill amends the confidentiality provisions regarding the E-9-1-1 system as follows:

1. It replaces reference to a law enforcement officer with reference to a criminal justice agency;
2. It replaces reference to a criminal investigation with reference to the administration of criminal justice and the administration of juvenile justice; and
3. It allows release of audio recordings of E-9-1-1 calls to a person accused of a crime or that person's agent or attorney for the purposes of trial and sentencing if authorized by the prosecutor or prosecutorial office or a rule or order of a court of competent jurisdiction.

**Committee Amendment "A" (H-165)**

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This amendment adds a section to the bill to amend the current law definition of "confidential information" related to E-9-1-1 system information. The amendment provides that personally identifying information of a caller, a person receiving medical services or any other third party mentioned in an E-9-1-1 call is confidential. Current law protects only the name, address and telephone number of the caller and the name, address and telephone number and medical information of the person receiving medical services.

This amendment defines "personally identifying information" and "medical information." "Personally identifying information" means any information that directly or by reasonable inference might disclose the identity of or personal information about a specific person or persons. It does not include the name, title, official agency contact information or, when applicable, official agency identifying number of a public employee involved in a response to an emergency call in the course of carrying out the public employee's official duties. "Medical information" includes, but is not limited to, any information revealing or concerning a person's injury or injuries, physical health status, mental health status, medication use, medical history or medical treatment.

### **Enacted Law Summary**

Public Law 2015, chapter 153 amends the confidentiality provisions regarding the E-9-1-1 system to provide that personally identifying information of a caller, a person receiving medical services or any other third party mentioned in an E-9-1-1 call is confidential. It amends the current definition of "confidential information" and defines "personally identifying information" and "medical information." In addition, chapter 153 allows release of audio recordings of E-9-1-1 calls to a person accused of a crime or that person's agent or attorney for the purposes of trial and sentencing if authorized by the prosecutor or prosecutorial office or a rule or order of a court of competent jurisdiction.

**LD 210      An Act To Provide for Special Restrictions on Dissemination and Use of  
Criminal History Record Information for Class E Crimes Committed by  
an Adult under 21 Years of Age**

**PUBLIC 354**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO WELSH	OTP-AM	S-240

This bill establishes a process to apply special restrictions on the dissemination and use of criminal history record information about an eligible criminal conviction.

### **Committee Amendment "A" (S-240)**

This amendment changes the bill in two ways. First, it expands the crimes for which convictions are eligible for special treatment to cover all current and former Class E crimes, except any convictions for current or former Class E crimes contained in chapter 11 of the Maine Criminal Code defining sexual assaults. Second, this amendment eliminates the requirement that the Department of Public Safety, Bureau of State Police, State Bureau of Identification notify those persons who have received from the bureau within the last year criminal history record information pertaining to a person whose Class E crime conviction is subject to restricted dissemination. The amendment also adds an appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2015, chapter 354 establishes a process to apply special restrictions on the dissemination and use of criminal history record information about a Class E criminal conviction, other than a conviction for a sexual assault, if the person committed the crime when at least 18 years of age but no more than 21. The person must have no other convictions and no charges pending. The person must file a motion with the court in the underlying criminal proceeding to apply for the special treatment.

Upon receipt of a court order, the Department of Public Safety, Bureau of State Police, State Bureau of

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Identification must promptly alter its records relating to the person's qualifying criminal conviction to reflect that future dissemination of this criminal history record information must be pursuant to the new procedure.

The criminal history record information relating to the criminal conviction is confidential and may not be disseminated by a criminal justice agency, whether directly or through any intermediary, except to the person and to a criminal justice agency for the purpose of the administration of criminal justice and criminal justice agency employment. Unlawfully releasing the restricted information is a violation of the release of confidential information under the criminal history record information laws.

If the person is convicted of a subsequent crime, the person is required to file a written notice in the underlying criminal proceeding.

The provisions establishing the process to apply special restrictions on the dissemination and use of criminal history record information about an eligible criminal conviction are repealed October 1, 2019.

**LD 221      An Act To Amend the Laws Regarding Service Animal Housing  
Accommodations**

**CARRIED OVER**

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

This bill amends the laws regarding housing accommodations for individuals using service animals. It exempts a landlord from having to comply with provisions concerning service animals when the landlord has requested from an individual seeking an accommodation a letter written by a licensed health care professional or social worker that sets out details about the service animal and why the individual seeking the accommodation needs the service animal if the landlord has not received that letter within a reasonable period of time. It creates a presumption within the laws regarding forcible entry and detainer that a landlord does not have to make an accommodation for a service animal when the service animal's owner fails to comply with a set of requirements, including insurance coverage, sanitation and public safety. It allows a landlord to charge higher rent and higher security deposits and to require renter's insurance for an individual with a service animal. It also changes the law concerning rentals of one-family units in two-family dwellings exempted from the requirements of the Maine Human Rights Act by extending the exemption to one-family units in dwellings of four families or fewer.

See LD 872, Resolve 2015, chapter 36 (Agriculture, Conservation and Forestry Committee).

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 252      An Act To Increase Transparency of Entities Receiving Substantial  
Amounts of Public Funding**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS LOCKMAN	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to enact measures designed to increase transparency by requiring that entities that receive a certain percentage of their funding from the State disclose the sources of their funding and the names of their donors on a publicly accessible website within 30 days of receipt of the donation. If the donation is associated with a specific exhibit or program, the name of the donor must be prominently displayed at the exhibit or before or after the program.

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The Judiciary Committee considered proposed committee amendments to address the conflict of interest disclosure policies of the Maine Public Broadcasting Network (MPBN), but did not go forward with the bill because MPBN revised its policies and made the new policies available on the MPBN.net website.

**LD 259      An Act To Increase Compensation for Jurors      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS BLACK	ONTP	

This bill adds parking fees to the compensation paid to citizens who serve as jurors and increases their daily compensation rate from \$10 per day to \$25 per day.

Juror daily compensation and mileage reimbursement is included in the Biennial Budget, LD 1019, Public Law 2015, chapter 267, Part A, section A-43 and Part PPP.

**LD 267      An Act To Implement the Recommendations of the Truth and Reconciliation Commission      CARRIED OVER**

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to implement the recommendations of the Maine Wabanaki-State Child Welfare Truth and Reconciliation Commission.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 268      An Act Regarding the Penobscot Nation's and Passamaquoddy Tribe's Authority To Exercise Jurisdiction under the Federal Tribal Law and Order Act of 2010 and the Federal Violence Against Women Reauthorization Act of 2013      CARRIED OVER**

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

This bill amends the Act To Implement the Maine Indian Claims Settlement by:

1. Transferring jurisdiction over violations of a tribal ordinance from the State to the Passamaquoddy Tribe and the Penobscot Nation over a person who is not a member of either tribe or nation in accord with and to the extent authorized by federal law;
2. Increasing the level of certain criminal offenses from a maximum period of imprisonment of one year and a maximum fine amount of \$5,000 to a maximum period of imprisonment of three years and a maximum fine amount of \$15,000 over which the Penobscot Nation has the right to exercise exclusive jurisdiction as authorized by the federal Tribal Law and Order Act of 2010; and

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3. Clarifying that the Penobscot Nation has concurrent jurisdiction with the State over criminal offenses as authorized by the federal Violence Against Women Reauthorization Act of 2013.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 276 An Act Regarding Maine's Power of Sale Foreclosure Law**

**PUBLIC 147**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE	OTP-AM	H-201

This bill makes several changes to the power of sale mortgage foreclosure law in order to clarify certain provisions, improve notice to interested parties and ensure the marketability of titles.

**Committee Amendment "A" (H-201)**

This amendment clarifies that a power of sale foreclosure may be used only if a mortgage deed executed on or after October 1, 1993 states that it is given primarily for one or more of the following purposes: business, commercial or agricultural. The deed is not required to name all three purposes. The amendment amends the bill to retain a cross-reference to existing notice requirements and clarifies a cross-reference to provisions listing foreclosure procedures.

**Enacted Law Summary**

Public Law 2015, chapter 147 makes the following changes to the power of sale mortgage foreclosure law.

1. It clarifies that the statutory power of sale applies to a mortgage granted by a limited liability partnership.
2. It provides cross-references between the power of sale laws in the Maine Revised Statutes, Title 14 and those in Title 33.
3. It clarifies that a power of sale foreclosure may be used only if a mortgage deed executed on or after October 1, 1993 states that it is given primarily for one or more of the following purposes: business, commercial or agricultural. The deed is not required to name all three purposes.
3. It requires that written notice of sale be sent to all parties in interest, not just the mortgagor.
4. It provides that a written foreclosure notice may be given to the mortgagor at an address provided in writing by the mortgagor to the mortgagee.
5. It defines "parties in interest."
6. It clarifies that written foreclosure notices may be delivered to the mortgagor by certified mail in addition to registered mail.
7. It provides that a copy of a notice of foreclosure may be provided to a residential tenant by posting the notice conspicuously at each entrance to the mortgaged premises.
8. It clarifies the information that must be included in a foreclosure notice of sale.
9. It provides that property may be sold free and clear of the interests of the mortgagor and other junior parties in interest who have been sent a foreclosure notice of sale, but specifies that parties in interest having a superior

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priority are not affected by the foreclosure.

10. It requires a foreclosing mortgagee to execute a purchase and sale agreement with the highest bidder at a public sale and provides that, if the highest bidder fails to perform on the agreement, the foreclosing mortgagee may execute an agreement with the next highest bidder.

11. It provides that a foreclosure sale may be adjourned for up to 30 days and from time to time until a sale is made.

12. It clarifies the information relating to a foreclosure that must be included in the recorded foreclosure affidavit

13. It provides that a foreclosure affidavit must be recorded within 30 days after the date of delivery of the deed to the purchaser at the foreclosure sale rather than 30 days after the date of the sale.

14. It requires a mortgagee to correct an error in a recorded foreclosure affidavit. Current law provides for such an error to be corrected by the Superior Court. The bill retains the provision of current law that provides that the amended affidavit does not prejudicially affect any title or interest in land that may have arisen or have been created between the recording of the original and the amended affidavits.

15. It provides that, if a mortgagee is the purchaser at a public sale, any deficiency is limited to the difference between the fair market value of the premises at the time of the sale, as established by an independent appraisal, and the sum due the mortgagee with interest plus the expenses incurred in making the sale.

16. It provides that the assignment of a mortgage during the foreclosure process does not affect the validity of the foreclosure and, upon the recording of the assignment of mortgage, the assignee of the mortgage may complete the foreclosure.

17. It exempts individuals conducting mortgage foreclosure sales from auctioneer licensing requirements of Title 32. Current law exempts only individuals conducting foreclosure sales pursuant to a court order.

18. It provides that a public foreclosure sale must be held in the county where the real estate is situated rather than on or near the premises.

**LD 303      An Act To Improve Communications Regarding Executive Sessions**

**ONTP**

Sponsor(s)

BRAKEY  
TURNER

Committee Report

ONTP

Amendments Adopted

This bill allows public disclosure of otherwise confidential records and information related to an executive session regarding a public employee when that employee publicly discloses information about the matter discussed in that executive session. The bill applies to records and information held by the Department of Administrative and Financial Services, Bureau of Human Resources for an employee of the executive or legislative branch, as well as records and information held by a county or municipality.

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**LD 309      An Act To Connect the Citizens of the State to the State's Natural Resources by Establishing Standards for Relief from Regulatory Burdens**

**Died Between Houses**

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

This bill proposes standards for relief when state regulation imposes an inordinate burden on an individual property owner, as well as efficient mechanisms for pursuit of such relief. The bill provides that, if a property owner's right to use, divide, sell, occupy or possess real property is reduced by the enactment or application of a government regulation, the property owner may seek and obtain relief. Under the provisions of the bill, prior to filing an action, the property owner must pursue relief under a land use mediation program.

**Committee Amendment "A" (S-124)**

This amendment is the minority report of the committee. It adds a takings variance as an option for the State when a property owner's land is subject to a regulatory taking. A takings variance is a decision by the State to permit departure from the requirements of a regulation. If a fact finder determines that a regulatory taking has occurred, the State must choose between paying damages to the property owner, as provided in the bill, and granting a takings variance. Granting a takings variance means that the regulation causing the regulatory taking will not be applied to the property. The State may also grant a takings variance as a settlement offer as part of the mandatory mediation process.

**LD 321      An Act To Protect Consumers against Residential Real Estate Title Defects**

**PUBLIC 289**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT HASKELL	OTP-AM	H-425

The purpose of this bill is to protect consumers against defects in titles to real estate in which Mortgage Electronic Registration Systems, Inc., appears in the chain of title. Under current Maine law, according to *Bank of America v. Greenleaf*, 2014 ME 89, 102 A.3d 774, any action by Mortgage Electronic Registration Systems, Inc., other than the recording of a mortgage, is invalid and of no force or effect. A large proportion of Maine residential real estate transactions include Mortgage Electronic Registration Systems, Inc. in the chain of title, putting consumers at risk of a defect in the title to their property.

This bill amends Maine law to eliminate that risk by establishing the presumption that a nominee mortgagee has the authority to assign or otherwise affect the mortgage even if the instrument assigning authority to the nominee mortgagee does not specifically so state. The authority is not presumed if the instrument explicitly negates the authority or if a separate written instrument negates the authority and that instrument is recorded in the appropriate registry of deeds.

**Committee Amendment "A" (H-425)**

This amendment clarifies that a person or entity may be named as nominee to hold a mortgage. This amendment provides that the provisions of the bill apply to the following:

1. A discharge or partial release issued prior to the effective date of this legislation, whether made by a nominee mortgagee or by a subsequent assignee;

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- 2. A discharge or partial release issued on or subsequent to the effective date of this legislation, whether made by a nominee mortgagee or by a subsequent assignee; and
- 3. An assignment or other instrument affecting title to a mortgaged property that is the subject of a foreclosure judgment or other legal judgment affecting title to a mortgaged property for which, as of the effective date of this legislation, either the period for appeal has run with no appeal having been filed or all rights of appeal have been exhausted.

**Enacted Law Summary**

Public Law 2015, chapter 289's purpose is to protect consumers against defects in titles to real estate in which Mortgage Electronic Registration Systems, Inc. appears in the chain of title. Under current Maine law, according to *Bank of America v. Greenleaf*, 2014 ME 89, 102 A.3d 774, any action by Mortgage Electronic Registration Systems, Inc., other than the recording of a mortgage, is invalid and of no force or effect. A large proportion of Maine residential real estate transactions include Mortgage Electronic Registration Systems, Inc. in the chain of title, putting consumers at risk of a defect in the title to their property.

Chapter 289 amends Maine law to eliminate the risk by establishing the presumption that a nominee mortgagee, which can be a person or entity named as a nominee to hold a mortgage, has the authority to assign or otherwise affect the mortgage even if the instrument assigning authority to the nominee mortgagee does not specifically so state. The authority is not presumed if the instrument explicitly negates the authority or if a separate written instrument negates the authority and that instrument is recorded in the appropriate registry of deeds.

Chapter 289 applies to the following:

- 1. A discharge or partial release issued prior to the effective date of this legislation, whether made by a nominee mortgagee or by a subsequent assignee;
- 2. A discharge or partial release issued on or subsequent to the effective date of this legislation, whether made by a nominee mortgagee or by a subsequent assignee; and
- 3. An assignment or other instrument affecting title to a mortgaged property that is the subject of a foreclosure judgment or other legal judgment affecting title to a mortgaged property for which, as of the effective date of this legislation, either the period for appeal has run with no appeal having been filed or all rights of appeal have been exhausted.

**LD 328 An Act To Allow Personal Representatives of Children Access to Certain Documents of the Department of Health and Human Services Regarding Child Protective Activities**

**PUBLIC 198**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK SAVIELLO	OTP-AM	H-202

This bill allows the Department of Health and Human Services to disclose information regarding the abuse and neglect of a child to the personal representative of the child.

**Committee Amendment "A" (H-202)**

This amendment corrects the terminology in the bill to allow the Department of Health and Human Services to disclose relevant information in child protection records to the personal representative of the estate of a child named in a record who is reported to be abused or neglected.

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**Enacted Law Summary**

Public Law 2015, chapter 198 allows the Department of Health and Human Services to disclose relevant information in child protection records to the personal representative of the estate of a child named in a record who is reported to be abused or neglected.

**LD 330      An Act To Protect Rights and Privileges Granted under the United States Constitution and the Constitution of Maine      Died Between Houses**

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

This bill is based on Tennessee Public Acts, 2010, Public Chapter Number 983. The bill addresses the application of foreign law in this State.

**Committee Amendment "A" (H-462)**

This amendment is the minority report of the committee, and it replaces the bill. It addresses the application of foreign law in this State with the goal of protecting American citizens' constitutional rights when foreign laws and foreign legal doctrines are applied in judicial and administrative tribunals and mediation. The amendment provides that:

1. A court or administrative ruling violates the public policy of this State and is void and unenforceable if it is based in whole or in part on a foreign law, legal code or legal system that would not grant the same liberties, rights and privileges as are granted under the United States Constitution and the Constitution of Maine;
2. A contract's choice of law provision that chooses such a foreign law, legal code or legal system to govern aspects of the contract is void and unenforceable if the foreign law, legal code or legal system does not protect the same liberties, rights and privileges as are protected under the United States Constitution and the Constitution of Maine;
3. A contract's choice of personal jurisdiction provision that provides jurisdiction over the parties that applies a foreign law, legal code or legal system to govern aspects of the contract is void and unenforceable if the foreign law, legal code or legal system does not protect the same liberties, rights and privileges as are protected under the United States Constitution and the Constitution of Maine;
4. The court must deny a claim of forum non conveniens or related claim if granting the claim would subject the nonclaimant to a foreign forum that applies a foreign law, legal code or legal system that does not protect the same liberties, rights and privileges as are protected under the United States Constitution and the Constitution of Maine;
5. The law does not apply to a corporation, partnership, limited liability company, business association or legal entity that contracts to subject itself to a foreign law, legal code or legal system in a jurisdiction other than this State or the United States;
6. The law does not limit the free exercise of religion or require or authorize a court to adjudicate issues within a religious organization that would violate the First Amendment's establishment clause; and
7. The law may not be interpreted to conflict with any relevant treaty or international agreement.

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**LD 344 An Act To Amend the Laws Governing the Confidentiality of Library Records**

**PUBLIC 81**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU	OTP	

Current law designates as confidential library records that identify the books or materials a patron uses at a public library, the Maine State Library, the Law and Legislative Reference Library and the libraries of the University of Maine System, the Maine Community College System and the Maine Maritime Academy.

