

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



Summaries of bills, amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON JUDICIARY**

July 2013

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*Joint Standing Committee on Judiciary*

**LD 19 An Act To Facilitate Access to Information by Legislators**

**ONTP**

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

This bill requires an agency or official having custody of a public record to waive inspection, copying and mailing fees if the requester is a member of the Legislature who serves on the legislative committee having subject matter jurisdiction over the agency or official.

**LD 37 Resolve, Regarding Legislative Review of Portions of Chapter 4: Rules of Practice, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry**

**RESOLVE 33  
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 4: Rules of Practice, a major substantive rule of the Department of Agriculture, Conservation and Forestry. The provisionally adopted rule provides that it is the Land Use Planning Commission’s intent to interpret and apply the term “person aggrieved” whenever it appears in statute or rule consistent with Maine state court decisions that address judicial standing requirements for appeals of final agency action. LD 37 was originally referred to the Agriculture, Conservation and Forestry Committee.

**Enacted Law Summary**

Resolve 2013, Chapter 33 authorizes final adoption of portions of Chapter 4: Rules of Practice, a major substantive rule of the Department of Agriculture, Conservation and Forestry. The provisionally adopted rule provides that it is the Land Use Planning Commission’s intent to interpret and apply the term “person aggrieved” whenever it appears in statute or rule consistent with Maine state court decisions that address judicial standing requirements for appeals of final agency action.

Resolve 2013, chapter 33 was finally passed as an emergency measure effective May 29, 2013.

**LD 45 An Act To Include a Representative of the Aroostook Band of Micmacs in the House of Representatives**

**DIED BETWEEN  
HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WILLETTE JACKSON T	OTP-AM 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 127th Legislature. It requires the Tribal Clerk of the Aroostook Band of Micmacs to furnish the outgoing Clerk of the House of Representatives with a certification of the name and residence of the Representative-elect of the Aroostook Band of Micmacs to the Legislature. It also authorizes the Representative of the Aroostook Band of Micmacs to be compensated in the same manner as other members of the House of Representatives.

## *Joint Standing Committee on Judiciary*

### **Committee Amendment "A" (H-141)**

This amendment is the majority report of the Joint Standing Committee on Judiciary. It provides for the appointment, rather than the election, of the initial Representative to the Legislature of the Aroostook Band of Micmacs to the 127th Legislature. It also provides that the changes do not take effect unless the Aroostook Band of Micmacs approves them and provides certification of that approval to the Secretary of State within 90 days of the adjournment of the First Regular Session of the 126th Legislature. The amendment also adds an appropriations and allocations section to cover the costs of renovating the House Chamber and to provide for compensation, expenses and other costs attributable to an additional member of the House of Representatives.

This amendment was not adopted.

### **LD 46      An Act To Protect Maine Business Names**

**PUBLIC 99**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BECK LACHOWICZ	OTP-AM	H-60

This bill requires the Secretary of State to disregard certain words, symbols and numbers when determining whether the name of a business entity is distinguishable from the names of other business entities.

### **Committee Amendment "A" (H-60)**

This amendment replaces the bill. The amendment addresses a potential ambiguity with regard to the reservation of a business name under the laws governing nonprofit corporations, business corporations, limited liability partnerships, limited partnerships and limited liability companies. The change clarifies that although a subsequent reservation is not considered a renewal of the reserved name, the same name can be reserved by the same applicant after the 120-day reservation period expires. A different applicant is also eligible to reserve the name once the 120-day period expires.

This amendment also directs the Secretary of State to develop options for the filing and protection of business names, and to report those options to the Joint Standing Committee on Judiciary by February 15, 2014. The Joint Standing Committee on Judiciary may submit a bill in response to the report.

### **Enacted Law Summary**

Public Law 2013, chapter 99 addresses a potential ambiguity with regard to the reservation of a business name under the laws governing nonprofit corporations, business corporations, limited liability partnerships, limited partnerships and limited liability companies. The change clarifies that although a subsequent reservation is not considered a renewal of the reserved name, the same name can be reserved by the same applicant after the 120-day reservation period expires. A different applicant is also eligible to reserve the name once the 120-day period expires.

Public Law 2013, chapter 99 also directs the Secretary of State to develop options for the filing and protection of business names, and to report those options to the Joint Standing Committee on Judiciary by February 15, 2014. The Joint Standing Committee on Judiciary may submit a bill in response to the report.

*Joint Standing Committee on Judiciary*

**LD 47      An Act To Retain the Position of Parent Coordinator in the Judicial Branch**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

Current law allowing a court to appoint a third party as a parent coordinator to oversee and resolve disputes that arise between parents in interpreting and implementing a parenting plan set by the court contains a self-repealing provision by which the law is repealed on January 1, 2014. This bill eliminates that repeal.

**Committee Amendment "A" (H-206)**

This amendment is the minority report of the Joint Standing Committee on Judiciary. This amendment extends the date of repeal of the court's express authority to appoint parenting coordinators to January 1, 2016 to allow the development of more data to determine if the use of parenting coordinators is beneficial. The amendment also adds an appropriations and allocations section to the bill.

This amendment was not adopted.

**LD 58      RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict the Use of Eminent Domain**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This resolution proposes to amend the Constitution of Maine to provide that the property acquired through eminent domain may not be transferred to a person, nongovernmental entity, public-private partnership, corporation or other business entity except that, if the property is not used for the purposes for which it was acquired within five years of acquisition, before it may be transferred it must be offered to the owner or the heirs of the owner from whom the property was acquired at the fair market price or the amount of just compensation that had been provided to the owner, whichever is lower.

**Committee Amendment "A" (S-35)**

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

This amendment was not adopted.

**LD 64      An Act To Place Land in Centerville in Trust for the Passamaquoddy Tribe**

**PUBLIC 91**

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

## *Joint Standing Committee on Judiciary*

This bill adds certain land in Centerville to the Passamaquoddy Indian territory if that land is acquired by the Secretary of the Interior of the United States prior to January 31, 2023 and is certified by the secretary as held for the benefit of the Passamaquoddy Tribe.

### **Enacted Law Summary**

Public Law 2013, chapter 91 adds certain land in Centerville to the Passamaquoddy Indian territory if that land is acquired by the Secretary of the Interior of the United States prior to January 31, 2023 and is certified by the secretary as held for the benefit of the Passamaquoddy Tribe.

### **LD 104      An Act To Amend the Laws Governing Public Records**

**PUBLIC 339**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NELSON MILLETT	OTP-AM OTP ONTP	H-387

This bill amends the laws governing public records in three ways. First, it adds an exception to the definition of "public records" under the Freedom of Access Act for e-mail addresses obtained by a political subdivision of the State for the sole purpose of disseminating noninteractive communications to individuals. Second, the bill eliminates the cap on the hourly rate that a governmental entity may charge to cover the actual cost of searching for, retrieving and compiling a requested public record and establishes a definition of "actual cost" that is tied to the hourly rate paid to employees to fulfill a request. Third, the bill creates an exception to the Freedom of Access Act for documents submitted to a municipal board of appeals that describe or verify the mental or physical disability of a person who is seeking a variance from certain land use regulations in order to accommodate the disability.

### **Committee Amendment "A" (H-387)**

This amendment is the majority report of the Joint Standing Committee on Judiciary. It protects from release e-mail addresses collected and used by a political subdivision in a noninteractive way to provide information to subscribers. The amendment deletes proposed changes concerning fees under the Freedom of Access Act and the proposal to make disability variance application materials confidential.

### **House Amendment "A" To Committee Amendment "A" (H-421)**

This amendment adds newsletters and other similar communications to the types of communications that a political subdivision can send via e-mail and continues to treat the e-mail addresses of the distribution list as not public records.

This amendment was not adopted.

### **Enacted Law Summary**

Public Law 2013, chapter 339 amends the Freedom of Access Act description of "public record" to protect from public release e-mail addresses collected and used by a political subdivision in a noninteractive way to provide information to subscribers.

### **LD 125      An Act To Preserve Lender Equity in the Foreclosure Process**

**ONTP**

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

## *Joint Standing Committee on Judiciary*

This bill does the following.

1. It reduces the filing fee for foreclosure actions from \$350, as set by administrative order, to \$150.
2. It prohibits a fee for mediation from being assessed unless the defendant answers the complaint or motion for summary judgment in a foreclosure action.
3. It makes clear that a court may enter summary judgment in a foreclosure action at any time. Under current court rules, the court must determine that certain requirements are met before entering summary judgment.

Foreclosure issues have been consolidated for consideration under LD 1389, which is carried over.