This bill retains that designation of confidentiality and also designates as confidential personally identifying information about the library patron. The bill also retains the provision that the confidential information may be released with the written permission of the library patron or pursuant to a court order but adds language permitting the confidential information to be released to officers, employees, volunteers and agents of the library for administrative purposes. The bill clarifies that a library may publish and release as a public record aggregated and statistical information about library use if the confidentiality of a library patron's personally identifying information is not jeopardized.

**Enacted Law Summary**

Public Law 2015, chapter 81 designates as confidential personally identifying information about a library patron and permits the confidential information to be released to officers, employees, volunteers and agents of the library for administrative purposes. It clarifies that a library may publish and release as a public record aggregated and statistical information about library use if the confidentiality of a library patron's personally identifying information is not jeopardized.

**LD 346 An Act To Require Shared Parenting of Minor Children When the Parents Separate**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUTREMBLE NADEAU	ONTP	

This bill requires the court to order shared parenting when parents of minor children separate unless the court finds proof of domestic abuse, drug use or neglect in the family. It requires the court to start with the presumption of shared parenting when determining the best interest of the child and to incorporate into the order the sharing of parental rights and responsibilities agreed to by the parents unless there is proof of domestic abuse, drug use or neglect in the family.

**LD 349 An Act To Ensure Accountability of Guardians Ad Litem**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUTREMBLE CRAFTS	ONTP	

This bill:

1. Removes the quasi-judicial immunity provided to guardians ad litem by statute;

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- 2. Allows a cause of action and the award of punitive damages against guardians ad litem who falsely accuse parties of abuse or neglect or who intentionally exclude relevant information from reports to the parties or the court;
- 3. Requires the court to impose limits on the extent of investigations to be undertaken by a guardian ad litem;
- 4. Requires all guardians ad litem to have a minimum amount of completed course work in social work; and
- 5. Requires the court to set expenditure limits on guardian ad litem fees and any other costs incurred in investigations or the completion of the duties of the appointment.

**LD 351      An Act To Reinstate as a Nonprofit Corporation the Orchard Hills Umbrella Association      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KORNFIELD GRATWICK	ONTP	

This bill reinstates the Orchard Hills Umbrella Association, a nonprofit corporation with the purpose of maintaining the Orchard Hills Parkway in the City of Bangor that was administratively dissolved by the Secretary of State in 1989. See LD 1425, Public Law 2015, chapter 254.

**LD 360      An Act To Clarify That the Information Gathered during Investigations of Attorneys by the Maine Commission on Indigent Legal Services Is Confidential      PUBLIC 290**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHERMAN	OTP	

This bill clarifies that information obtained or gathered by the Maine Commission on Indigent Legal Services when the commission is performing an investigation of an attorney is confidential. The bill retains the provision of current law that provides that information obtained or gathered by the commission when performing an evaluation of an attorney is confidential.

**Enacted Law Summary**

Public Law 2015, chapter 290 clarifies that information obtained or gathered by the Maine Commission on Indigent Legal Services when the commission is performing an investigation of an attorney is confidential.

**LD 401      An Act To Create Transparency in the Mortgage Foreclosure Process      PUBLIC 229**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAVERS JOHNSON	OTP-AM	H-257

This bill requires a mortgage loan owner to conduct a foreclosure in the name of the mortgage loan owner, instead of a mortgage loan servicer, to ensure that courts and parties know that the foreclosing plaintiff is the mortgage loan owner and the entity whose loan modification programs affect the ability of homeowners to obtain loan modifications.

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### **Committee Amendment "A" (H-257)**

This amendment replaces the bill but still requires proof of the owner of the mortgage note to be included in the foreclosure complaint.

The Maine Rules of Civil Procedure, Rule 12(b)(6) provides that a complaint must be dismissed if it fails to state a claim upon which relief can be granted. This amendment makes a foreclosure case subject to dismissal if it does not include a certification of proof of the owner of the mortgage note. The purpose of this amendment is to remove the ambiguity left by the Law Court in *Bank of America v. Cloutier*, 2013 ME 17, 61 A.3d. 1242, in which it held that the plaintiffs must identify the owner of a loan but did not say when and how that identification must occur. This amendment requires the identification at the beginning of the lawsuit when the parties most need that information as they engage in mediation and loan modification efforts.

#### **Enacted Law Summary**

Public Law 2013, chapter 229 makes a foreclosure case subject to dismissal if it does not include a certification of proof of the owner of the mortgage note. Chapter 229 removes the ambiguity left by the Maine Law Court in *Bank of America v. Cloutier*, 2013 ME 17, 61 A.3d. 1242, in which the Law Court held that the plaintiffs must identify the owner of a loan but did not say when and how that identification must occur. The identification must be made at the beginning of the lawsuit when the parties most need that information as they engage in mediation and loan modification efforts.

**LD 416      An Act To Provide for Direct Appeals under the Maine Juvenile Code to the Supreme Judicial Court      PUBLIC 100**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION	OTP-AM	H-92

The purpose of this bill is to eliminate duplicative appeals from the juvenile court. Under current law, all appeals from adjudications in juvenile court go first to the Superior Court, with a second appeal available at the Supreme Judicial Court. This bill provides instead that appeals are brought directly to the Supreme Judicial Court.

### **Committee Amendment "A" (H-92)**

This amendment lengthens the amount of time for an appeal from the juvenile court from 7 days to 21 days from the date of the entry of an order of disposition or other appealed order. The Supreme Judicial Court retains its authority to expand the time limit pursuant to a rule of the court.

#### **Enacted Law Summary**

Public Law 2015, chapter 100 provides that all appeals from adjudications in juvenile court go directly to the Supreme Judicial Court. The appeal must be filed within 21 days from the date of the entry of an order of disposition or other appealed order. The Supreme Judicial Court retains its authority to expand the time limit pursuant to a rule of the court.

**LD 434      An Act To Promote Equity in the Joint and Several Liability Law in Maine      Accepted Majority (ONTP) Report**

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

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Under current Maine law, if two or more defendants are found to be liable to a plaintiff for the same injury, the defendants are jointly and severally liable for the full amount of the plaintiff's damages.

This bill provides that, if a defendant is less than 50% at fault for the plaintiff's injury, that defendant's liability for damages is equal to the percentage attributable to that defendant. This limitation also applies to claims for contribution and actions brought by another defendant.

### **Committee Amendment "A" (S-125)**

This amendment, which is the minority report of the committee, replaces the bill, and provides that, if two or more defendants are found to be liable for a plaintiff's injury, then the defendants are jointly and severally liable for the plaintiff's pecuniary damages, but each defendant is only severally liable for nonpecuniary damages proportionate to the percentage of fault attributable to that defendant. If the defendants acted in concert, they are jointly and severally liable for the nonpecuniary damages as well.

<b>LD 448</b>	<b>An Act Regarding the Use of Remote-access Technology at Public Meetings of the Public Utilities Commission</b>	<b>ONTP</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODSOME DION	ONTP	

This bill specifically authorizes the commissioners of the Public Utilities Commission to participate in proceedings of the commission through telephonic, video, electronic or similar means of communication.

See also LD 1241.

<b>LD 451</b>	<b>An Act To Improve Disclosure Procedures</b>	<b>PUBLIC 275</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ	OTP-AM	S-259

This bill provides for the removal of the sunset provisions contained in Public Law 2013, chapter 150. It clarifies that the amendments made by Public Law 2013, chapter 150 apply to small claims court disclosure proceedings and allows the judgment creditor to obtain Department of Labor wage information when the judgment debtor has not conformed to the requirements of an installment payment order.

### **Committee Amendment "A" (S-259)**

This amendment provides that the court shall order the Department of Labor to provide employment information about a judgment debtor after the judgment debtor has failed to make two or more payments required by an installment payment order in response to an ex parte motion and affidavit filed by the judgment creditor. The amendment requires the affidavit to describe how payments made by the judgment debtor, including those received late, have been applied to support the judgment creditor's motion based on there being at least two unpaid installment payments.

This amendment adds language consistent with current law that provides that the judgment creditor may serve the order on the Department of Labor by ordinary mail and that the order must be accompanied by a reasonable fee set by the Department of Labor to cover the costs of processing the request and providing the employment information. The Department of Labor must provide the employment information to the judgment creditor within 20 days after receiving the court order. The fee the Department of Labor may require to respond to a court order for employment

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information under the existing law is set by the department; the amendment requires that the fee be calculated by the department to cover the full labor, overhead and other costs of administering the order pursuant to state rules and federal regulations.

The amendment adds an appropriations and allocations section.

**Enacted Law Summary**

Public Law 2015, chapter 275 provides for the removal of the sunset provisions contained in Public Law 2013, chapter 150. It clarifies that the amendments made by Public Law 2013, chapter 150 apply to small claims court disclosure proceedings and allows the judgment creditor to obtain Department of Labor wage information when the judgment debtor has not conformed to the requirements of an installment payment order. The judgment creditor must file an affidavit that describes how payments made by the judgment debtor, including those received late, have been applied to support the judgment creditor's motion based on there being at least two unpaid installment payments. The judgment creditor may serve the order on the Department of Labor by ordinary mail and the order must be accompanied by a reasonable fee set by the Department of Labor to cover the costs of processing the request and providing the employment information. The Department of Labor must provide the employment information to the judgment creditor within 20 days after receiving the court order. The fee the Department of Labor may require is set by the department and must be calculated by the department to cover the full labor, overhead and other costs of administering the order pursuant to state rules and federal regulations.

Chapter 275 includes Other Special Revenue Funds allocations and corresponding Federal Expenditures Fund deallocations to the Employment Security Services program within the Department of Labor to transfer and reallocate the cost of the vacant Office Associate II position from the Federal Expenditures Fund to Other Special Revenue Funds. Chapter 275 also includes Other Special Revenue Funds allocations for the All Other costs. It is assumed that sufficient revenue will be generated from the fees to cover the personal services and all other costs of the position.

**LD 482      An Act To Prohibit Flying over Land with Drones without Written      ONTP  
Permission from the Landowner**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK EDGECOMB P	ONTP	

This bill makes operating an unmanned aerial vehicle over the land of another without written permission of the landowner a civil trespass punishable by a fine of not less than \$500.

See also LD 25, Public Law 2015, chapter 307.

**LD 484      An Act Regarding the Confidentiality of Railroad Carrier Cargo      PUBLIC 161**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHAW	OTP-AM	H-181

This bill adds an additional public records exception to the Freedom of Access Act to cover records describing commodities transported by a railroad in this State when those records are in the possession of law enforcement, fire departments or other first responders or emergency management entities.

**Committee Amendment "A" (H-181)**

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This amendment clarifies that the exception to the definition of "public record" proposed in the bill is limited to records provided by a railroad company that describe hazardous materials that are transported by the railroad company, the routes of the hazardous materials shipments and the frequency of the hazardous materials operations on those routes when those records are in the possession of state or local emergency management entities or law enforcement agencies, fire departments or other first responders. The amendment also provides that "hazardous material" has the same definition as in 49 Code of Federal Regulations, Section 105.5.

### **Enacted Law Summary**

Public Law 2015, chapter 161 creates a new exception to the definition of "public record" limited to records provided by a railroad company that describe hazardous materials that are transported by the railroad company, the routes of the hazardous materials shipments and the frequency of the hazardous materials operations on those routes when those records are in the possession of state or local emergency management entities or law enforcement agencies, fire departments or other first responders. "Hazardous material" has the same definition as in 49 Code of Federal Regulations, Section 105.5.

### **LD 485      An Act To Allow Licensed Foresters To Use Mechanics Liens**

**PUBLIC 56**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCLELLAN	OTP	

This bill adds licensed foresters to the list of persons who can place a lien on the property of another for nonpayment of services.

### **Enacted Law Summary**

Public Law 2015, chapter 56 adds licensed foresters to the list of persons who can place a lien on the property of another for nonpayment of services.

### **LD 513      An Act To Clarify the Protections of Court Appointed Special Advocate Workers under State Law**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HYMANSON	ONTP	

This bill amends the laws applicable to individuals who volunteer to serve as court appointed special advocates. Current law provides quasi-judicial immunity for acts performed within the scope of the volunteer's duties as a guardian ad litem. The bill requires the State, with the consent of the volunteer, to assume the defense of the volunteer and indemnify the volunteer against a claim that arises out of the volunteer's work as a court appointed special advocate. In addition, this bill requires the State to reimburse out-of-pocket medical costs and costs to repair or replace personal property, such as broken eyeglasses, if the injury or damage occurs during the person's performance of services and within the person's scope of the duties of the court appointed special advocate.

### **LD 531      An Act To Establish the Maine Fourth Amendment Protection Act**

**Died Between Houses**

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

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This bill prohibits the State and its political subdivisions from assisting, participating with or providing material support or resources to enable or facilitate a federal agency in the collection or use of a person's electronic data or metadata without the person's informed consent, without a warrant based upon probable cause that particularly describes the person, place or thing to be searched or seized or without acting in accordance with a legally recognized exception to the warrant requirements.

### **Committee Amendment "A" (S-275)**

This amendment, which is the majority report of the committee, clarifies the language in the bill concerning the permitted activities of the State and its political subdivisions in participating with a federal agency in the collection and use of a person's electronic data and metadata. It also specifies that the prohibition applies to electronic data and metadata associated with a person's landline, cellular or satellite telephone, handheld electronic device, global positioning system device, personal computer, e-mail account, private messaging service or cloud database service.

**LD 553      An Act To Include a Representative of the Aroostook Band of Micmacs      ONTP**  
**in the House of Representatives**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAR WILLETTE	ONTP	

This bill makes the statutory changes necessary to include a representative of the Aroostook Band of Micmacs in the Maine House of Representatives beginning with the 128th Legislature.

**LD 574      An Act To Amend the Laws Governing the Membership of the Maine      Veto Sustained**  
**Commission on Domestic and Sexual Abuse**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DANA	OTP	

This bill allows the designee of a county sheriff appointed to the Maine Commission on Domestic and Sexual Abuse to serve on the commission and replaces one at-large member with the executive director of a tribal coalition against sexual assault and domestic violence. The current at-large member will serve until the expiration of that member's term.

**LD 583      An Act To Clarify the Law Governing Mortuary Trust Accounts as They      ONTP**  
**Relate to the Uniform Unclaimed Property Act**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PICCHIOTTI	ONTP	

This bill clarifies that presumptive abandonment of demand, savings and time deposit accounts does not apply to prearranged funeral and burial plans. Those plans are explicitly covered by the Maine Revised Statutes, Title 33, section 1953, subsection 1, paragraph P.

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**LD 584      RESOLUTION, Proposing an Amendment to the Constitution of Maine  
To Prohibit the Denial of Equal Rights Based on the Sex of an  
Individual** **Died On  
Adjournment**

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

This resolution proposes to amend the Constitution of Maine to prohibit the denial of equal rights based on the sex of an individual.

**Committee Amendment "A" (H-284)**

This amendment, which is the majority report committee, incorporates a fiscal note.

**LD 611      An Act To Improve the Transparency of Decision-making Bodies of  
Publicly Funded Hospitals** **Accepted Majority  
(ONTP) Report**

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

This bill provides that meetings of a general hospital's governing board are public if that hospital receives more than 50% of its gross operating revenues in the form of payments and reimbursements from the State Government and the Federal Government in its prior fiscal year.

**Committee Amendment "A" (H-444)**

This amendment is the minority report of the committee.

This amendment replaces the bill and changes the title. It amends the laws governing hospitals to require every hospital licensed in this State to hold at least annually a public meeting to discuss issues relating to the operation of the hospital and concerns of the community with respect to the delivery of services at the hospital.

**LD 631      Resolve, Directing the Department of Professional and Financial  
Regulation To Conduct a Sunrise Review Regarding the Proposal To  
License Guardians Ad Litem** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUTREMBLE SAUCIER	ONTP	

This resolve requires the Commissioner of Professional and Financial Regulation to conduct an independent assessment pursuant to the sunrise review requirements in the Maine Revised Statutes of the proposal to license guardians ad litem.

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**LD 642      An Act To Amend the Laws Regarding the Best Interest of the Child Standard      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUTREMBLE NADEAU	ONTP	

This bill amends the best interest of the child standard used by courts in making decisions regarding parental rights and responsibilities with respect to a child by requiring the court to consider the value of having both parents involved in the child's life.

**LD 670      An Act To Amend the Laws Governing the Unlawful Cutting of Trees      PUBLIC 241**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WELSH SAVIELLO	OTP-AM	H-355

This bill allows a landowner within an area zoned for residential use to recover the costs of replanting and restoring trees that have been cut down without permission of the landowner.

**Committee Amendment "A" (H-355)**

This amendment replaces the bill to clarify the language regarding damages for the unlawful cutting of trees.

The amendment makes a distinction between the unlawful cutting of trees in areas zoned for residential use and the unlawful cutting of trees in other areas. It also makes a distinction between the unlawful cutting of ornamental or fruit trees and the unlawful cutting of all other trees.

**Enacted Law Summary**

Public Law 2015, chapter 241 provides for consequences for the unlawful cutting of trees. It makes a distinction between the unlawful cutting of trees in areas zoned for residential use and the unlawful cutting of trees in other areas. It also makes a distinction between the unlawful cutting of ornamental or fruit trees and the unlawful cutting of all other trees. If a person cuts down or damages trees without permission on land the person does not own, the person is liable to the owner for damages.

The owner of the land may choose which valuations and calculations to apply to determine the damages to be paid. The court may reduce the damages awarded for good cause shown when the cutting of trees was done negligently or without fault.

Chapter 241 authorizes an additional award of punitive damages if the person acted with malice, and deletes the cap on the recovery of costs of professional services for asserting a claim, including attorney's fees.

Chapter 241 provides that public utilities and their contractors are not liable for damages when the cutting or removal of trees is necessary to improve the safety and reliability of the public utilities' delivery of products and services.

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**LD 686      An Act To Promote Privacy in Social Media**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIERCE T BREEN	OTP-AM ONTP	H-440

The bill prohibits an employer from requiring or coercing an employee or applicant to disclose passwords or provide access to a personal social media account, to change settings or contacts associated with a social media account or to provide social media account information, except when the employer reasonably believes it to be relevant to an investigation of allegations of employee misconduct or workplace-related violations. The employer cannot take any adverse action against an employee or applicant for refusing to provide information or access. The prohibitions do not apply when an employer has a duty to screen employees or applicants or to monitor or retain employee communications required under specified federal laws.

**Committee Amendment "A" (H-440)**

This amendment is the majority report of the committee. It makes clear that, although generally an employer cannot request or coerce an employee or applicant to disclose any personal social media account information, there is an exception: an employer may require an employee to disclose personal social media account information reasonably believed to be relevant to an investigation of allegations of employee misconduct or a workplace violation of applicable laws, rules or regulations and when requiring the disclosure is not otherwise prohibited by law, as long as the information disclosed is accessed and used solely to the extent necessary for the purposes of that investigation or a related proceeding.

This amendment makes clear that an employer retains the right to promulgate and maintain lawful workplace policies governing the use of the employer's electronic equipment, including a requirement for an employee to disclose to the employer the employee's user name, password or other information necessary to access employer-issued electronic devices, including but not limited to cellular telephones and computers, or to access employer-provided software or e-mail accounts.

This amendment deletes the private right of action in the bill and instead imposes graduated fines to be imposed by the Department of Labor. The amendment also adds an appropriations and allocations section.

The bill as amended is included in Senate Amendment A to Committee Amendment B (S-323) to LD 921 and is Part B of Public Law 2015, chapter 343.

**LD 731      An Act To Increase Compensation for Active Retired Judges**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ HOBBINS	ONTP	

This bill raises the per diem compensation for active retired judges and justices from \$300 per day to \$500 per day. It fixes the per diem compensation for active retired family law magistrates at 75% of the per diem compensation paid to active retired judges. It also limits per diem compensation received by an active retired judge, justice or family law magistrate in any calendar year to 75% of the annual salary of a full-time judge, justice or family law magistrate, respectively, and provides that an active retired judge, justice or family law magistrate does not accrue additional creditable service for benefit calculation purposes and is not entitled to any other employee benefit,

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including health, dental and life insurance. The same proposed increases were included in the Governor's original Biennial Budget.

**LD 735      An Act To Establish a Voluntary Preforeclosure Mediation Program      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO	ONTP	

This bill provides Maine consumers with an opportunity to avoid home mortgage foreclosure by participating in mediation at an early stage of default before foreclosure has commenced. A mortgagee may request a mortgagor to participate in preforeclosure mediation if the property subject to the mortgage is owner-occupied residential property of four or fewer units, and the mortgage payment is at least 35 days late. A mortgagor who participates or who fails or refuses to participate in the preforeclosure mediation program when requested to do so is not entitled to participate in the existing foreclosure mediation program. Current law provides for foreclosure mediation only after a foreclosure has been filed in court.

**LD 756      An Act To Enhance the Address Confidentiality Program Regarding      PUBLIC 313**  
**Property Records**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNPHY M JOHNSON	OTP-AM	H-472

This bill amends the Address Confidentiality Program statute to make clear that the protected address of a certified program participant in the possession of a state or local government agency or court that has been authorized to use it for bona fide statutory, administrative or law enforcement purposes otherwise remains confidential and must be kept under seal and excluded from inspection by the public.

The bill amends the laws governing the registry of deeds and assessment of property taxes to provide address confidentiality protection to participants in the program upon request. In the registry of deeds, a program participant's Address Confidentiality Program identification number rather than name must be used in the record on the registry's publicly accessible website. A municipal assessor must include the identification number rather than the program participant's name in the assessment.

**Committee Amendment "A" (H-472)**

This amendment removes a provision in the bill regarding the obligations of all government agencies and courts with regard to participants in the Address Confidentiality Program.

This amendment removes a provision in the bill authorizing the use of an Address Confidentiality Program participant's identification number in lieu of the participant's name on documents filed with the register of deeds.

The amendment adds a provision to the tax laws allowing an Address Confidentiality Program participant to request that the municipal assessor redact the participant's name on the declaration of value form on file at the municipal office prior to disclosure.

**Enacted Law Summary**

Public Law 2015, chapter 313 amends the Address Confidentiality Program to clarify when the address or mailing address may be released to law enforcement or other governmental entities. It also adds a provision to the tax laws allowing an Address Confidentiality Program participant to request that the municipal assessor redact the

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participant's name on the declaration of value form on file at the municipal office prior to disclosure.

**LD 774      An Act To Assist Victims of Crime To Obtain Restitution**

**PUBLIC 109**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBS	OTP-AM	H-135

This bill provides a civil remedy for victims of crime when restitution has not been paid as ordered. The bill deems an order to make restitution a money judgement and sets requirements for the enforcement. Specifically, the bill requires that prior to entry of the order to pay restitution, the court informed the defendant of the right to a judicial determination of the amount of restitution and the restitution hearing was held, or the defendant waived the hearing or stipulated the amount of restitution and that after the court ordered payment of restitution, the clerk of the court entered the order to pay restitution in the same manner as a judgment in a civil action is entered.

**Committee Amendment "A" (H-135)**

This amendment replaces the bill and provides a civil remedy for victims of crime when restitution has not been paid as ordered. The amendment requires that an order to make restitution be entered by the clerk in the same manner as a judgment in a civil action at the request of the attorney for the State or a person entitled to restitution under the order. The amendment provides that after the order is entered in the same manner as a judgment in a civil action, the order is deemed a money judgment enforceable in accordance with the Maine Revised Statutes, Title 14, chapter 502.

**Enacted Law Summary**

Public Law 2015, chapter 109 provides a civil remedy for victims of crime when restitution has not been paid as ordered. Chapter 109 requires that an order to make restitution be entered by the clerk in the same manner as a judgment in a civil action at the request of the attorney for the State or a person entitled to restitution under the order. After the order is entered in the same manner as a judgment in a civil action, the order is deemed a money judgment enforceable in accordance with the Maine Revised Statutes, Title 14, chapter 502.

**LD 775      An Act To Streamline Judicial Review of Certain Land Use Decisions**

**CARRIED OVER**

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to establish a streamlined judicial review process of major land use permitting decisions in order to facilitate economic development and reduce overall costs and the time associated with issuing permits for new developments. A proposed committee amendment was provided before the public hearing.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

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**LD 776 An Act To Update the Validation of Miscellaneous Defects and Defective Acknowledgments in the Conveyance of Real Estate**

**PUBLIC 157**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBS	OTP	

This bill updates the laws that validate real estate titles despite the presence of certain technical defects in related documents to cure defects occurring between January 1, 2000 and December 31, 2012.

**Enacted Law Summary**

Public Law 2015, chapter 157 updates the laws that validate real estate titles despite the presence of certain technical defects in related documents to cure defects occurring between January 1, 2000 and December 31, 2012.

**LD 778 Resolve, Regarding Legislative Review of Portions of Chapter 3: Eligibility Requirements for Specialized Case Types, a Late-filed Major Substantive Rule of the Maine Commission on Indigent Legal Services**

**CARRIED OVER**

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

This resolve provides for legislative review of portions of Chapter 3: Eligibility Requirements for Specialized Case Types, a major substantive rule of the Maine Commission on Indigent Legal Services that was filed outside the legislative rule acceptance period.

This resolve was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 820 An Act To Amend and Clarify Certain Notice and Assessment Provisions of the Maine Condominium Act**

**PUBLIC 122**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK	OTP	

This bill amends the Maine Condominium Act in the following ways.

1. It allows notice of the annual meeting of a unit owners' association to be sent to a unit owner by electronic means to any electronic address designated by the unit owner.
2. It changes from 14 to 10 the minimum number of days for notice of a budget meeting of a unit owners' association.
3. It authorizes the executive board of a unit owners' association to make special assessments and specifies the procedure for approving special assessments with certain limitations.

**Enacted Law Summary**

Public Law 2015, chapter 122 amends the Maine Condominium Act in the following ways.

1. It allows notice of the annual meeting of a unit owners' association to be sent to a unit owner by electronic means

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to any electronic address designated by the unit owner.

2. It changes from 14 to 10 the minimum number of days for notice of a budget meeting of a unit owners' association.

3. It authorizes the executive board of a unit owners' association to make special assessments and specifies the procedure for approving special assessments with certain limitations.

**LD 829 An Act To Amend the Trespass Laws Pertaining to Railroad Property**

**PUBLIC 204  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHAW	OTP-AM	H-203

This bill establishes within each division of the District Court a railroad bureau and a violations clerk to accept written appearances, waivers of trial, pleas of guilty and payments of fines and costs for civil violations of railroad trespass laws. This bill designates as a Class E crime trespassing on railroad property after three convictions for civil violations of the railroad trespass laws. This bill increases the minimum fines for civil violations of railroad trespass laws.

**Committee Amendment "A" (H-203)**

This amendment adds an emergency preamble and clause. It removes the provisions of the bill that require the creation of a railroad bureau within the District Court, but keeps the provisions that create a Class E crime for four or more trespassing violations and that increase the minimum fines for trespassing violations. The Chief Judge of the District Court has authority to designate which offenses are waivable offenses, allowing the writing of a Violation Summons and Complaint, an example of which is a traffic ticket, to allow a violator to waive a court appearance and pay the fine for the violation through the violations bureau.

**Enacted Law Summary**

Public Law 2015, chapter 204 creates a Class E crime for four or more railroad track trespassing violations and increases the minimum fines for trespassing violations.

Public Law 2015, chapter 204 was enacted as an emergency measure effective June 16, 2015.

**LD 846 An Act To Expedite Final Hearings in Certain Foreclosure Cases**

**PUBLIC 243**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBS	OTP-AM	H-356

This bill permits an authorized employee of a financial institution or credit union instead of an attorney to attend a foreclosure mediation on behalf of the financial institution or credit union, allows a defendant to affirmatively decline attending the mediation, grants authority to the mediator to determine the location of the mediation and clarifies that the financial institution or credit union is required to appear only at a required mediation scheduled by the court.

**Committee Amendment "A" (H-356)**

This amendment replaces the bill. This amendment provides a process for a plaintiff in a judicial foreclosure to seek an expedited final hearing.

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**Enacted Law Summary**

Public Law 2015, chapter 243 provides a process for a plaintiff in a judicial foreclosure to seek an expedited final hearing.

The request for an expedited final hearing must indicate that mediation did not result in the settlement or dismissal of the action or indicate that the defendant has not filed an answer to the complaint and all parties that have filed an answer in the action have consented to the expedited hearing. The request must be accompanied by a consent form that informs defendants that they may consult with an attorney or a housing counselor before consenting to an expedited hearing, indicates that all of the defendants and all of the parties in interest that have appeared in the action have consented to an expedited final hearing and is signed by all of the defendants and all of the parties in interest that have appeared in the action.

Upon receiving a properly filed request for an expedited final hearing the court must, as the interests of justice permit, set an expedited final hearing not less than 45 days after the request is filed. In the expedited hearing, notwithstanding that a default may already have been entered against the defendant, the defendant may appear and defend. The burden of proof and legal requirements for entry of a judgment of foreclosure are the same as in other foreclosure actions. After the expedited final hearing, the court must issue a written judgment of foreclosure, dismissal with or without prejudice or judgment for the defendant as expeditiously as the interests of justice permit.

**LD 851      Resolve, Regarding Legislative Review of Portions of Chapter 2:  
Standards for Qualifications of Assigned Counsel, a Late-filed Major  
Substantive Rule of the Maine Commission on Indigent Legal Services**

**RESOLVE 38  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-412

This resolve provides for legislative review of portions of Chapter 2: Standards for Qualifications of Assigned Counsel, a major substantive rule of the Maine Commission on Indigent Legal Services that was filed outside the legislative rule acceptance period.

**Committee Amendment "A" (H-412)**

This amendment requires that the Maine Commission on Indigent Legal Services amend the proposed rule on standards for qualifications of assigned counsel to require that an attorney on the roster inform the commission in writing within five days of the filing of any criminal charge against the attorney. The provisionally adopted rule requires the report to be made promptly.

**Enacted Law Summary**

Resolve 2015, chapter 38 provides for legislative review of portions of Chapter 2: Standards for Qualifications of Assigned Counsel, a major substantive rule of the Maine Commission on Indigent Legal Services that was filed outside the legislative rule acceptance period. The provisionally adopted rule includes standards for qualifications of assigned counsel to require that an attorney on the roster inform the commission in writing if a criminal charge is filed against the attorney. The rule may be finally adopted if it is amended to require the report to be made within five days of the filing of the criminal charges.

Resolve 2015, chapter 38 was finally passed as an emergency measure effective June 30, 2015.

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**LD 861      An Act To Protect Victims of Domestic Violence, Sexual Assault or Stalking**

**PUBLIC 293**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND FREDETTE	OTP	

This bill amends the laws governing residential leases in instances where a tenant is a victim of domestic violence, sexual assault or stalking. The bill prohibits a landlord from evicting a tenant because of an instance of domestic violence, sexual assault or stalking. It also renders the perpetrator liable for certain damages.

**Enacted Law Summary**

Public Law 2015, chapter 293 amends the laws governing residential leases in instances where a tenant is a victim of domestic violence, sexual assault or stalking. It prohibits a landlord from evicting a tenant because of an instance of domestic violence, sexual assault or stalking. It also renders the perpetrator liable for certain damages.

**LD 864      An Act To Require Parenting Plans To Be Timely Filed**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL MOONEN	ONTP	

This bill establishes the requirement that courts incorporate a parenting plan into any order that addresses parental rights and responsibilities.

**LD 890      An Act To Ensure a Continuing Home Court for Cases Involving Children**

**CARRIED OVER**

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

This bill extends the jurisdiction of the District Court to be concurrent with the Probate of Courts over matters concerning custody or other parental rights of a child under the Maine Revised Statutes, Title 18-A, including, but not limited to, adoption, termination of parental rights, change of name and guardianship of a minor. The District Court has exclusive, continuing jurisdiction over a matter concerning custody or other parental rights of a child if an interim or final order concerning the child was entered in the District Court and remains in effect, proceedings seeking such an order are pending in the District Court or a matter has been removed to the District Court from the Probate Court.

This bill provides that, in any matter concerning custody or other parental rights of a child, the judge of the District Court or the Probate Judge who is presiding require all parties to disclose whether they have knowledge of any interim or final order then in effect concerning custody or other parental rights of the minor child, any proceeding seeking such an order or other related actions currently filed or pending before any court of this or another state. If the proceeding is in a Probate Court and the judge determines that the District Court has exclusive, continuing jurisdiction, the Judge of Probate must transfer the case to the District Court.

Upon petition by a party to a proceeding involving guardianship, adoption, change of name or other matters concerning custody or other parental rights of a minor child brought in the Probate Court, the proceeding may be

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removed to the District Court under such procedures as the Supreme Judicial Court may by rule provide if any civil matter involving the minor child is pending or has been finally adjudicated in the District Court.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 891      An Act To Help Municipalities Dispose of Certain Abandoned Property**

**PUBLIC 244**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER BURNS	OTP-AM	H-296 H-304    MAKER

This bill simplifies the process for a mobile home park owner, operator or municipality to dispose of a deserted, vacant mobile home or manufactured housing that has been unclaimed by a tenant without any notice to the tenant. The bill provides protection from liability for a municipality that disposes of such deserted property.

**Committee Amendment "A" (H-296)**

This amendment, which replaces the bill, authorizes municipalities, through the adoption of an appropriate ordinance, to provide for the care, maintenance and security of abandoned mobile homes, up to and including taking possession and disposing of the abandoned mobile home. It also establishes process and notice requirements for implementation of the ordinance.

**House Amendment "A" to Committee Amendment "A" (H-304)**

This amendment amends Committee Amendment "A" and makes several changes.

1. It clarifies the definition of "responsible party" to provide that there may be more than one owner of a mobile home who is a responsible party, to strike a reference to a lienholder and to add that a mortgagee is not included as a responsible party.
2. It requires a foreclosing mortgagee initiating a foreclosure action on a property to notify the municipality where the property is situated and designate an in-state representative responsible for responding to municipal inquiries regarding the property.
3. It removes the requirement that a municipality first adopt an ordinance before it may avail itself of the authority granted under the statute.
4. It removes two types of evidence from being used in making a determination of abandonment: rubbish, trash or debris that has observably accumulated on the mortgaged premises and other reasonable indicia of abandonment.
5. It eliminates municipal authority to fine a responsible party.
6. It requires that a responsible party reimburse the municipality for its costs within 30 days after demand and allows the penalty for nonpayment to be a special tax assessed against the property to be collected in the same manner as other state, county and municipal taxes are collected.
7. It removes the provision in the committee amendment that requires a municipality to investigate a suspected abandoned mobile home upon petition by a landowner in the municipality.
8. It removes the requirement that a notice to correct be attached to the mobile home.

**Enacted Law Summary**

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Public Law 2015, chapter 244 authorizes municipalities to provide for the care, maintenance and security of abandoned mobile homes, up to and including taking possession and disposing of the abandoned mobile home. It establishes the following criteria, process and notice requirements.

1. Either a court or the municipal officers may make the determination that a mobile home has been abandoned according to certain evidence of abandonment.
2. The municipal officers must provide notice to correct to the responsible party, which is the owner of record of the mobile home, excluding any mortgagee, and must hold a properly noticed hearing prior to making a determination of abandonment.
3. After a determination of abandonment, the municipality may issue to a responsible party a notice of the municipality's intention to take corrective action within 60 days if the property defects have not been remedied by the responsible party.
4. Corrective action by the municipality may include taking possession and disposing of the mobile home and all related personal property.
5. Responsible parties are jointly and severally liable to a municipality for its direct, legal and administrative costs incurred while remedying or attempting to remedy the property defects. The penalty for nonpayment within 30 days after demand may be a special tax assessed against the property to be collected in the same manner as other state, county and municipal taxes are collected.
6. The notice required for the abandonment hearing and for the notice to correct must be either hand-delivered or mailed by certified mail, or, if that delivery is not successful, the notice must be published twice consecutively in a daily or weekly newspaper.
7. A responsible party may appeal a finding of abandonment by the municipal officers to the Superior Court.
8. A foreclosing mortgagee initiating a foreclosure action on a property is required to notify the municipality where the property is situated and designate an in-state representative responsible for responding to municipal inquiries regarding the property.

**LD 892      An Act To Amend Certain Laws Affecting the Judicial Branch**

**PUBLIC 158**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MONAGHAN	OTP-AM	H-164

This bill repeals a provision of law requiring the District Court to file a monthly report with the State Auditor regarding fines, surcharges and assessments imposed by the court and a provision of law requiring clerks of judicial courts accounting to the State Auditor for all fees received by them or payable to them to do so under oath. It also removes the \$500 limit on the amount of a fine a person may pay with a credit card. It clarifies that if a driver's license is suspended by order of the court for any conviction for operating under the influence or for any offense for which the court suspends a license or registration, and the defendant does not physically surrender the license in court, the license is still void, notwithstanding that it remains in the defendant's possession. It also permits the State Court Administrator to order the disposal or destruction of unclaimed property confiscated at courthouses by judicial marshals if the property remains unclaimed for more than 30 days.