**LD 135      An Act To Require All Government Documents To Be Posted on the Internet      ONTP**

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

This bill amends the laws concerning the information practices of public entities. Current law defines "public entity" to include the Legislature; the Judicial Department; a state agency or authority; the University of Maine System, the Maine Maritime Academy and the Maine Community College System; a county, municipality or school district or any regional or other political or administrative subdivision; and an advisory organization established, authorized or organized by law or resolve or by executive order issued by the Governor. This bill requires a public entity to make available on a publicly accessible site on the Internet all public records in the possession of the public entity.

**LD 147      An Act Regarding Adoption      PUBLIC 137**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BECK LACHOWICZ	OTP-AM	H-124

This bill requires that, if an adoptee already has an adoptive parent, before the petition of a second adoptive parent may be granted, written consent to the adoption must be given by the existing adoptive parent.

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

This amendment replaces the bill and provides that the Probate Court may not issue a final decree of adoption unless the petitioner who filed the petition has been heard or has waived the opportunity for a hearing and the court is satisfied that all the current statutory requirements are met.

**Enacted Law Summary**

Public Law 2013, chapter 137 provides that the Probate Court may not issue a final decree of adoption unless the petitioner who filed the petition has been heard or has waived the opportunity for a hearing and the court is satisfied that all the current statutory requirements are met.

*Joint Standing Committee on Judiciary*

**LD 154      Resolve, Directing the Department of Transportation To Convene a Task Force To Study Issues Concerning Private Railroad Crossings**

**RESOLVE 59**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KESCHL SAVIELLO	OTP-AM	H-331

This bill amends the laws governing limited liability for recreational or harvesting activities to provide limited immunity for owners of private railroad crossings when the crossing areas are used for "recreational or harvesting activities," the definition of which is expand by the bill. It removes the provision that exempts an injury suffered in any case where permission to pursue a recreational or harvesting activity was granted in exchange for a payment from the extension of limited liability. It provides that the laws governing limited liability for recreational or harvesting activities do not limit the liability that would otherwise exist by virtue of the terms and conditions of a contract.

**Committee Amendment "A" (H-331)**

This amendment replaces the bill with a resolve directing the Department of Transportation to convene a task force to study the issues concerning private railroad crossings and report to the Joint Standing Committee on Judiciary by February 1, 2014. The Joint Standing Committee on Judiciary may report out a bill to the Second Regular Session of the 126th Legislature.

The amendment also adds an appropriations and allocations section.

**Enacted Law Summary**

Resolve 2013, chapter 59 directs the Department of Transportation to convene a task force to study the issues concerning private railroad crossings and report to the Joint Standing Committee on Judiciary by February 1, 2014. The Joint Standing Committee on Judiciary may report out a bill to the Second Regular Session of the 126th Legislature.

**LD 165      An Act To Prohibit the Use of Eminent Domain in Certain Public-Private Partnerships**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

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.

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

This amendment is the minority report of the Joint Standing Committee on Judiciary. It provides that the prohibition in the bill on the use of eminent domain power with respect to transportation facilities under public-private partnerships applies only to public-private roads and toll roads.

This amendment was not adopted.

*Joint Standing Committee on Judiciary*

**LD 206      An Act To Protect Title to Real and Personal Property of Public Employees and Public Officials**

**PUBLIC 160  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRAHAM BURNS	OTP-AM	H-174

This bill permits a civil action by a public employee to recover damages from a person who files a lien or encumbrance against the real or personal property of the public employee knowing or believing the lien or encumbrance to be false or without legal authority. The public employee is authorized to recover damages in the amount of the value of the lien or encumbrance and legal costs attributable to bringing legal action.

**Committee Amendment "A" (H-174)**

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

The amendment establishes an expedited process for a court to declare that a lien or encumbrance is without a legal basis. The expedited process authorizes a public employee or public official to file a motion for a judicial declaration if the lien or encumbrance was filed by a person who knows the recordable instrument is without a legal basis or was filed or presented for filing with the intent that the instrument be used to harass or hinder the public employee or public official in the exercise of the employee's or official's duties.

The amendment also provides a civil penalty against a person who knowingly files, attempts to file or causes to be filed in a registry of deeds a lien or other encumbrance against the real or personal property of a public employee or a public official if that person knows the lien or encumbrance is without a legal basis or was filed or presented for filing with the intent that the instrument be used to harass or hinder the public employee or public official in the exercise of the employee's or official's duties.