### **Committee Amendment "A" (H-164)**

This amendment changes the bill by removing the provisions eliminating the requirements that the District Court

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file a monthly report with the State Auditor regarding fines, surcharges and assessments imposed by the court and that clerks of judicial courts account to the State Auditor for all fees received by them or payable to them under oath.

**Enacted Law Summary**

Public Law 2015, chapter 158 removes the \$500 limit on the amount of a fine a person may pay with a credit card. It clarifies that if a driver's license is suspended by order of the court for any conviction for operating under the influence or for any offense for which the court suspends a license or registration, and if the defendant does not physically surrender the license in court, the license is still void, notwithstanding that it remains in the defendant's possession. It also permits the State Court Administrator to order the disposal or destruction of unclaimed property confiscated at courthouses by judicial marshals if the property remains unclaimed for more than 30 days.

**LD 893      Resolve, Directing the Secretary of State, Maine State Library and Law      RESOLVE 40**  
**and Legislative Reference Library To Make the Articles of Separation of**  
**Maine from Massachusetts More Prominently Available to Educators**  
**and the Inquiring Public**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAR WILLETTE	OTP-AM ONTP	H-414 H-434 BEAR

This resolution proposes an amendment to the Constitution of Maine to require that the text of Article X, Section 5 of the Constitution be included in any printed copies of the Constitution included with the laws of the State.

**Committee Amendment "A" (H-414)**

This amendment, which is the majority report of the committee, incorporates a fiscal note.

**House Amendment "A" (H-434)**

This amendment replaces the constitutional resolution with a resolve directing the Secretary of State, Maine State Library and Law and Legislative Reference Library, within existing resources, to make the Articles of Separation of Maine from Massachusetts, including the fifth subsection, more prominently available to educators and to the inquiring public.

**Enacted Law Summary**

Resolve 2015, chapter 40 directs the Secretary of State, Maine State Library and Law and Legislative Reference Library, within existing resources, to make the Articles of Separation of Maine from Massachusetts, including the fifth subsection, more prominently available to educators and to the inquiring public.

**LD 920      An Act To Require Mortgage Servicers To Act in Good Faith in Dealings      Veto Sustained**  
**with Homeowners**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUCKER	OTP-AM	H-383

This bill requires servicers of residential mortgage loans to act in good faith when dealing with homeowners who are borrowers under those loans. The bill also makes changes in the foreclosure mediation process providing that, if courts have previously sanctioned the conduct of a mortgage servicer in a foreclosure process, the courts are authorized to directly sanction the mortgage servicer if the mortgage servicer's conduct evidences a failure to mediate in good faith. The bill requires the collection of data on sanctions imposed to provide that, when a

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mortgage servicer is found to have failed to act in good faith, the court may take into account previous conduct in determining a sanction sufficient to deter such conduct in the same case or future cases.

### **Committee Amendment "A" (H-383)**

This amendment removes from the bill the private action for damages against a mortgage servicer, and incorporates the definitions of "mortgage servicer" and "good faith" in that provision into the mediation statutes. The amendment deletes the data collection requirement. The amendment, like the bill, requires a mortgage servicer to participate in mediation in good faith.

### **LD 929 An Act Relative to the Escheat of United States Savings Bonds**

**PUBLIC 215**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ MAREAN	OTP-AM	S-155

This bill amends the Uniform Unclaimed Property Act to establish a special procedure for the escheat of unclaimed United States savings bonds to the State.

An unclaimed United States savings bond is presumed abandoned three years after its date of final maturity. A United States savings bond is presumed abandoned in this State if the last known address of the owner of the United States savings bond is in this State and the United States savings bond has remained unclaimed for three years after its date of final maturity.

Not sooner than three years after the final maturity date, the Treasurer of State must bring an action in Kennebec County Superior Court or another court of competent jurisdiction for a determination that the United States savings bonds escheat to the State. The treasurer must redeem the savings bonds and, after subtracting the costs of the process, deposit the balance in the Unclaimed Property Fund.

A person claiming a right to a United States savings bond escheated to the State and redeemed by the treasurer must make a claim to the treasurer. The treasurer has discretion as to whether to pay the claim, less the costs of the process.

### **Committee Amendment "A" (S-155)**

This amendment allows the Treasurer of State the option of subtracting any expenses and costs incurred by the State in securing full title and ownership of a United States savings bond escheated to the State from the amount paid by the Treasurer of State for a claim involving that bond instead of requiring the Treasurer of State to subtract those expenses and costs as proposed in the bill.

### **Enacted Law Summary**

Public Law 2015, chapter 215 amends the Uniform Unclaimed Property Act to establish a special procedure for the escheat of unclaimed United States savings bonds to the State.

An unclaimed United States savings bond is presumed abandoned three years after its date of final maturity. A United States savings bond is presumed abandoned in this State if the last known address of the owner of the United States savings bond is in this State and the United States savings bond has remained unclaimed for three years after its date of final maturity.

Not sooner than three years after the final maturity date, the Treasurer of State must bring an action in Kennebec County Superior Court or another court of competent jurisdiction for a determination that the United States savings bonds escheat to the State. The treasurer must redeem the savings bonds and, after subtracting the costs of the

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process, deposit the balance in the Unclaimed Property Fund.

A person claiming a right to a United States savings bond escheated to the State and redeemed by the treasurer must make a claim to the treasurer. The treasurer has discretion as to whether to pay the claim and whether to subtract from the payment the costs of the process.

**LD 950      An Act To Prohibit Discrimination against a Person Who Is Not Vaccinated**

**Accepted Majority (ONTP) Report**

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

This bill prohibits discrimination against an individual who refuses a vaccination.

**Committee Amendment "A" (H-413)**

This amendment is the minority report of the committee and it replaces the bill. It amends the Maine Human Rights Act to prohibit discrimination on the basis of vaccination status in employment, housing, public accommodations, education and credit.

This amendment provides that, although the vaccination status of an individual is not a physical disability, the legal analysis applied to discrimination claims based on the vaccination status of an individual or the vaccination status of an individual's minor child is the same as that applied to physical disability claims.

**LD 951      An Act To Restore Judicial Discretion in the Administration of Fines**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION BRAKEY		

This bill:

1. Lowers the maximum amount of earnings that may be garnished to enforce payment of a judgment arising from a consumer credit transaction;
2. Makes some criminal fines discretionary rather than mandatory;
3. Prohibits revoking probation solely on the basis of failure to pay a fine;
4. Allows the court to reduce a fine in limited circumstances upon a showing of indigence;
5. Prohibits incarceration solely for failure to pay a fine;
6. Eliminates the failure to pay warrant; and
7. Limits suspensions under the Maine Revised Statutes, Title 29-A and contempt proceedings under Title 14 for indigent defendants.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

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**LD 953      An Act To Implement Changes in the Family Division To Improve the Experience of Pro Se Litigants      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SEAVEY	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to make changes to the practice, procedures and administration of the Family Division of the District Court in order to improve the experience and effectiveness of pro se litigants in matters before that court.

**LD 955      An Act To Make Changes to Laws Governing Condominiums Regarding the Display of Signs      PUBLIC 271**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOONEN KATZ	OTP-AM ONTP	H-382

This bill prohibits a condominium association from including in its bylaws or declaration or deeds a restriction that prohibits a unit owner from displaying on the condominium property a sign that supports or opposes a political candidate or a referendum question for the period from six weeks prior to the election to one week after the election for that candidate or vote for that referendum is held.

**Committee Amendment "A" (H-382)**

This amendment applies the bill's restriction regarding display of signs that support or oppose a candidate for public office or a referendum question only to a condominium unit owner's private property.

**Enacted Law Summary**

Public Law 2015, chapter 271 prohibits a condominium association from including in its bylaws or declaration or deeds a restriction that prohibits a unit owner from displaying on the condominium unit owner's private property a sign that supports or opposes a political candidate or a referendum question for the period from six weeks prior to the election to one week after the election for that candidate or vote for that referendum is held.

**LD 962      An Act To Require the Attorney General To Investigate the Death of a Person in Police Custody or in a Correctional Facility      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BATES PATRICK	ONTP	

This bill requires the Attorney General to investigate as a criminal matter the death of a person who at the time of death was in police custody or was an inmate in a correctional facility.

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**LD 993      Resolve, To Allow a Federally Recognized Indian Tribe To Conduct a Pilot Project in Hemp Cultivation      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DANA	ONTP	

This resolve directs the Commissioner of Agriculture, Conservation and Forestry upon application to issue a license to conduct a pilot project in industrial hemp cultivation to a federally recognized Indian tribe.

**LD 994      An Act To Create a Priority Lien Securing 6 Months of Assessments under the Maine Condominium Act      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOLEY COLLINS	ONTP	

This bill establishes a six month lien for condominium association assessments that takes priority over a first mortgage.

**LD 1003      An Act To Prohibit Discrimination by Employers and Protect the Privacy of an Applicant for Employment, an Employee or an Employee's Dependents Regarding Reproductive Health Decisions      Died Between Houses**

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

This bill protects employees and employment applicants from discrimination based on an employer's beliefs about a particular drug, device or medical service. It also prohibits an employer from obtaining or inquiring about information about an employee's or an employee's dependent's reproductive health decisions, including but not limited to a decision to use a particular drug, device or medical service, without the employee's prior informed affirmative written consent. The bill prohibits employers from taking any adverse employment action against an employee based on the use of any particular drug, device or medical service related to the employee's or the employee's dependent's reproductive health decisions. No existing rights or protections against discrimination of an employee provided through any other provision of law or collective bargaining unit are limited by this chapter.

**Committee Amendment "A" (H-381)**

This amendment, which is the majority report of the committee, replaces the bill. It amends the Maine Human Rights Act to expand the protection from employment discrimination to cover the use of a particular drug, device or medical service related to the reproductive health decisions of employees, the dependents of employees and applicants for employment. It also prohibits an employer, employment agency or labor organization from obtaining or inquiring about information about reproductive health decisions of an employee, an employee's dependent or an applicant for employment.

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**LD 1005 An Act To Amend the Law Regarding Medical Examiners**

**PUBLIC 285**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOONEN	OTP	

This bill establishes terms of appointment of no more than five years for medical examiners and provides for those terms to be renewed indefinitely, in order to allow the Chief Medical Examiner to review the activity status of the medical examiners and ensure that their qualifications are updated to meet any new guidelines and office policies.

**Enacted Law Summary**

Public Law 2015, chapter 285 establishes terms of appointment of no more than five years for medical examiners and provides for those terms to be renewed indefinitely, in order to allow the Chief Medical Examiner to review the activity status of the medical examiners and ensure that their qualifications are updated to meet any new guidelines and office policies.

**LD 1014 An Act To Ensure Confidentiality of Personally Identifying Information for Professional Investigators, Investigative Assistants and Dependents of Deployed Members of the Military**

**PUBLIC 295**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS DION	OTP-AM	S-261

This bill makes confidential any personally identifying information of a dependent of a military member who is deployed out of state and any personally identifying information of a private investigator or investigative assistant, except for the private investigator's or investigative assistant's name and license number.

**Committee Amendment "A" (S-261)**

This amendment provides that only the home address and home telephone number of a professional investigator or investigative assistant are confidential.

This amendment revises the structure of the language in the bill to clarify when personally identifying information concerning dependents of members of the United States Armed Forces or state military forces who are deployed out of state may be disclosed. It also provides that "dependent" has the same meaning as provided in 10 United States Code, Section 1072.

**Enacted Law Summary**

Public Law 2015, chapter 295 makes confidential the home address and home telephone number of a professional investigator or investigative assistant as well as any personally identifying information of a dependent of a military member who is deployed out of state.

**LD 1017 An Act To Update Maine's Family Law**

**PUBLIC 296**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN MOONEN	OTP-AM	S-254

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This bill offers an updated, comprehensive statutory framework for determining a child's legal parentage. It is patterned after, and follows in part, the Uniform Parentage Act, a uniform law initially developed in 1973 and most recently updated in 2002 by the Uniform Law Commission.

A more detailed summary of the bill is provided in Appendix B to the Family Law Advisory Commission Report to Maine Legislature Joint Standing Committee on Judiciary, pursuant to Resolve 2014, chapter 83 on Proposed "Maine Parentage Act" dated December 15, 2014.

### **Committee Amendment "A" (S-254)**

This amendment makes changes in the Maine Revised Statutes, Titles 4, 18-A, 19-A and 22 to conform to the Maine Parentage Act enacted in the bill. This amendment designates the content of the bill as Part A and adds Part B, Part C and Part D.

Part B consists of amendments to Title 19-A, chapter 53, subchapter 1, currently named the "Uniform Act on Paternity." The bill enacts Title 19-A, chapter 61, which replaces certain provisions in chapter 53, subchapter 1, and Part B repeals the provisions and sections that are no longer necessary. Part B amends certain provisions in chapter 53, subchapter 1, and the subchapter will still be used to establish paternity as required by federal law as necessary to determine responsibility for child support. The headnote for subchapter 1 is changed to "Paternity."

Part C makes changes to Title 4, Title 14, Title 18-A, Title 19-A and Title 22 to update cross-references and terminology to be consistent with Title 19-A, chapter 61.

This amendment retains section 2 of the bill as Part D, which establishes the effective date of this legislation as July 1, 2016.

### **Enacted Law Summary**

Public Law 2015, chapter 296 is an updated, comprehensive statutory framework for determining a child's legal parentage. It is patterned after, and follows in part, the Uniform Parentage Act, a uniform law initially developed in 1973 and most recently updated in 2002 by the Uniform Law Commission. Even though the bill adopts portions of the Uniform Parentage Act, it is sufficiently different from the Uniform Parentage Act overall that the chapter of statute the bill enacts merits its own, distinct title, "the Maine Parentage Act."

The Maine Parentage Act is organized into eight subchapters. Subchapter 1 provides definitions of key terms. It authorizes actions to adjudicate legal parentage and establishes the parameters for such actions. Subchapter 2 is the hub of the chapter. It organizes and lists in one place the grounds upon which legal parentage may be based. They are: birth, adoption, voluntary acknowledgment of paternity, un rebutted presumption of parentage, de facto parentage, genetic parentage, consent to assisted reproduction and consent through a valid gestational carrier agreement. The six subchapters that follow address individual grounds for parentage.

Chapter 296 confirms a number of grounds for parentage under current law and in several instances clarifies and updates the law with respect to these grounds. For example, it updates the standards applicable to genetic testing to reflect current science and practice; provides more detailed procedures for use of the voluntary acknowledgment of paternity process in suitable cases; and codifies a traditional presumption of parentage in the legal spouse of the mother, which is only found now in a rule of evidence. Chapter 296 also codifies the de facto parent doctrine, now firmly established by case law, to require an explicit determination of standing as a prerequisite for maintaining an action, recognize the elevated burden of proof that a person claiming such status must satisfy and clarify the elements of proof so as to address some practical problems encountered by practitioners and courts under the case law.

Chapter 296 recognizes and clarifies the legal parentage of children born to parents who use medical assisted reproduction as well as children born by means of assisted reproduction in conjunction with a gestational carrier. Clear statutory guidelines and requirements serve to regulate usage, protect the rights of parties and reduce reliance

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on judicial actions in this area.

Finally, consistent with the Uniform Parentage Act and legislation in a number of other states, Chapter 296 recognizes the presumption of parentage in an unmarried partner of the mother who lives with the mother at the time of birth and holds out the child as that person's own for two years from birth.

The effective date is July 1, 2016.

**LD 1026      An Act To Make Confidential the E-mail Addresses of Applicants for Department of Marine Resources Licenses      Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARRY MIRAMANT	ONTP OTP	

This bill provides, with certain exceptions, that e-mail addresses provided on license applications to the Department of Marine Resources are confidential.

**LD 1031      An Act To Improve the Unclaimed and Abandoned Property Laws      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GREENWOOD	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to improve the Uniform Unclaimed Property Act and other abandoned property laws.

**LD 1065      An Act To Amend the Law Regarding Temporary Powers of Attorney over Minors and Incapacitated Persons      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON HAMPER		

This bill amends current law allowing a parent or guardian to execute a temporary power of attorney for up to 12 months, delegating the powers regarding the care and custody of a child or incapacitated person, by doing the following:

1. Limiting the power of attorney to exclude the parent or guardian's powers regarding the performance of an abortion for the minor or the incapacitated person or the termination of parental rights to the minor;
2. Clarifying that executing this temporary power of attorney does not deprive the parent or guardian of any parental or legal authority regarding the care and custody of the minor or incapacitated person;
3. Clarifying that a parent or guardian's granting of this temporary power of attorney does not constitute abandonment, abuse or neglect, if the parent or guardian either executes a new power of attorney or takes custody of the child or incapacitated person as soon as reasonably possible after the termination of the temporary power of attorney;

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- 4. Providing that the agent with the power of attorney may not receive compensation; and
- 5. Clarifying that this power of attorney does not implicate the laws regarding foster care.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 1085     An Act To Implement the Recommendations of the Right To Know  
 Advisory Committee Concerning Receipt of a Request for Public  
 Records**

**PUBLIC 317**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-473

This bill 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 agency or official at the office responsible for maintaining the public record. An agency or official that receives a request for a public record that is not maintained by that office must forward the request to the appropriate office without willful delay.

**Committee Amendment "A" (H-473)**

This amendment requires the agency or official that forwards a public record request to the office that has custody of the records that are the subject of the request to notify the requester that the request has been forwarded to the appropriate office and that the five-day period within which the receipt of the request must be acknowledged begins to run when that receiving office receives the request.

This amendment clarifies that the responsibility to forward a request for public records to the office that maintains the records is limited to circumstances in which the request is made to an agency that consists of more than one office in different locations, and the request is made to an office that does not maintain the records. The bill requires that the request be forwarded to the office that does maintain the records. It does not require a municipality to forward the request to another municipality.

This amendment also amends the laws governing public access officers by specifically requiring that a request for public records be acknowledged within five working days of the receipt of the request by the office responsible for maintaining the public record requested. This is consistent with the acknowledgment deadline.

**Enacted Law Summary**

Public Law 2015, chapter 317 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 agency or official at the office responsible for maintaining the public record. An agency or official that receives a request for a public record that is not maintained by that office must forward the request to the appropriate office without willful delay. The agency or official that forwards a public record request to the office that has custody of the records that are the subject of the request must notify the requester that the request has been forwarded to the appropriate office and that the five-day period within which the receipt of the request must be acknowledged begins to run when that receiving office receives the request.

Chapter 317 clarifies that the responsibility to forward a request for public records to the office that maintains the records is limited to circumstances in which the request is made to an agency that consists of more than one office in different locations, and the request is made to an office that does not maintain the records; it does not require a municipality to forward the request to another municipality.