**Enacted Law Summary**

Public Law 2013, chapter 160 establishes an expedited process for a court to declare that a lien or encumbrance is without a legal basis. The expedited process authorizes a public employee or public official to file a motion for a judicial declaration if the lien or encumbrance was filed by a person who knows the recordable instrument is without a legal basis or was filed or presented for filing with the intent that the instrument be used to harass or hinder the public employee or public official in the exercise of the employee's or official's duties. Chapter 160 also provides a civil penalty against a person who knowingly files, attempts to file or causes to be filed in a registry of deeds a lien or other encumbrance against the real or personal property of a public employee or a public official if that person knows the lien or encumbrance is without a legal basis or was filed or presented for filing with the intent that the instrument be used to harass or hinder the public employee or public official in the exercise of the employee's or official's duties.

Public Law 2013, chapter 160 was enacted as an emergency measure effective May 29, 2013.

**LD 207      An Act Regarding the Factors Considered in Determining the Best Interest of a Child in a Court Award of Parental Rights and Responsibilities**

**ONTP**

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

*Joint Standing Committee on Judiciary*

Current law requires the court, in deciding issues regarding a child's residence and parent-child contact, to consider the relationship of the child with persons who may significantly affect the child's welfare.

This bill specifically includes in this category of persons the current spouses or domestic partners of the child's parents.

**LD 208      An Act To Amend the Charter of St. Mark's Home for Women in Augusta      P & S 6**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT KATZ	OTP-AM	H-48

This bill changes the charter of St. Mark's Home for Women in Augusta by changing the name of the home to St. Mark's Home.

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

This amendment amends the bill to ensure that providing a residence for women will continue to be a responsibility of St. Mark's Home if the home's board of directors changes the policy to accommodate men as well as women.

**Enacted Law Summary**

Private and Special Law 2013, chapter 6 changes the name of St. Mark's Home for Women and also ensures that providing a residence for women will continue to be a responsibility of St. Mark's Home if the home's board of directors changes the policy to accommodate men as well as women.

**LD 209      An Act To Strengthen the Rights of Grandparents under the Grandparents Visitation Act      ACCEPTED MAJORITY (ONTP) REPORT**

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

This bill amends the Grandparents Visitation Act to provide a definition of "significant existing relationship." A grandparent who can prove a sufficient existing relationship with a grandchild has standing to seek contact with the child. This new definition provides that a grandparent who proves that the grandparent is playing or has played a significant beneficial role in the child's life can establish standing to proceed with the action. This bill makes clear that, although acting as a parent to a child meets the requirements of a "sufficient existing relationship" with a child that is not the only relationship that meets the requirements.

**LD 217      An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Access to Records Relating to Public-private Partnerships      ONTP**

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

## *Joint Standing Committee on Judiciary*

This bill implements the majority recommendation of the Right To Know Advisory Committee concerning the confidentiality of public-private partnerships for transportation facilities.

Current law requires that the Department of Transportation submit to the Legislature a bill that authorizes the agreement that implements a public-private partnership for the development of a transportation facility. This bill requires the department to publish public notice on the department's publicly accessible website or in newspapers when it has determined that a public-private proposal and agreement meets the standards of the Maine Revised Statutes, Title 23, chapter 410, subchapter 5 and to wait at least 30 days after the public notice has been published to submit the bill.

See LD 721 reported out by the Joint Standing Committee on Transportation.

**LD 220      An Act To Ban the United Nations Agenda 21 in Maine**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONG JACKSON T	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-177)**

This amendment is the minority report of the Joint Standing Committee on Judiciary. It incorporates a fiscal note.

This amendment was not adopted.

**LD 224      An Act To Streamline the Change of Name Process for Persons Getting Married**

**ONTP**

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

This bill allows a person who is getting married to change that person's name by indicating the new name on the application for recording notice of intent to marry, which becomes effective upon the completion of the marriage license.

***Joint Standing Committee on Judiciary***

**LD 236      An Act To Protect the Privacy of Citizens from Domestic Unmanned  
Aerial Vehicle Use**

**VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK PETERSON	OTP-AM OTP-AM	S-282 S-285    PATRICK H-563    BERRY

This bill regulates unmanned aerial vehicles, including their acquisition and lawful operation by law enforcement agencies in collecting, disclosing and receiving information and the retention of information collected. For the permitted operation of an unmanned aerial vehicle, the bill requires the consent of the subject person, a warrant or court order, an emergency situation that threatens life or serious bodily injury or an emergency enforcement situation that threatens national security or evinces conspiratorial criminal conduct requiring immediate operation of the vehicle before a warrant can be obtained. The bill also allows delayed service of a warrant or court order informing the subject person until after the warrant's or order's issuance if necessary for avoiding certain adverse results. The bill provides for a private right of action or enforcement by the Attorney General for a violation and disallows the use of any information collected in violation as evidence in a hearing or court of law. The bill requires the Attorney General to report certain information concerning the use of unmanned aerial vehicles to the Legislature and the Administrative Office of the Courts and for law enforcement agencies and the Attorney General to post certain information on their publicly accessible websites.