Chapter 317 also amends the laws governing public access officers by specifically requiring that a request for public

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records be acknowledged within five working days of the receipt of the request by the office responsible for maintaining the public record requested. This is consistent with the acknowledgment deadline.

**LD 1086 An Act To Implement the Recommendations of the Right To Know Advisory Committee To Create a Remedy for Unduly Burdensome and Oppressive Requests**

**PUBLIC 248**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-357

This bill amends the Freedom of Access Act to authorize a body, agency or official to deny a request for inspection or copying of public records, in whole or in part, on the basis that the request is unduly burdensome or oppressive. The bill requires that the body, agency or official seek protection from an unduly burdensome or oppressive request by filing an action in Superior Court within 30 days of receipt of the request. This bill adopts a good cause standard to be used by the court in determining whether the request may be limited or denied as unduly burdensome or oppressive.

**Committee Amendment "A" (H-357)**

This amendment adds a requirement that a public body, agency or official seeking a protection order from unduly burdensome and oppressive public records requests under the provision in the bill must provide to the court proof that the body, agency or official provided notice of the intent to file the action at least 10 days before the complaint is filed with the court.

**Enacted Law Summary**

Public Law 2015, chapter 248 amends the Freedom of Access Act to authorize a body, agency or official to deny a request for inspection or copying of public records, in whole or in part, on the basis that the request is unduly burdensome or oppressive. It requires that the body, agency or official seek protection from an unduly burdensome or oppressive request by filing an action in Superior Court within 30 days of receipt of the request. A public body, agency or official seeking a protection order from unduly burdensome and oppressive public records requests under the provision in the bill must provide to the court proof that the body, agency or official provided notice of the intent to file the action at least 10 days before the complaint is filed with the court. Chapter 248 adopts a good cause standard to be used by the court in determining whether the request may be limited or denied as unduly burdensome or oppressive.

**LD 1087 An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Response Deadlines and Appeals**

**PUBLIC 249**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-360

This bill amends the Freedom of Access Act to make clear that an agency's or official's written notice of denial in response to a request to copy or inspect records may be a statement that the agency or official expects to deny the request in full or in part, but that decision can be made only after reviewing the records subject to the request. The agency or official is required to provide the written response within five days of the receipt of the request.

The bill clarifies the procedures for an appeal from a denial of a request to inspect or copy public records.

The bill also amends the laws governing public access officers by specifically requiring that a request for public records be acknowledged within five working days of the receipt of the request. This is consistent with the current

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acknowledgement deadline in the Maine Revised Statutes, Title 1, section 408-A, subsection 3.

### **Committee Amendment "A" (H-360)**

This amendment clarifies the wording of the starting point of the five-day period within which a written notice of denial of a public records request must be provided.

This amendment deletes the language referring to a trial de novo, which was inadvertently retained in the bill.

This amendment strikes out the section of the bill that requires public access officers to acknowledge requests for public records within five working days because that proposal is included in the committee amendment to LD 1085.

### **Enacted Law Summary**

Public Law 2015, chapter 249 amends the Freedom of Access Act to make clear that an agency's or official's written notice of denial in response to a request to copy or inspect records may be a statement that the agency or official expects to deny the request in full or in part, but that decision can be made only after reviewing the records subject to the request. The agency or official is required to provide the written response within five days of the receipt of the request.

Chapter 249 clarifies the procedures for an appeal from a denial of a request to inspect or copy public records. Current law allows the appeal to be filed in any Superior Court; this bill requires the appeal to be filed in the Superior Court for the county in which either the requestor lives or in which the agency has its principal office. Instead of filing an answer to the complaint, the agency or official may file a more informal statement of position explaining the basis for denial within 14 days of the service of the appeal. Chapter 249 eliminates the need for a de novo trial and instead requires the Superior Court to conduct a review de novo, taking whatever testimony or other evidence the court determines necessary. The basis for the decision, whether the agency's or official's refusal, denial or failure was not for just and proper cause, is not changed from current law.

### **LD 1088    An Act To Implement Recommendations of the Right To Know Advisory Committee**

**PUBLIC 250**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-359

This bill contains recommendations of the Right To Know Advisory Committee included in its ninth annual report.

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

Part B changes the Public Access Ombudsman's 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 C implements the recommendations of the Right To Know Advisory Committee relating to existing public records exceptions in the Maine Revised Statutes, Title 22 and Titles 26 to 39-A.

Part D repeals the public records exceptions review schedule that was completed in 2014 and replaces it with a new review schedule.

### **Committee Amendment "A" (H-359)**

This amendment removes the section of the bill that removes language authorizing the Secretary of State to adopt rules regarding the maintenance and use of data processing information files required to be kept confidential.

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### **Enacted Law Summary**

Public Law 2015, chapter 250 contains recommendations of the Right To Know Advisory Committee included in its ninth annual report.

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

Current law requires the Public Access Ombudsman within the Department of the Attorney General to submit an annual report to the Right To Know Advisory Committee and the Legislature by March 15th of each year. Part B 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 C implements the recommendations of the Right To Know Advisory Committee relating to existing public records exceptions in the Maine Revised Statutes, Title 22 and Titles 26 to 39-A.

Section 1 repeals the Community Right-to-Know Act, a program within the Department of Health and Human Services intended to provide disclosure of information about hazardous substances in the community that has never been implemented.

Section 2 makes clear that reports of final Department of Labor, Bureau of Labor Standards action are public records, removing the language in current law that gives the director the discretion to release reports.

Section 3 clarifies that a report of the State Board of Arbitration and Conciliation in a labor dispute must be released 15 days after its receipt by the Governor and Executive Director of the Maine Labor Relations Board if the conciliation process is not successful.

Section 4 repeals a provision of law relating to the Secretary of State's motor vehicle information technology system because the confidentiality of the system is already addressed in another provision of law.

Section 5 repeals language about nongovernment vehicle records that is addressed in another section of law.

Section 6 clarifies that it is the responsibility of the providers of telecommunications relay services to keep relay service communications confidential.

Section 7 adds a cross-reference to the definition of "trade secret."

Section 8 repeals language making mercury reduction plans for air emission sources emitting mercury confidential.

Section 9 repeals a provision of law making hazardous air pollutant emissions inventory information confidential, and section 10 corrects a cross-reference to that provision.

Part D repeals the public records exceptions review schedule that was completed in 2014 and replaces it with a new review schedule. The Right To Know Advisory Committee will review public records exceptions enacted after 2004 but before 2013 and report its recommendations to the joint standing committee of the Legislature having jurisdiction over judiciary matters over the course of two years, with the final review by the joint standing committee completed no later than 2017. The advisory committee will then begin to review all the public records exceptions codified in the statutes over a 12-year period.

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**LD 1094 An Act To Improve Tribal-state Relations**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DANA	ONTP	

This bill amends An Act to Implement the Maine Indian Claims Settlement by repealing language that provides that the Passamaquoddy Tribe and the Penobscot Nation, within their respective Indian territories, are subject to all the duties, obligations, liabilities and limitations of a municipality.

**LD 1117 An Act To Clarify the Policy for Withdrawal of Life Support from Minors**

**PUBLIC 187**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING HILLIARD	OTP-AM	S-232

This bill authorizes a physician to withhold or withdraw life sustaining treatment for a minor or institute a do-not-resuscitate order for a minor only if the authorized legal surrogate for the minor gives direction in writing. This bill specifies that an "authorized legal surrogate" does not include a legal guardian or state agency or representative for a minor when the minor's parents' full parental rights have not been terminated.

**Committee Amendment "A" (S-232)**

This amendment replaces the bill. It limits the application of the new provisions relating to withholding or withdrawing life-sustaining medical treatment to situations in which a child is in the custody of the Department of Health and Human Services. This amendment provides that a custodian of a child does not have the authority to withhold or withdraw life-sustaining medical treatment from a minor except in two situations. The custodian has the authority when the parental rights to the child have been terminated and it is in the child's best interests. The custodian also has the authority when the parental rights have not been terminated but the parents consent to that authority or, if the parents do not consent, the court determines that the nonconsenting parents are unfit by using the existing criteria in the statutes to determine the termination of parental rights and by determining that withholding or withdrawing life-sustaining medical treatment is in the best interests of the child. This amendment includes a description of when withholding or withdrawing life-sustaining medical treatment is in the best interests of the child.

**Enacted Law Summary**

Public Law 2015, chapter 187 provides that a custodian of a child in the custody of the Department of Health and Human Services does not have the authority to withhold or withdraw life-sustaining medical treatment from the child except in two situations. The custodian has the authority when the parental rights to the child have been terminated and it is in the child's best interests. The custodian also has the authority when the parental rights have not been terminated but the parents consent to that authority or, if the parents do not consent, the court determines that the nonconsenting parents are unfit by using the existing criteria in the statutes to determine the termination of parental rights and by determining that withholding or withdrawing life-sustaining medical treatment is in the best interests of the child. Chapter 187 includes a description of when withholding or withdrawing life-sustaining medical treatment is in the best interests of the child.

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**LD 1121     An Act To Fund the Cold Case Homicide Unit in the Department of the Attorney General**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO HOBBINS	OTP-AM	S-92

This bill follows up on legislation last year that created a cold case homicide unit without providing any funding. It repeals the requirement that the Commissioner of Public Safety and the Attorney General pursue federal funding to establish a cold case homicide unit. The bill also repeals the provision of law that makes establishment of a cold case homicide unit contingent upon availability of federal funding, and instead provides funding for the fiscal year 2016-17.

The provisions of the bill repealing the requirement of federal funding and repealing the effective date contingent on federal funding are incorporated into the Biennial Budget; see Public Law 2015, chapter 267, Part D. Chapter 267 and the Highway Budget, Public Law 2015, chapter 268 provide funding.

**Committee Amendment "A" (S-92)**

This amendment replaces the appropriations and allocations section included in the bill with a corrected appropriations and allocations section. It also adds a fiscal note.

**LD 1130     An Act To Clarify the Use of Lawyer's Trust Account Funds When the Owner Is Not Known or Cannot Be Located**

**Accepted Majority  
(ONTP) Report**

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

This bill amends the Uniform Unclaimed Property Act by directing the Treasurer of State to deliver unclaimed lawyer's trust account funds to the lawyer's trust account program manager designated by the Maine Supreme Judicial Court. The bill requires the lawyer's trust account program manager to return funds to the Treasurer of State if an owner of funds is identified.

**Committee Amendment "A" (S-180)**

This amendment, which is the minority report of the committee, replaces the bill with a provision that requires that funds presumed abandoned under the Uniform Unclaimed Property Act in a lawyer's pooled trust account for which no identifying client information can be found must be transferred to the lawyer's pooled trust accounts manager to be used to provide funding to organizations whose primary purpose is to provide civil legal aid to low-income Maine residents. The bill requires the lawyer's trust account program manager to return funds to the Treasurer of State if an owner of funds is identified.

**LD 1136     An Act To Amend the Maine Business Corporation Act**

**PUBLIC 259**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ	OTP-AM	S-233

## *Joint Standing Committee on Judiciary*

This is a periodic update of the Maine Business Corporations Act to reflect recently adopted changes to the Model Business Corporations Act.

### **Committee Amendment "A" (S-233)**

This amendment makes no substantive change to the bill but adjusts language in the section of the bill relating to grounds for judicial dissolution of a corporation to fit that language into the structure of the current law.

### **Enacted Law Summary**

Public Law 2015, chapter 259 is a periodic update of the Maine Business Corporations Act to reflect recently adopted changes to the Model Business Corporations Act. It makes the following changes.

1. It extends the existing ability of a corporation to reduce or eliminate certain fiduciary duties owed by directors to Maine corporations and their shareholders by means of provisions in the corporation's articles of incorporation to situations involving business opportunities that could be of interest to the corporation.
2. It makes minor clarifying changes to existing provisions relating to the signatures on share certificates, the right of shareholders to call special shareholders' meetings and the permitted duration of voting trusts, prospectively eliminating a restriction limiting such trusts to 21 years.
3. It clarifies existing provisions relating to the duration of proxies to vote shares in Maine corporations and the effectiveness of irrevocable proxies.
4. It clarifies and expands upon existing provisions relating to inspectors of elections, including provisions regarding the appointment, roles, duties and procedures of inspectors and judicial review of their actions and decisions.
5. It contains detailed provisions relating to judicial review of disputes concerning elections and appointments of directors and officers of Maine corporations, including the matters as to which the judiciary may issue rulings, the persons who may commence such proceedings, the persons who must be named as defendants in such proceedings, service of process and the scope and types of remedies that may be granted in such actions.
6. It clarifies when and in what manner qualifications for service as a director of a Maine corporation, or to be nominated as such, may become applicable relative to the time of nomination or time of election or during such person's tenure as a director.
7. It provides that Maine's existing statutory provision allowing judicially mandated dissolution of a Maine corporation in cases involving "oppression" of one or more shareholders is applicable to corporations whose securities are publicly traded.

### **LD 1145      An Act To Improve Maine's Involuntary Commitment Processes**

**PUBLIC 309  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY	OTP-AM	H-464 H-471 MALABY

This bill is based on certain recommendations in the report "Recommendations for Improving the Involuntary Commitment Process," by the Judicial Branch Mental Health Working Group dated December 15, 2014. It amends the laws governing involuntary hospitalization by:

1. Authorizing a health care practitioner to administer involuntary treatment to a person being involuntarily held or

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detained if the person's condition poses a serious, imminent risk to the person's physical or mental health and other conditions are met;

2. Specifying that family members may be the source of history and information that forms the basis of an opinion of a medical practitioner regarding a person for whom an emergency application for admittance to a psychiatric hospital has been filed;
3. Creating exceptions to the 24-hour hospital emergency hold period to authorize a hospital to involuntarily detain a mentally ill person meeting certain criteria for emergency psychiatric hospitalization for two additional 48-hour periods;
4. Limiting the State's costs related to transporting certain patients to reasonable costs;
5. Allowing for the discharge of an involuntary petition if the patient subsequently agrees to voluntary commitment;
6. Clarifying that orders of involuntary commitment and treatment also transfer with a patient that is transferred from one hospital to another; and
7. Permitting medical examinations and consultations required or permitted under involuntary hospitalization laws to be conducted using telemedicine technologies.

### **Committee Amendment "A" (H-464)**

This amendment clarifies the terminology used to describe the emergency treatment to be involuntarily provided to reflect that the treatment must be a currently recognized standard of treatment.

This amendment clarifies that the sources of available history and other information may include family members without implying family members are always a reliable source.

This amendment requires that when a physician or clinical psychologist has evaluated a person for the purpose of providing a second opinion on whether the person meets the criteria for emergency admission to a psychiatric hospital and determines that the person does not meet the criteria, the physician or clinical psychologist must record the discharge upon the written application for emergency admission. The application must contain a statement that the person does not satisfy the criteria for emergency admission.

This amendment clarifies the standard for a person's consent to informal voluntary admission once the involuntary commitment process has started.

### **House Amendment "A" (H-471)**

This amendment adds an emergency preamble and emergency clause to the bill.

### **Enacted Law Summary**

Public Law 2015, chapter 309 is based on certain recommendations in the report "Recommendations for Improving the Involuntary Commitment Process," by the Judicial Branch Mental Health Working Group dated December 15, 2014. It amends the laws governing involuntary hospitalization by:

1. Authorizing a health care practitioner to administer involuntary treatment to a person being involuntarily held or detained if the person's condition poses a serious, imminent risk to the person's physical or mental health and other conditions are met;
2. Specifying that family members may be the source of history and information that forms the basis of an opinion of a medical practitioner regarding a person for whom an emergency application for admittance to a psychiatric hospital has been filed;

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3. Creating exceptions to the 24-hour hospital emergency hold period to authorize a hospital to involuntarily detain a mentally ill person meeting certain criteria for emergency psychiatric hospitalization for two additional 48-hour periods;
4. Limiting the State's costs related to transporting certain patients to reasonable costs;
5. Allowing for the discharge of an involuntary petition if the patient subsequently agrees to voluntary commitment;
6. Clarifying that orders of involuntary commitment and treatment also transfer with a patient that is transferred from one hospital to another;
7. Permitting medical examinations and consultations required or permitted under involuntary hospitalization laws to be conducted using telemedicine technologies; and
8. Providing that when a physician or clinical psychologist has evaluated a person for the purpose of providing a second opinion on whether the person meets the criteria for emergency admission to a psychiatric hospital and determines that the person does not meet the criteria, the physician or clinical psychologist must record the discharge upon the written application for emergency admission. The application must contain a statement that the person does not satisfy the criteria for emergency admission.

Public Law 2015, chapter 309 was enacted as an emergency measure effective July 2, 2015.

**LD 1147     An Act To Clarify the Mortgage Foreclosure Sale Process**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COOPER GRATWICK	OTP-AM	H-258

This bill clarifies certain aspects of the post-foreclosure sale process.

The bill imposes upon the mortgage holder who starts the foreclosure the burden of being treated as the owner of the property, and thus the party with the burden of maintaining it. With this responsibility, foreclosing parties may be more likely to complete the foreclosure process and proceed to foreclosure sales.

The bill imposes a deadline of 45 days after the completion of the foreclosure sale for the filing of the report of sale, so that, in those instances where a deficiency judgment is being sought, the homeowner will be put on notice of that fact shortly after the sale process is completed.

**Committee Amendment "A" (H-258)**

This amendment deletes section 1 from the bill.

The amendment amends section 2 of the bill to require that the report of the sale of the foreclosed property must be filed with the court within 180 days of the conveyance of the title of the property after the public sale instead of 45 days from the date of the sale, as the bill requires.

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**LD 1163 An Act To Amend the Garnishment Laws of the State**

**CARRIED OVER**

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

This bill establishes a process for the garnishment of state income tax refunds for the satisfaction of money judgments.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 1168 An Act To Prohibit the Use of Eminent Domain in Certain Public-private Partnerships and To Prohibit the Use of Eminent Domain by a Private Business Entity in a Public-private Partnership**

**PUBLIC 263**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS CRAFTS	OTP-AM	S-249

This bill prohibits the use of the power of eminent domain for the development, operation, management, ownership, leasing or maintenance of a transportation facility as a public-private partnership project. It also prohibits the use of the power of eminent domain by a private business entity when the entity is involved in a public-private partnership.

**Committee Amendment "A" (S-249)**

This amendment replaces the bill. It amends the law governing public-private partnerships for transportation projects to clarify that all projects must comply with the Sensible Transportation Policy Act, to explicitly state that the Department of Transportation may not confer its power of eminent domain on a private entity and to require the Department of Transportation to report by February 1st of every year on the status of any projects and any substantive changes.