**Committee Amendment "A" (S-281)**

This amendment is the majority report of the Joint Standing Committee on Judiciary. It replaces the bill.

This amendment includes a legislative findings subsection to recognize the potential benefits and risks of the evolving technology of unmanned aerial vehicles.

This amendment defines "unmanned aerial vehicle" to include the capability of performing audio and visual surveillance. It requires the governing body of the law enforcement agency to approve of 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.

This amendment creates a moratorium on the use of unmanned aerial vehicles by law enforcement agencies until July 1, 2014. On or after July 1, 2014, 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. There is an exception for the use of an unmanned aerial vehicle in emergency search or rescue operations when the Governor or the chief administrative officer of a law enforcement agency or the chief administrative officer's designee determines that the use is necessary to alleviate immediate danger to any person. Unmanned aerial vehicles can be used as part of training exercises to prepare for such emergencies. In addition, a law enforcement agency may use unmanned aerial vehicles for purposes other than the investigation of crimes, such as damage assessment, traffic accident assessment, flood stage assessment and wildfire assessment.

This amendment prohibits a law enforcement agency from using a weaponized unmanned aerial vehicle.

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. In developing the standards, the board of trustees is directed to take into account individuals' reasonable expectation of privacy under the

## *Joint Standing Committee on Judiciary*

Fourth Amendment of the United States Constitution. The board of trustees shall also review the options for collecting and reporting information on the use of unmanned aerial vehicles. The board of trustees is required to report to the Joint Standing Committee on Judiciary by December 31, 2013 concerning the minimum standards for written policies or protocols for use of unmanned aerial vehicles by law enforcement agencies, recommendations to ensure that individuals' reasonable expectation of privacy is protected and recommendations for the appropriate collection and reporting of information on the use of unmanned aerial vehicles.

The Joint Standing Committee on Judiciary is authorized to report out legislation to the Second Regular Session of the 126th Legislature upon receipt of the report.

This amendment was not adopted.

### **Committee Amendment "B" (S-282)**

This amendment is the minority report of the Joint Standing Committee on Judiciary. It replaces the bill.

This amendment retains a broad definition of "unmanned aerial vehicle."

This amendment requires approval of the acquisition of an unmanned aerial vehicle by the governing body of a 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 when 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.

This amendment prohibits the operation of an unmanned aerial vehicle that employs the use of facial recognition technology or that is equipped with a weapon except for research and development purposes.

This amendment provides for emergency enforcement exceptions to the use of an unmanned aerial vehicle without a warrant or court order. An emergency enforcement exception may be required because a situation exists that threatens national security, state or local security or the life or safety of one or more individuals. When a law enforcement agency has used an unmanned aerial vehicle to collect or receive information under an emergency enforcement exception, the law enforcement agency is required to document the factual basis for the emergency enforcement exception in an affidavit that the law enforcement agency retains.

This amendment provides for administrative investigation exceptions for the use of an unmanned aerial vehicle by the State or any political subdivision of the State to investigate and respond to natural disasters, to monitor the status of dams and flood-control systems, to conduct surveys, including but not limited to surveys conducted by the Maine Geological Survey, and to aid in weather forecasting.

This amendment provides that if the operation of an unmanned aerial vehicle is started before a warrant or court order is obtained and the information being sought is collected before the warrant or court order is obtained, the law enforcement agency must immediately terminate the operation of the unmanned aerial vehicle. If the warrant or court order is denied, the law enforcement agency must immediately terminate the operation of the unmanned aerial vehicle and the law enforcement agency may not retain or disclose any information obtained from the operation of the unmanned aerial vehicle.

When a warrant or court order is sought, the law enforcement agency may request an order delaying the notice required under the Maine Rules of Criminal Procedure. The delay may not exceed 10 days, and 10-day extensions may be granted. When the order for delayed notice has expired, the law enforcement agency is required to provide the notice to the person about whom the information was collected. The notice must include the nature of the law enforcement inquiry, the information that was collected and the justification for the delay.

## *Joint Standing Committee on Judiciary*

This amendment creates a private right of action against a law enforcement agency for violations of the new law. A person may collect compensatory damages plus up to \$5,000 and reasonable attorney's fees and court costs.