**Enacted Law Summary**

Public Law 2015, chapter 263 amends the law governing public-private partnerships for transportation projects to clarify that all projects must comply with the Sensible Transportation Policy Act, to explicitly state that the Department of Transportation may not confer its power of eminent domain on a private entity and to require the Department of Transportation to report by February 1st of every year on the status of any projects and any substantive changes.

**LD 1171 An Act To Protect Certain Information under the Maine Human Rights Act**

**Died Between Houses**

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

This bill protects from public disclosure information in the records of the Maine Human Rights Commission that identifies minors. It also designates as confidential medical records, medical diagnoses, medical information and information regarding an individual's disability contained in the commission's records. The bill specifies that medical records, medical diagnoses, medical information and information regarding an individual's disability may

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not be disclosed without the written authorization of the individual who is the subject of the medical records or medical diagnoses and provides specific exceptions designed to authorize disclosure necessary to further investigation of and deliberation on complaints.

**Committee Amendment "A" (H-476)**

This amendment is the majority report of the committee. It replaces section 2 of the bill but, like the bill, it revises the confidentiality provisions of the Maine Human Rights Act.

This amendment protects from public disclosure information in the records of the Maine Human Rights Commission that identifies a minor, a person's medical condition or disability, the identity of a person not a party to a complaint at the commission, personnel records, social security numbers, residential addresses and personal phone numbers, banking and financial information, criminal history information not otherwise made public by law and the identity of a person who has established a compelling and immediate need to proceed with or participate in a commission investigation with anonymity.

**LD 1177      An Act To Enact the Recommendations of the Probate and Trust Law      CARRIED OVER**  
**Advisory Commission Regarding the Maine Uniform Fiduciary Access**  
**to Digital Assets Act**

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

This bill enacts the Uniform Fiduciary Access to Digital Assets Act as the Maine Uniform Fiduciary Access to Digital Assets Act as a new Article 10 in the Maine Revised Statutes, Title 18-A. The Probate and Trust Law Advisory Commission recommended enactment in the report submitted to the Joint Standing Committee on Judiciary pursuant to Resolve 2013, chapter 27 as amended by Resolve 2013, chapter 81. The Uniform Fiduciary Access to Digital Assets Act ensures account holders retain control of their digital property and can plan for its ultimate disposition after their death. Unless the account holder instructs otherwise, legally appointed fiduciaries will have the same access to digital assets as they have always had to tangible assets and the same duty to comply with the account holder's instructions.

This bill modifies the Uniform Fiduciary Access to Digital Assets Act to be consistent with existing Maine law with regard to conservators. Part B amends Maine's Uniform Power of Attorney Act to specifically allow a power of attorney to grant authority to enable the agent to access the content of an electronic communication to be consistent with the grant of express authority required by Section 6 of the Uniform Fiduciary Access to Digital Assets Act, included in this bill as Title 18-A, section 10-106.

Part C provides that this bill takes effect January 1, 2016.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 1181      An Act To Limit Liability for Certain Successor Corporations under      CARRIED OVER**  
**Specific Circumstances**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J HASKELL		

This bill limits the liability of successor corporations that, before the dangers of asbestos were known publicly in 1972, acquired or merged with a predecessor corporation that engaged in asbestos-related activities. Liability is

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capped at the value of the predecessor corporation at the time of merger adjusted for inflation, but only for successor corporations that did not continue in the business of mining, selling, distributing, manufacturing, removing or installing asbestos-containing products.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 1186 An Act To Promote Professional Training and Security in Maine Courts**

**PUBLIC 238  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREY KATZ	OTP-AM	H-358

This bill authorizes the State Court Administrator to establish fees on lawyers, guardians ad litem, interpreters, mediators and other professionals who routinely participate in court proceedings to cover the costs of training, orientation, continuing education, background investigations, entry screening and security provided to these professionals. The State Court Administrator also may establish fees on third parties to cover the costs of the use of court facilities for purposes not related to court functions by those third parties. All fees collected must be deposited in a nonlapsing Other Special Revenue Funds account to be used for these purposes only. This account may receive money from grants, gifts, bequests and donations.

**Committee Amendment "A" (H-358)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2015, chapter 238 authorizes the State Court Administrator to establish fees on lawyers, guardians ad litem, interpreters, mediators and other professionals who routinely participate in court proceedings to cover the costs of training, orientation, continuing education, background investigations, entry screening and security provided to these professionals. The State Court Administrator also may establish fees on third parties to cover the costs of the use of court facilities for purposes not related to court functions by those third parties. All fees collected must be deposited in a nonlapsing Other Special Revenue Funds account to be used for these purposes only. This account may receive money from grants, gifts, bequests and donations.

Public Law 2015, chapter 238 was enacted as an emergency measure effective June 23, 2015.

**LD 1203 An Act To Address the Detrimental Effects of Abandoned Property**

**PUBLIC 276**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY LAJOIE	OTP-AM	S-260

This bill authorizes municipalities, through the adoption of an appropriate ordinance, to provide for the care, maintenance and security of abandoned properties.

**Committee Amendment "A" (S-260)**

This amendment authorizes municipalities to provide for the care, maintenance and security of abandoned properties without adoption of an ordinance as proposed in the bill. The amendment retains the provisions of the bill regarding how abandonment is determined and allowing municipalities to recover their cost of maintaining abandoned properties through the application of a supplemental tax on the property. The amendment gives

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responsible parties 30 days from the date a permit is issued to correct identified property defects before the municipality will take corrective action if a permit is necessary. The definition of "responsible parties" is limited to record owners, and the daily fine against mortgagees and mortgagors for nonmaintenance as proposed in the bill is removed. The amendment also requires lenders to notify municipalities of the initiation of a foreclosure proceeding and to provide an in-state representative to respond to municipal inquiries.

### **Enacted Law Summary**

Public Law 2015, chapter 276 authorizes municipalities to provide for the care, maintenance and security of abandoned properties without adoption of an ordinance. It establishes procedures for how abandonment is determined and allows municipalities to recover their cost of maintaining abandoned properties through the application of a supplemental tax on the property. Chapter 276 gives responsible parties 30 days from the date a permit is issued to correct identified property defects before the municipality will take corrective action if a permit is necessary. The definition of "responsible parties" is limited to record owners. Lenders are required to notify municipalities of the initiation of a foreclosure proceeding and to provide an in-state representative to respond to municipal inquiries.

### **LD 1214    An Act To Implement the Recommendations of the Mental Health Working Group**

**CARRIED OVER**

Sponsor(s)

Committee Report

Amendments Adopted

This bill contains the recommendations of the Mental Health Working Group pursuant to Resolve 2013, chapter 106.

Part A is almost identical to LD 1145 and amends Maine's involuntary hospitalization statutes by:

1. Creating exceptions to the 24-hour hospital emergency hold period to authorize a hospital to detain on an involuntary basis a mentally ill person meeting criteria for emergency psychiatric hospitalization for up to two additional 48-hour periods;
2. Codifying Maine's common law emergency exception to informed consent to authorize a medical practitioner to administer involuntary treatment to a patient being involuntarily held or detained if the patient's condition poses a serious, imminent risk of harm to the patient or others and other conditions are met;
3. Limiting to reasonable costs the State's costs related to transporting certain patients;
4. Allowing for the release or discharge of an involuntary patient if the patient subsequently agrees to voluntary commitment;
5. Clarifying that orders of involuntary commitment and involuntary treatment transfer with a patient who is transferred to a different hospital; and
6. Permitting medical examinations and consultations required or permitted under the State's involuntary hospitalization statutes to be conducted using telemedicine technologies.

Part B expands the duties of the State Forensic Service within the Department of Health and Human Services to include performing the duties of an independent examiner at the direction of the District Court in response to applications for involuntary commitment and involuntary treatment.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

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**LD 1216    An Act To Improve the Authority of Guardians of Persons with Intellectual Disabilities or Autism**

**Died Between Houses**

Sponsor(s)  
FARNSWORTH

Committee Report

Amendments Adopted

This bill addresses several ambiguities with regard to the powers of guardians of persons with intellectual disabilities or autism

Currently, the Probate Code provides no clear restrictions on how far the court may expand the guardian's powers. This bill resolves the ambiguity by clearly allowing probate courts to continue to use the broad powers granted by the guardianship statute. It also provides a second avenue through which a right may be waived or restricted. This is consistent with the historical role of the Probate Court in administering guardianships.

This bill also clarifies the rights of persons with intellectual disabilities or autism, as well as provides that, although the Department of Health and Human Services has authority to oversee certain types of behavioral interventions and related actions, that authority may not be used to limit the authority of guardians.

This bill was not referred to a committee.

**LD 1224    An Act To Amend the Child Protective Services Laws**

**CARRIED OVER**

Sponsor(s)  
MALABY  
DIAMOND

Committee Report

Amendments Adopted

This bill amends the Child and Family Services and Child Protection Act in the following ways.

1. It makes clear that the prohibitions on the use of Department of Health and Human Services records and information do not apply to a child or parent, legal guardian or custodian of a child who is the subject of the records or information.
2. It allows upon request a child or parent, legal guardian or custodian of a child to receive Department of Health and Human Services records and information concerning the child unless the department can prove by clear and convincing evidence that the records or information should not be released.
3. It removes the criminal penalty for a person who disseminates information that may be in Department of Health and Human Services records if the person obtained that information from an independent source.
4. It clarifies that unsubstantiated records or information that are expunged or should have been expunged may not be used for any purpose including as evidence in any administrative or judicial proceeding.
5. It modifies the notice, conduct and appeal rights concerning proceedings involving preliminary protection orders.
6. It clarifies that the petitioner must present and the court must find that reasonable efforts to prevent the removal of a child have been made prior to the issuance of a preliminary protection order.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

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**LD 1238    An Act To Allow the Release of Child Protective Records to Certain Providers of Child and Adult Services**

**PUBLIC 194**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAKEY SANDERSON	OTP-AM	S-231

This bill amends the Child and Family Services and Child Protection Act to make it clear that, in addition to searching and providing information in its records to professional and occupational licensing boards, the Department of Health and Human Services also may provide information for a person or employer to conduct background or employment-related screening for persons to engage in child-related activities or employment or activities or employment relating to disabled adults. This change is based on the federal Child Abuse Prevention and Treatment Act.

**Committee Amendment "A" (S-231)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2015, chapter 194 amends the Child and Family Services and Child Protection Act to make it clear that, in addition to searching and providing information in its records to professional and occupational licensing boards, the Department of Health and Human Services also may provide information for a person or employer to conduct background or employment-related screening for persons to engage in child-related activities or employment or activities or employment relating to disabled adults. This change is based on the federal Child Abuse Prevention and Treatment Act.

**LD 1241    An Act To Increase Government Efficiency**

**CARRIED OVER**

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

This bill authorizes the Maine Governmental Facilities Authority, the Maine Health and Higher Educational Facilities Authority, the Maine State Housing Authority and the Maine Municipal Bond Bank to conduct public proceedings with one or more members of the board or commission participating via remote access technology in certain circumstances.

**Committee Amendment "A" (S-276)**

This amendment, which is the majority report of the committee, amends the bill to bar remote participation in executive sessions of the board and authorities subject to the bill and lists specific and limited situations when a member may participate remotely in the public proceedings.

This bill was reported out of committee, then committed back to the Joint Standing Committee on Judiciary and carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

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**LD 1259      An Act To Increase Consumer Protections**

**PUBLIC 180**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOONEN	OTP-AM	H-166

This bill amends the Uniform Commercial Code. Under the bill, a filing office may refuse to file a record on the basis that the record is fraudulent or appears to be fraudulent and that the record pertains to a matter outside of the scope of the Uniform Commercial Code. This bill also clarifies that a filing office's refusal to file a record is a final agency action subject to judicial review under the Maine Administrative Procedure Act.

**Committee Amendment "A" (H-166)**

This amendment gives the Secretary of State the authority to refuse to file or record a record that is not required or authorized to be filed or recorded with the Secretary of State. The Secretary of State may also refuse to file or record a record if the Secretary of State has reasonable cause to believe the record is materially false or fraudulent.

The amendment gives the Secretary of State the authority to remove a record that was filed or recorded erroneously because the record was not required or authorized to be filed or recorded with the Secretary of State or the Secretary of State has reasonable cause to believe that the record is materially false or fraudulent.

The amendment gives the person who presented the refused or removed record the option of asking the Superior Court to require the Secretary of State to file or record the refused record, or reinstate the filing or recording of the removed record from the original date of the filing or recording.

**Enacted Law Summary**

Public Law 2015, chapter 180 gives the Secretary of State the authority to refuse to file or record a record that is not required or authorized to be filed or recorded with the Secretary of State. The Secretary of State may also refuse to file or record a record if the Secretary of State has reasonable cause to believe the record is materially false or fraudulent.

Chapter 180 gives the Secretary of State the authority to remove a record that was filed or recorded erroneously because the record was not required or authorized to be filed or recorded with the Secretary of State or the Secretary of State has reasonable cause to believe that the record is materially false or fraudulent.

Chapter 180 gives the person who presented the refused or removed record the option of asking the Superior Court to require the Secretary of State to file or record the refused record, or reinstate the filing or recording of the removed record from the original date of the filing or recording.

**LD 1260      Resolve, Requiring the Judicial Department To Study Court Facility  
Needs in Oxford, Waldo and York Counties**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS THIBODEAU	OTP-AM	H-190

This resolve directs the Judicial Department to conduct or contract for architectural feasibility studies to improve court facilities in Oxford County, Waldo County and York County and report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing

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committee of the Legislature having jurisdiction over judiciary matters by January 1, 2017. It also appropriates \$300,000 in one-time funding for the studies in fiscal year 2015-16.

This bill was incorporated into the Biennial Budget, Public Law 2015, chapter 267, Part A, section A-43. The study of court facility needs is incorporated as part of the Biennial Budget; see Public Law 2015, chapter 267, Part G.

**Committee Amendment "A" (H-190)**

This amendment incorporates a fiscal note.

**LD 1261      An Act To Correct Defects in Title Created by Improperly Discharged Mortgages      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE	ONTP	

This bill provides the following with respect to mortgages that identify Mortgage Electronic Registration Systems, Inc. as the mortgagee of record and mortgages that are assigned to Mortgage Electronic Registration Systems, Inc.

1. A discharge or satisfaction of a mortgage recorded in the appropriate registry of deeds and executed by Mortgage Electronic Registration Systems, Inc. or by an assignee or successor of Mortgage Electronic Registration Systems, Inc. when Mortgage Electronic Registration Systems, Inc. appears of record to be the holder of the mortgage is considered conclusive evidence of the satisfaction of a mortgage in favor of any person claiming by, through or under the mortgagor.
2. A partial release of a mortgage recorded in the appropriate registry of deeds and executed by Mortgage Electronic Registration Systems, Inc. or by an assignee or successor of Mortgage Electronic Registration Systems, Inc. when Mortgage Electronic Registration Systems, Inc. appears of record to be the holder of the mortgage is considered conclusive evidence of the termination of the mortgage with respect to the land described in the partial release in favor of any person claiming by, through or under the mortgagor.

See LD 321, Public Law 2015, chapter 289.

**LD 1272      An Act To Strengthen the Protections for Senior Citizens in the State      PUBLIC 306 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS	OTP-AM	S-277
EVES	OTP-AM	S-320    HAMPER

This bill strengthens the protections for senior citizens in the State as follows.

1. It amends the purposes of the criminal sentencing provisions to specifically reference the factor of a victim's ability to self-protect due to age.
2. It defines "dependent person."
3. It specifically includes financial exploitation in the definition of "abuse."
4. It provides funds for one Detective position and one Assistant Attorney General position.

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5. It authorizes the Attorney General to accept funds to fund those positions.

### **Committee Amendment "A" (S-277)**

This amendment is the majority report of the committee and replaces the appropriations and allocations section of the bill.

### **Committee Amendment "B" (S-278)**

This amendment is the minority report of the committee and deletes the General Fund appropriation included in the bill.

### **Senate Amendment "A" To Committee Amendment "A" (S-320)**

This amendment removes the appropriations and allocations section from the bill added by Committee Amendment "A." This amendment also amends the funding section of the bill to specify that the positions in the Attorney General's Office are limited-period positions.

### **Enacted Law Summary**

Public Law 2015, chapter 306 strengthens the protections for senior citizens in the State by amending the purposes of the criminal sentencing provisions to specifically reference the factor of a victim's ability to self-protect due to age and by specifically including financial exploitation in the definition of "abuse." The Attorney General may accept funds to fund on a limited-period basis positions within the Department of the Attorney General to investigate and prosecute the financial exploitation of dependent adults.

Public Law 2015, chapter 306 was enacted as an emergency measure effective July 6, 2015.

## **LD 1306      An Act To Affirm the Obligation To Support One's Children**

**PUBLIC 212**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAKEY MALABY	OTP-AM	S-245

This bill clarifies that exemptions from attachment and execution do not apply to child support obligations.

### **Committee Amendment "A" (S-245)**

This amendment replaces the bill to clarify what property of a child support obligor is exempt from collection efforts, including liens. The exemptions under this amendment are the same as under the current exemptions for seize and sell. It also updates the amounts of exempt interest in the obligor's property for a primary residence, \$47,500, and one motor vehicle, \$5,000, to bring those amounts closer into line with current property values.

### **Enacted Law Summary**

Public Law 2015, chapter 212 clarifies what property of a child support obligor is exempt from collection efforts, including liens. The exemptions under this chapter are the same as under the current exemptions for seize and sell. It also updates the amounts of exempt interest in the obligor's property for a primary residence, \$47,500, and one motor vehicle, \$5,000, to bring those amounts closer into line with current property values.

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**LD 1311 An Act To Establish the Patient Compensation System Act**

**CARRIED OVER**

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

This bill establishes within the Department of Professional and Financial Regulation the Patient Compensation System, which allows a person who has suffered a medical injury to receive compensation outside of the court system. The Patient Compensation System is governed by a board of medical, legal, patient and business representatives. The bill establishes three offices within the system to provide medical review of claims, compensation allocations and quality review, as well as two committees to provide guidance in the selection of medical review panelists and the design of compensation schedules. The bill also creates the Patient Compensation System Fund, which is funded by fees paid by physicians participating in the system.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 1312 An Act To License Outpatient Surgical Abortion Facilities**

**Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON BRAKEY	ONTP OTP	

This bill requires outpatient surgical abortion facilities to be licensed by the Department of Health and Human Services. The department must adopt rules governing licensing of these facilities and may adopt rules establishing reasonable operational and safety standards for these facilities.

**LD 1317 An Act To Provide Expedited Court Review of Child Visitation Provisions for Military Personnel on Duty out of State**

**PUBLIC 273**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOWLE PATRICK	OTP-AM	H-411

This bill provides an expedited process for persons serving in the United States Armed Forces who are deployed or stationed out of State to move for enforcement of visitation provisions of child custody determinations.

**Committee Amendment "A" (H-411)**

This amendment adds to the expedited enforcement of visitation provisions members of the National Guard who are on active duty and are serving outside the State or overseas.

**Enacted Law Summary**

Public Law 2015, chapter 273 provides an expedited process for persons serving in the United States Armed Forces and members of the National Guard who are deployed or stationed out of State to move for enforcement of visitation provisions of child custody determinations.

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**LD 1322    An Act To Implement the Recommendations of the Probate and Trust Law Advisory Commission Concerning the Probate Code**

**CARRIED OVER**

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to implement the recommendations of the Probate and Trust Law Advisory Commission concerning the Probate Code pursuant to Resolve 2013, chapter 5 and chapter 82.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 1330    An Act To Enhance Efficiency in the Collection of Child Support Obligations**

**PUBLIC 186**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON BRAKEY	OTP-AM	H-361

This bill amends laws concerning the collection of child support obligations. It removes from the duration of an order to seek work the provision "or until the obligor finds work." It changes the time frame in which a primary care provider of a child is deemed to be unavailable for employment from three years to the first six months of the child's life. It allows, when appropriate, an adjustment of child support obligations for a child in the party's household other than the child for whom a support order is being sought, even if that adjustment results in a reduction of a previously established award. It repeals the automatic suspension of the child support obligation of assisted obligors, and it corrects an inconsistency in amounts withheld from an obligor's withholding from \$2 per week to \$2 per pay period.

**Committee Amendment "A" (H-361)**

This amendment changes the time frame in which a primary care provider of a child is deemed to be unavailable for employment for the purposes of the laws governing the collection of child support obligations from three years to the first 24 months of the child's life.

This amendment also removes the requirement that the Department of Health and Human Services include blank forms for modification along with the notice that the child support obligation is suspended while the obligor is receiving public assistance. These forms are available online, and upon request, and are used by very few recipients of the notice. Elimination of this requirement will save close to \$3,000 per year in printing and mailing costs to the department.

**Enacted Law Summary**

Public Law 2015, chapter 186 amends laws concerning the collection of child support obligations as follows.

1. It removes from the duration of an order to seek work the provision "or until the obligor finds work."
2. It changes the time frame in which a primary care provider of a child is deemed to be unavailable for employment from three years to the first 24 months of the child's life.
3. It allows, when appropriate, an adjustment of child support obligations for a child in the party's household other

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than the child for whom a support order is being sought, even if that adjustment results in a reduction of a previously established award.

4. It corrects an inconsistency in amounts withheld from an obligor's withholding from \$2 per week to \$2 per pay period.

5. It removes the requirement that the Department of Health and Human Services include blank forms for modification along with the notice that the child support obligation is suspended while the obligor is receiving public assistance.

**LD 1338 An Act Regarding Legal Representation in Certain Eviction Actions**

**PUBLIC 195**

Sponsor(s)  
FREDETTE

Committee Report  
OTP

Amendments Adopted

Current law provides that a person who is the sole member of a limited liability company or is a member of a limited liability company that is owned by a married couple or registered domestic partners who is not an attorney may appear in court for that company in an action for forcible entry and detainer. The bill limits the application of this provision of law to an individual. The bill also allows an individual who is not an attorney and who is a member of a limited liability company that is owned by an individual and that individual's issue to appear in court for that company in an action for forcible entry and detainer. The bill also strikes the statutory sunset of the provision.

**Enacted Law Summary**

Public Law 2015, chapter 195 eliminates the repeal of the current law that allows a person who is the sole member of a limited liability company or is a member of a limited liability company that is owned by a married couple or registered domestic partners who is not an attorney to appear in court for that company in an action for forcible entry and detainer. It also allows an individual who is not an attorney and who is a member of a limited liability company that is owned by an individual and that individual's issue to appear in court for that company in an action for forcible entry and detainer.

**LD 1340 An Act To Enact the Preservation of Religious Freedom Act**

**Leave to Withdraw Pursuant to Joint Rule**

Sponsor(s)  
BURNS  
CRAFTS

Committee Report

Amendments Adopted

This bill enacts the Preservation of Religious Freedom Act. It codifies legislative findings that summarize the enshrinement of the right to the free exercise of religion in the United States Constitution and the Constitution of Maine and case law of the Maine Supreme Judicial Court and the United States Supreme Court interpreting the fundamental and unalienable right to the free exercise of religion, as well as the extent to which a legislative body can legislate in this area.

The Preservation of Religious Freedom Act has as its purpose the restoration of the compelling interest test as set forth in *Wisconsin v. Yoder*, 406 U.S. 205 (1972), and *Sherbert v. Verner*, 374 U.S. 398 (1963). The Act guarantees the application of the compelling interest test in all cases in which the government substantially burdens the exercise of religion and provides a claim or defense to a person whose exercise of religion is burdened by the

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government.

The Act provides that the government may not directly or indirectly substantially 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. The Act allows a person whose exercise of religion has been substantially burdened in violation of the Act to assert the violation as a claim or defense in a court action.

The Act's requirement that the government's infringement upon the free exercise of religion be justified by a compelling interest is similar to the requirement placed on the Federal Government through the Religious Freedom Restoration Act of 1993 and that of other states that have passed similar protections.

**LD 1342 An Act To Prohibit Unauthorized Custody Transfers of Children**

**PUBLIC 274**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HICKMAN VOLK	OTP-AM	H-410

This bill addresses the practice of rehomeing children by creating a new crime prohibiting the transfer of the long-term care and custody of a child without a court order. The new crime is described as a parent, guardian or other person legally charged with the long-term care and custody of a child under 16 years of age, or a person to whom the long-term care and custody of a child under 16 years of age has been expressly delegated, transferring the long-term care and custody of the child to another person who is not a family member without authorization by order of a court that has jurisdiction over the child. This is a Class C crime.

**Committee Amendment "A" (H-410)**

This amendment deletes from the bill the proposed new crime of unlawful transfer of long-term care and custody of a child and replaces it with amendments to the existing crime of abandonment of a child, prohibiting substantially the same conduct. This amendment adds to the crime of abandonment of a child a prohibition on placing a child with or transferring the physical custody of a child to a nonrelative without court approval. If the child is less than six years of age, the crime is a Class C crime and if the child is less than 18 years of age, the crime is a Class D crime. This amendment creates an affirmative defense that the placement or transfer of custody of the child is due to the incarceration, military service, medical treatment or incapacity of the person and is temporary and for a designated short-term period with a specific intent and time period for the return of the child.

This amendment clarifies that a person is prohibited from advertising for the purpose of finding a person to take into permanent custody a particular child; current law provides that a person is prohibited from advertising for the purpose of finding a person to adopt a child. This amendment removes from the provision in the bill prohibiting advertising the prohibition on publication and reduces the penalty for advertising to a maximum of \$5,000. The bill provides an exemption from the advertising prohibitions for the Department of Health and Human Services and licensed child-placing agencies, as well as attorneys advertising their availability to provide legal services relating to adoption.

**Enacted Law Summary**

Public Law 2015, chapter 274 amends the existing crime of abandonment of a child to prohibit the transfer of the long-term care and custody of a child without a court order. It also adds to the crime of abandonment of a child a prohibition on placing a child with or transferring the physical custody of a child to a nonrelative without court approval. If the child is less than six years of age, the crime is a Class C crime and if the child is less than 18 years of age, the crime is a Class D crime. Chapter 274 creates an affirmative defense that the placement or transfer of custody of the child is due to the incarceration, military service, medical treatment or incapacity of the person and is temporary and for a designated short-term period with a specific intent and time period for the return of the child.

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Chapter 274 clarifies that a person is prohibited from advertising for the purpose of finding a person to take into permanent custody a particular child; current law provides that a person is prohibited from advertising for the purpose of finding a person to adopt a child. It imposes a maximum penalty of \$5,000 for a violation.

**LD 1381     An Act To Correct Errors and Inconsistencies in the Laws of Maine**

**PUBLIC 329  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-495

This bill corrects errors and inconsistencies in the laws of Maine pursuant to the Maine Revised Statutes, Title 1, section 94 and Joint Rule 311.

### **Committee Amendment "A" (H-495)**

This amendment amends the bill to designate the contents of the bill as Part A. The amendment revises a provision in the bill to correct the list of categories of meat and poultry processors that may register with the Department of Agriculture, Conservation and Forestry to engage in intrastate commerce to make it clear that the categories are alternatives.

This amendment revises the labeling requirements included in the bill to carry out the intent of Public Law 2013, chapter 304 to allow mobile poultry processing unit operators to sell uninspected poultry products at a farmers' market, to a locally owned grocery store or to a locally owned restaurant only if specific labeling requirements are met.

This amendment adds Part B to include corrections that may be considered substantive changes. Part B:

1. Corrects a conflict created when Public Law 2011, chapter 298 amended Title 17-A, section 1057, subsection 3 and Public Law 2011, chapter 394 repealed Title 17-A, section 1057, subsection 3. This amendment corrects the conflict by repealing the subsection and replacing it with the chapter 298 version. This correction is supported by the Joint Standing Committee on Criminal Justice and Public Safety;
2. Corrects a conflict created by Public Law 1981, chapters 150 and 175, which enacted the same provision of law with a minor difference. Chapter 150 used the phrase "evidence of individual insurability" where chapter 175 used the phrase "evidence of insurability." This amendment corrects the conflict by repealing the provision and replacing it with the chapter 150 version;
3. Corrects an error by adding a cross-reference that was inadvertently omitted. This correction is supported by the Joint Standing Committee on Insurance and Financial Services; and
4. Corrects a conflict created when Public Law 2013, chapter 451 amended Public Law 2013, chapter 368, Part S, section 9 and Public Law 2013, chapter 595 repealed the same provision by repealing Public Law 2013, chapter 368, Part S, section 9.

This amendment adds Part C to amend Title 10, section 1174, subsection 3 to correct the erroneous inclusion of Title 10, section 1174, subsection 3, paragraph W in the committee amendment LD 1482 in the 126th Legislature. It provides that the changes apply retroactively to the effective date of Public Law 2013, chapter 534, which enacted Title 10, section 1174, subsection 3, paragraph W. These changes are substantive and supported by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

This amendment adds Part D to correct technical conflicts between two bills related to alcoholic beverage tastings conducted by retailers and the role of sales representatives in those events. Public Law 2015, chapters 129 and 184

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amended the same sections of Title 28-A in different ways. Chapter 129 was enacted as an emergency, but chapter 184 was not, therefore this amendment provides that Part D takes effect 90 days after the adjournment of the First Regular Session of the 127th Legislature to be consistent with chapter 184's effective date.

This amendment adds Part E to correct a clerical error in the Maine Energy Cost Reduction Act concerning energy cost reduction contracts, enacted by Public Law 2013, chapter 369, by twice replacing the word "contact" with "contract." This is a technical correction.

### **Enacted Law Summary**

Public Law 2015, chapter 329 corrects both technical and substantive errors and inconsistencies in the laws of Maine.

Public Law 2015, chapter 329 was enacted as an emergency measure effective July 12, 2015, except as otherwise provided.

### **LD 1391      An Act Regarding the Treatment of Forensic Patients**

**PUBLIC 325  
EMERGENCY**

Sponsor(s)

MALABY  
KATZ

Committee Report

OTP-AM

Amendments Adopted

H-479  
H-487 SANDERSON

This bill allows the Commissioner of Health and Human Services to administer medication to a defendant who has been found incompetent to proceed without the defendant's consent if a court finds that certain standards have been met. It allows the commissioner to authorize a hospital to administer medication to a defendant who has been found incompetent to proceed or to a person who has been committed to the custody of the commissioner following acceptance of a negotiated insanity plea or following a verdict or finding of insanity without that defendant's or person's consent if certain standards are met, subject to appeal to the court.

#### **Committee Amendment "A" (H-479)**

This amendment changes the references to "antipsychotic" medication to "psychiatric" medication to more accurately describe the type of medication that may be administered.

The amendment changes the terminology from competency "to stand trial" to competency "to proceed" to be consistent throughout the bill.

The amendment revises the definition of "Commissioner of Health and Human Services" to include the commissioner's designee.

The amendment deletes the definition of "gravely disabled" and replaces it with the standard that the patient poses a substantial risk of harm to self or others or there is a reasonable certainty that the patient will suffer severe physical or mental harm as manifested by recent behavior demonstrating an inability to avoid risk or to protect the patient adequately from impairment or injury if not medicated.

The amendment revises the factors that the commissioner must consider in order to continue the extension of the order allowing treatment without the patient's consent. The commissioner must find by clear and convincing evidence that:

1. The patient has a mental illness or disorder;
2. As a result of that illness or disorder the patient poses a substantial risk of harm to self or others or there is a

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reasonable certainty that the patient will suffer severe physical or mental harm as manifested by recent behavior demonstrating an inability to avoid risk or to protect the patient adequately from impairment or injury if not medicated;

3. There is no less intrusive alternative to involuntary medication; and
4. The need for treatment outweighs the risks and side effects.

The amendment clarifies that the patient or the patient's designated representative may request that the treatment authorization be terminated early by filing a request with the department that demonstrates that there is a significant change to the conditions that led to the original order or the patient's medical condition. If the hearing officer determines that a hearing on the request is warranted, then the patient must be provided counsel at the Department of Health and Human Services' expense at least seven days before the hearing. If the hearing officer recommends termination of the treatment authorization to the commissioner, the commissioner must either order the termination or deny the request for termination within 48 hours of the recommendation.

This amendment adds a new section that clarifies that the court may order an independent psychiatric or medical examination to make a determination under the bill. The Administrative Office of the Courts is directed to request that the Department of Health and Human Services reimburse the full amount of fees paid to the providers of the examinations. The Department of Health and Human Services is directed to reimburse the Judicial Department within 30 days after the request.

### **House Amendment "A" (H-487)**

This amendment adds an emergency preamble and emergency clause to the bill.

### **Enacted Law Summary**

Public Law 2015, chapter 325 allows the Commissioner of Health and Human Services to administer medication to a defendant who has been found incompetent to proceed without the defendant's consent if a court finds that certain standards have been met. It allows the commissioner to authorize a hospital to administer medication to a defendant who has been found incompetent to proceed or to a person who has been committed to the custody of the commissioner following acceptance of a negotiated insanity plea or following a verdict or finding of insanity without that defendant's or person's consent if certain standards are met, subject to appeal to the court.

Chapter 325 clarifies that the court may order an independent psychiatric or medical examination to make a required determination. The Administrative Office of the Courts is directed to request that the Department of Health and Human Services reimburse the full amount of fees paid to the providers of the examinations. The Department of Health and Human Services is directed to reimburse the Judicial Department within 30 days after the request.

Public Law 2015, chapter 325 was enacted as an emergency measure effective July 7, 2015.

### **LD 1425     An Act To Amend the Laws Relating to Corporations and Limited Partnerships**

**PUBLIC 254**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This bill allows nonprofit corporations, business corporations and domestic limited partnerships to apply for reinstatement more than six years after being administratively dissolved. It also establishes a maximum reinstatement fee for a nonprofit corporation, comparable to the maximum fees that are allowed for the other entities under current law.

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**Enacted Law Summary**

Public Law 2015, chapter 254 allows nonprofit corporations, business corporations and domestic limited partnerships to apply for reinstatement more than six years after being administratively dissolved. It also establishes a maximum reinstatement fee for a nonprofit corporation, comparable to the maximum fees that are allowed for the other entities under current law.

**LD 1433     An Act To Create the Office of the Public Defender and Amend the Duties of the Commission on Indigent Legal Services**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS HOBBINS		

This bill establishes a statewide public defender system. The purposes of this bill are to:

1. Provide effective assistance of counsel to indigent criminal defendants, juvenile defendants and children and parents in child protective cases in courts of this State;
2. Ensure that the system is free from undue political interference and conflicts of interest;
3. Provide for the delivery of public defender services by qualified and competent counsel in a manner that is fair and consistent throughout the State;
4. Establish a system that uses state employees, contracted services and other methods of providing services in a manner that is responsive to and respectful of regional and community needs and interests;
5. Ensure that adequate public funding of the statewide public defender system is provided and the system is managed in a fiscally responsible manner; and
6. Ensure that a person using the services of a statewide public defender system pay reasonable costs for services provided by the system based on the person's financial ability to pay.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 1434     An Act To Amend the Laws Governing Law Enforcement's Access to, and Access to Information about, Certain Persons in Hospitals and Mental Health Facilities**

**PUBLIC 218**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STETKIS	OTP-AM	H-409

This bill provides that:

1. If a law enforcement officer transports or causes to be transported to a hospital or mental health facility a person who is in the custody of that law enforcement officer, the hospital or mental health facility may not discharge that person from care unless the person leaves in the custody of a licensed law enforcement officer and the hospital or mental health facility must provide to that law enforcement officer or the relevant law enforcement agency a report that includes, if known, the name, residence, sex and age of the person and the date and time at which the person is scheduled to be discharged;

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2. Law enforcement officers be given full access to hospitals and mental health facilities in order to serve defendants with protection from abuse orders; and

3. A hospital, mental health facility or other person who in good faith makes a report, provides information or cooperates in an investigation in accordance with the Maine Revised Statutes, Title 34-B, section 1207, subsection 10 is immune from civil or criminal liability or professional licensure action arising out of that action or actions.

### **Committee Amendment "A" (H-409)**

This amendment replaces the bill. It authorizes a hospital to disclose otherwise confidential health information of a patient without the consent of the patient under specific circumstances. The hospital is immune from civil or criminal liability or professional licensure action arising out of the hospital's compliance with this law. No cause of action against the hospital is created for failure to provide the access or information.

### **Enacted Law Summary**

Public Law 2015, chapter 218 authorizes a hospital to disclose otherwise confidential health information of a patient without the consent of the patient under the following specific circumstances:

1. To assist law enforcement agency in serving a protection from abuse order to a person who is a patient in the hospital; or
2. To notify a law enforcement agency that brought a patient to the hospital that the patient is leaving the hospital so that the agency may arrest the patient.

The hospital may provide this information only if the request from law enforcement is consistent with the federal Health Insurance Portability and Accountability Act of 1996 privacy regulations, 45 Code of Federal Regulations, Section 164.512 (2015) and the federal privacy regulations for drug and alcohol abuse patients, 42 Code of Federal Regulations, Part 2 (2015).

The hospital is immune from civil or criminal liability or professional licensure action arising out of the hospital's compliance with this law. No cause of action against the hospital is created for failure to provide the access or information.

### **LD 1438      An Act To Include Muzzle-loading Firearms, Bows and Crossbows as Dangerous Weapons for Purposes of Protection from Abuse Orders**

**PUBLIC 217**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HEAD	OTP-AM	H-424

Current law authorizes the court to prohibit a defendant who is subject to a protection from abuse order from possessing a firearm or other dangerous weapon during the duration of the order. This bill amends that law to specifically include bows and crossbows as weapons that the court may prohibit a defendant from possessing during the duration of a protection from abuse order.

### **Committee Amendment "A" (H-424)**

This amendment includes the specific mention of muzzle-loading firearms as a type of dangerous weapon the possession of which may be prohibited by a protection from abuse order.

### **Enacted Law Summary**

Public Law 2015, chapter 217 authorizes the court to prohibit a defendant who is subject to a protection from abuse

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order from possessing muzzle-loading firearms, bows and crossbows during the duration of the order.

**LD 1455     An Act To Make a Technical Correction to a Recently Enacted Law  
Regarding the Appointment of District Court Judges**

**PUBLIC 377  
EMERGENCY**

Sponsor(s)

BURNS

Committee Report

Amendments Adopted

This bill corrects the statutory count of District Court judges to match the number funded in Public Law 2015, chapter 267.

This bill was not referred to a committee.

**Enacted Law Summary**

Public Law 2015, chapter 377 corrects the statutory count of District Court judges, from 36 to 38, to match the number funded in Public Law 2015, chapter 267.

Public Law 2015, chapter 377 was enacted as an emergency measure effective July 17, 2015.

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## **SUBJECT INDEX**

### **Abortion Regulation**

#### **Not Enacted**

LD 83	An Act To Strengthen the Consent Laws for Abortions Performed on Minors and Incapacitated Persons	Majority (ONTP) Report
LD 1312	An Act To License Outpatient Surgical Abortion Facilities	Majority (ONTP) Report

### **Attorney General & District Attorneys**

#### **Enacted**

LD 1005	An Act To Amend the Law Regarding Medical Examiners	PUBLIC 285
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#### **Not Enacted**

LD 962	An Act To Require the Attorney General To Investigate the Death of a Person in Police Custody or in a Correctional Facility	ONTP
LD 1121	An Act To Fund the Cold Case Homicide Unit in the Department of the Attorney General	Died On Adjournment

### **Business & Nonprofit Organizations**

#### **Enacted**

LD 1136	An Act To Amend the Maine Business Corporation Act	PUBLIC 259
LD 1425	An Act To Amend the Laws Relating to Corporations and Limited Partnerships	PUBLIC 254

#### **Not Enacted**

LD 58	An Act To Require Transparency of the Ownership of All Companies Providing Funds To Build Infrastructure for Development Purposes	Majority (ONTP) Report
LD 351	An Act To Reinstate as a Nonprofit Corporation the Orchard Hills Umbrella Association	ONTP
LD 1181	An Act To Limit Liability for Certain Successor Corporations under Specific Circumstances	CARRIED OVER

### **Child Abuse and Child Protection**

#### **Enacted**

LD 199	An Act To Improve the Reporting of Child Abuse	PUBLIC 117
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LD 328	An Act To Allow Personal Representatives of Children Access to Certain Documents of the Department of Health and Human Services Regarding Child Protective Activities	PUBLIC 198
LD 1117	An Act To Clarify the Policy for Withdrawal of Life Support from Minors	PUBLIC 187
LD 1238	An Act To Allow the Release of Child Protective Records to Certain Providers of Child and Adult Services	PUBLIC 194
<b><u>Not Enacted</u></b>		
LD 1224	An Act To Amend the Child Protective Services Laws	CARRIED OVER

### **Constitutional Issues**

<b><u>Enacted</u></b>		
LD 25	An Act To Regulate Domestic Unmanned Aerial Vehicle Use	PUBLIC 307

#### **Not Enacted**

LD 330	An Act To Protect Rights and Privileges Granted under the United States Constitution and the Constitution of Maine	Died Between Houses
LD 531	An Act To Establish the Maine Fourth Amendment Protection Act	Died Between Houses
LD 584	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Prohibit the Denial of Equal Rights Based on the Sex of an Individual	Died On Adjournment

### **Courts and Court Procedure**

<b><u>Enacted</u></b>		
LD 181	An Act To Create Efficiencies in Court Process	PUBLIC 78
LD 416	An Act To Provide for Direct Appeals under the Maine Juvenile Code to the Supreme Judicial Court	PUBLIC 100
LD 451	An Act To Improve Disclosure Procedures	PUBLIC 275
LD 892	An Act To Amend Certain Laws Affecting the Judicial Branch	PUBLIC 158
LD 1186	An Act To Promote Professional Training and Security in Maine Courts	PUBLIC 238 EMERGENCY

#### **Not Enacted**

LD 775	An Act To Streamline Judicial Review of Certain Land Use Decisions	CARRIED OVER
LD 890	An Act To Ensure a Continuing Home Court for Cases Involving Children	CARRIED OVER
LD 951	An Act To Restore Judicial Discretion in the Administration of Fines	CARRIED OVER
LD 1163	An Act To Amend the Garnishment Laws of the State	CARRIED OVER
LD 1260	Resolve, Requiring the Judicial Department To Study Court Facility Needs in Oxford, Waldo and York Counties	Died On Adjournment

### *Courts, Jury Duty*

#### Not Enacted

LD 57	An Act To Increase Mileage Reimbursement and Compensation for Jurors	Died On Adjournment
LD 160	An Act To Provide Reasonable Compensation to Jurors	ONTP
LD 259	An Act To Increase Compensation for Jurors	ONTP

### *Courts, Justices and Judges*

#### Enacted

LD 1455	An Act To Make a Technical Correction to a Recently Enacted Law Regarding the Appointment of District Court Judges	PUBLIC 377 EMERGENCY
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#### Not Enacted

LD 731	An Act To Increase Compensation for Active Retired Judges	ONTP
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### *Criminal Law and Procedure*

#### Enacted

LD 210	An Act To Provide for Special Restrictions on Dissemination and Use of Criminal History Record Information for Class E Crimes Committed by an Adult under 21 Years of Age	PUBLIC 354
LD 774	An Act To Assist Victims of Crime To Obtain Restitution	PUBLIC 109
LD 1434	An Act To Amend the Laws Governing Law Enforcement's Access to, and Access to Information about, Certain Persons in Hospitals and Mental Health Facilities	PUBLIC 218

### *Domestic Violence/Protection from Abuse*

#### Enacted

LD 861	An Act To Protect Victims of Domestic Violence, Sexual Assault or Stalking	PUBLIC 293
LD 1438	An Act To Include Muzzle-loading Firearms, Bows and Crossbows as Dangerous Weapons for Purposes of Protection from Abuse Orders	PUBLIC 217

### *Elder Issues*

#### Enacted

LD 1272	An Act To Strengthen the Protections for Senior Citizens in the State	PUBLIC 306 EMERGENCY
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### *Family Law, General*

#### Enacted

LD 1017	An Act To Update Maine's Family Law	PUBLIC 296
LD 1317	An Act To Provide Expedited Court Review of Child Visitation Provisions for Military Personnel on Duty out of State	PUBLIC 273

LD 1342 An Act To Prohibit Unauthorized Custody Transfers of Children PUBLIC 274

**Not Enacted**

LD 346 An Act To Require Shared Parenting of Minor Children When the Parents Separate ONTP

LD 642 An Act To Amend the Laws Regarding the Best Interest of the Child Standard ONTP

LD 864 An Act To Require Parenting Plans To Be Timely Filed ONTP

LD 953 An Act To Implement Changes in the Family Division To Improve the Experience of Pro Se Litigants ONTP

**Family Law, Child Support**

**Enacted**

LD 1306 An Act To Affirm the Obligation To Support One's Children PUBLIC 212

LD 1330 An Act To Enhance Efficiency in the Collection of Child Support Obligations PUBLIC 186

**Family Law, Guardians ad litem**

**Not Enacted**

LD 349 An Act To Ensure Accountability of Guardians Ad Litem ONTP

LD 631 Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Guardians Ad Litem ONTP

**Foreclosure**

**Enacted**

LD 276 An Act Regarding Maine's Power of Sale Foreclosure Law PUBLIC 147

LD 401 An Act To Create Transparency in the Mortgage Foreclosure Process PUBLIC 229

LD 846 An Act To Expedite Final Hearings in Certain Foreclosure Cases PUBLIC 243

**Not Enacted**

LD 111 An Act To Ensure That Defendants Receive Proper Notification in Foreclosure Proceedings Veto Sustained

LD 735 An Act To Establish a Voluntary Preforeclosure Mediation Program ONTP

LD 920 An Act To Require Mortgage Servicers To Act in Good Faith in Dealings with Homeowners Veto Sustained

LD 1147 An Act To Clarify the Mortgage Foreclosure Sale Process Veto Sustained

**Freedom of Access/Confidentiality/Privacy**

**Enacted**

LD 136 An Act To Clarify That the Medical Records of Applicants for PUBLIC 152

	Disability Variances Submitted to Municipal Boards of Appeal Are Not Public Records	
LD 206	An Act To Clarify Restrictions on Disclosure of E-9-1-1 System Information	PUBLIC 153
LD 344	An Act To Amend the Laws Governing the Confidentiality of Library Records	PUBLIC 81
LD 484	An Act Regarding the Confidentiality of Railroad Carrier Cargo	PUBLIC 161
LD 756	An Act To Enhance the Address Confidentiality Program Regarding Property Records	PUBLIC 313
LD 1014	An Act To Ensure Confidentiality of Personally Identifying Information for Professional Investigators, Investigative Assistants and Dependents of Deployed Members of the Military	PUBLIC 295
LD 1085	An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Receipt of a Request for Public Records	PUBLIC 317
LD 1086	An Act To Implement the Recommendations of the Right To Know Advisory Committee To Create a Remedy for Unduly Burdensome and Oppressive Requests	PUBLIC 248
LD 1087	An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Response Deadlines and Appeals	PUBLIC 249
LD 1088	An Act To Implement Recommendations of the Right To Know Advisory Committee	PUBLIC 250

**Not Enacted**

LD 252	An Act To Increase Transparency of Entities Receiving Substantial Amounts of Public Funding	ONTP
LD 303	An Act To Improve Communications Regarding Executive Sessions	ONTP
LD 448	An Act Regarding the Use of Remote-access Technology at Public Meetings of the Public Utilities Commission	ONTP
LD 611	An Act To Improve the Transparency of Decision-making Bodies of Publicly Funded Hospitals	Majority (ONTP) Report
LD 686	An Act To Promote Privacy in Social Media	Died On Adjournment
LD 1026	An Act To Make Confidential the E-mail Addresses of Applicants for Department of Marine Resources Licenses	Majority (ONTP) Report
LD 1171	An Act To Protect Certain Information under the Maine Human Rights Act	Died Between Houses
LD 1241	An Act To Increase Government Efficiency	CARRIED OVER

**Human Rights and Medical Rights**

**Not Enacted**

LD 950	An Act To Prohibit Discrimination against a Person Who Is Not Vaccinated	Majority (ONTP) Report
LD 1003	An Act To Prohibit Discrimination by Employers and Protect the	Died Between

	Privacy of an Applicant for Employment, an Employee or an Employee's Dependents Regarding Reproductive Health Decisions	Houses
LD 1340	An Act To Enact the Preservation of Religious Freedom Act	Leave to Withdraw

### **Involuntary Commitment and Treatment**

**Enacted**

LD 1145	An Act To Improve Maine's Involuntary Commitment Processes	PUBLIC 309 EMERGENCY
LD 1391	An Act Regarding the Treatment of Forensic Patients	PUBLIC 325 EMERGENCY

**Not Enacted**

LD 1214	An Act To Implement the Recommendations of the Mental Health Working Group	CARRIED OVER
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### **Landlord and Tenant Issues**

**Enacted**

LD 71	An Act To Amend the Laws Governing Service of Process in Eviction Actions	PUBLIC 22
LD 1338	An Act Regarding Legal Representation in Certain Eviction Actions	PUBLIC 195

**Not Enacted**

LD 221	An Act To Amend the Laws Regarding Service Animal Housing Accommodations	CARRIED OVER
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### **Legal Services**

**Enacted**

LD 360	An Act To Clarify That the Information Gathered during Investigations of Attorneys by the Maine Commission on Indigent Legal Services Is Confidential	PUBLIC 290
LD 851	Resolve, Regarding Legislative Review of Portions of Chapter 2: Standards for Qualifications of Assigned Counsel, a Late-filed Major Substantive Rule of the Maine Commission on Indigent Legal Services	RESOLVE 38 EMERGENCY

**Not Enacted**

LD 8	Resolve, Regarding Legislative Review of Portions of Chapter 301: Fee Schedule and Administrative Procedures for Payment of Commission Assigned Counsel, a Major Substantive Rule of the Maine Commission on Indigent Legal Services	CARRIED OVER
LD 778	Resolve, Regarding Legislative Review of Portions of Chapter 3: Eligibility Requirements for Specialized Case Types, a Late-filed Major Substantive Rule of the Maine Commission on Indigent Legal Services	CARRIED OVER
LD 1433	An Act To Create the Office of the Public Defender and Amend the Duties of the Commission on Indigent Legal Services	CARRIED OVER

### *Miscellaneous*

#### Enacted

LD 485	An Act To Allow Licensed Foresters To Use Mechanics Liens	PUBLIC 56
LD 670	An Act To Amend the Laws Governing the Unlawful Cutting of Trees	PUBLIC 241
LD 829	An Act To Amend the Trespass Laws Pertaining to Railroad Property	PUBLIC 204 EMERGENCY
LD 1259	An Act To Increase Consumer Protections	PUBLIC 180

#### Not Enacted

LD 159	An Act To Prevent Bad Faith Assertions of Patent Infringement	Majority (ONTP) Report
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### *Probate Code and Trust Code*

#### Not Enacted

LD 1065	An Act To Amend the Law Regarding Temporary Powers of Attorney over Minors and Incapacitated Persons	CARRIED OVER
LD 1177	An Act To Enact the Recommendations of the Probate and Trust Law Advisory Commission Regarding the Maine Uniform Fiduciary Access to Digital Assets Act	CARRIED OVER
LD 1216	An Act To Improve the Authority of Guardians of Persons with Intellectual Disabilities or Autism	Died Between Houses
LD 1322	An Act To Implement the Recommendations of the Probate and Trust Law Advisory Commission Concerning the Probate Code	CARRIED OVER

### *Real Property, Property Rights and Eminent Domain*

#### Enacted

LD 321	An Act To Protect Consumers against Residential Real Estate Title Defects	PUBLIC 289
LD 776	An Act To Update the Validation of Miscellaneous Defects and Defective Acknowledgments in the Conveyance of Real Estate	PUBLIC 157
LD 820	An Act To Amend and Clarify Certain Notice and Assessment Provisions of the Maine Condominium Act	PUBLIC 122
LD 891	An Act To Help Municipalities Dispose of Certain Abandoned Property	PUBLIC 244
LD 955	An Act To Make Changes to Laws Governing Condominiums Regarding the Display of Signs	PUBLIC 271
LD 1168	An Act To Prohibit the Use of Eminent Domain in Certain Public-private Partnerships and To Prohibit the Use of Eminent Domain by a Private Business Entity in a Public-private Partnership	PUBLIC 263
LD 1203	An Act To Address the Detrimental Effects of Abandoned Property	PUBLIC 276

LD 161	An Act To Ban the United Nations Agenda 21 in Maine	Died Between Houses
LD 162	An Act To Protect the Rights of Property Owners	Majority (ONTP) Report
LD 309	An Act To Connect the Citizens of the State to the State's Natural Resources by Establishing Standards for Relief from Regulatory Burdens	Died Between Houses
LD 482	An Act To Prohibit Flying over Land with Drones without Written Permission from the Landowner	ONTP
LD 994	An Act To Create a Priority Lien Securing 6 Months of Assessments under the Maine Condominium Act	ONTP
LD 1261	An Act To Correct Defects in Title Created by Improperly Discharged Mortgages	ONTP

### *Statutes*

#### Enacted

LD 1381	An Act To Correct Errors and Inconsistencies in the Laws of Maine	PUBLIC 329 EMERGENCY
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### *Torts and Immunity*

#### Enacted

LD 12	An Act To Limit the Liability of Landowners Who Allow Recreational Climbing on Their Land	PUBLIC 20
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#### Not Enacted

LD 434	An Act To Promote Equity in the Joint and Several Liability Law in Maine	Majority (ONTP) Report
LD 513	An Act To Clarify the Protections of Court Appointed Special Advocate Workers under State Law	ONTP
LD 1311	An Act To Establish the Patient Compensation System Act	CARRIED OVER

### *Tribal-State Relations*

#### Enacted

LD 893	Resolve, Directing the Secretary of State, Maine State Library and Law and Legislative Reference Library To Make the Articles of Separation of Maine from Massachusetts More Prominently Available to Educators and the Inquiring Public	RESOLVE 40
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#### Not Enacted

LD 267	An Act To Implement the Recommendations of the Truth and Reconciliation Commission	CARRIED OVER
LD 268	An Act Regarding the Penobscot Nation's and Passamaquoddy Tribe's Authority To Exercise Jurisdiction under the Federal Tribal	CARRIED OVER

Law and Order Act of 2010 and the Federal Violence Against Women Reauthorization Act of 2013

LD 553	An Act To Include a Representative of the Aroostook Band of Micmacs in the House of Representatives	ONTP
LD 574	An Act To Amend the Laws Governing the Membership of the Maine Commission on Domestic and Sexual Abuse	Veto Sustained
LD 993	Resolve, To Allow a Federally Recognized Indian Tribe To Conduct a Pilot Project in Hemp Cultivation	ONTP
LD 1094	An Act To Improve Tribal-state Relations	ONTP

**Unclaimed Property**

**Enacted**

LD 929	An Act Relative to the Escheat of United States Savings Bonds	PUBLIC 215
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**Not Enacted**

LD 583	An Act To Clarify the Law Governing Mortuary Trust Accounts as They Relate to the Uniform Unclaimed Property Act	ONTP
LD 1031	An Act To Improve the Unclaimed and Abandoned Property Laws	ONTP
LD 1130	An Act To Clarify the Use of Lawyer's Trust Account Funds When the Owner Is Not Known or Cannot Be Located	Majority (ONTP) Report