### **Senate Amendment "A" To Committee Amendment "B" (S-285)**

This amendment imposes a moratorium until July 1, 2015 on the use of unmanned aerial vehicles by law enforcement agencies. The moratorium does not apply to specified emergency situations.

### **House Amendment "A" To Committee Amendment "B" (H-540)**

This amendment imposes a moratorium until July 1, 2015 on the use of unmanned aerial vehicles by law enforcement agencies. The moratorium does not apply to specified emergency situations.

This amendment was not adopted.

### **Senate Amendment "A" To Committee Amendment "A" (S-299)**

This amendment requires the Joint Standing Committee on Judiciary to report out legislation based on the report of the Board of Trustees of the Maine Criminal Justice Academy.

This amendment was not adopted.

### **House Amendment "B" To Committee Amendment "B" (H-563)**

This amendment adds to the list of allowed uses of unmanned aerial vehicles 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 or manufacture of such vehicles, and exempts a manufacturer or subcontractor, testing company or educational institution deploying an unmanned aerial vehicle for such research, testing, training or manufacturing purposes from the prohibition on the use of facial recognition technology or equipping a vehicle with weapons.

<b>LD 258</b>	<b>An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Meetings of Public Bodies</b>	<b>ONTP</b>
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Sponsor(s)

Committee Report

Amendments Adopted

ONTP

This bill implements the majority recommendation of the Right To Know Advisory Committee concerning public meetings.

Part A authorizes the use of remote-access technology to conduct public proceedings. Subject to specific requirements, it authorizes a body to conduct a public proceeding during which a member of the body participates in the discussion or transaction of public or government business through telephonic, video, electronic or other similar means of communication.

Under current law, the following state agencies are authorized to use remote-access technology to conduct meetings: the Finance Authority of Maine, the Commission on Governmental Ethics and Election Practices, the Emergency Medical Services' Board and the Workers' Compensation Board. Part B provides a specific exemption from the new requirements for the Small Enterprise Growth Board, the Emergency Medical Services' Board and the Workers' Compensation Board.

*Joint Standing Committee on Judiciary*

**LD 308      An Act To Require the Attorney General To Consult with Federally Recognized Indian Tribes before Issuing an Opinion on Federal Legislation Affecting the Maine Indian Claims Settlement Act of 1980      ONTP**

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

This bill provides that the Attorney General may not provide to the United States Congress or any of its members or agents any legal opinion on federal legislation affecting the federal Maine Indian Claims Settlement Act of 1980 or its implementation in this State that may have an effect on federally recognized tribes in the State without first consulting with the affected tribes in a manner mutually agreeable to the tribes and the Attorney General.

**LD 309      Resolve, Directing the Attorney General To Implement a Child Identity Protection Program To Safeguard the Personal Information of Minors and Prevent Identity Theft      ONTP**

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

This bill directs the Attorney General to implement a child identity protection program to safeguard the personal information of minors and prevent identity theft. A parent or guardian may enroll a child in the program to help prevent the unauthorized use of that child's personal identifying information in the issuance of credit. The Attorney General may model the program on a similar program in Utah.

**LD 310      An Act To Exempt Persons 80 Years of Age and Older from Jury Duty at Their Discretion      PUBLIC 74**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WEAVER COLLINS	OTP-AM	H-49

This bill excuses from jury service a person 70 years of age or older who does not wish to serve on a jury.

**Committee Amendment "A" (H-49)**

This amendment changes the age at which a person may be excused from jury service if the person does not wish to serve on a jury from 70 years of age or older as in the bill to 80 years of age or older.

**Enacted Law Summary**

Public Law 2013, chapter 74 excuses from jury service a person 80 years of age or older who does not wish to serve on a jury.

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**LD 311      An Act To Protect Landowners from the Exercise of Eminent Domain in Energy Infrastructure Corridors      ONTP**

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

This bill repeals the eminent domain authority for the purposes of developing an energy infrastructure corridor and prohibits any authority for eminent domain under Maine law to be used for the purposes of establishing or developing an energy infrastructure corridor.

**LD 313      An Act To Create the Maine Online Privacy Protection Act      ACCEPTED MAJORITY (ONTP) REPORT**

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

This bill requires a person or company that owns a publicly accessible website or online service that collects personal information from an individual consumer who is a resident of this State to post a privacy statement in a conspicuous location on its publicly accessible website. The bill also lists required content of the privacy statement.

**Committee Amendment "A" (H-435)**

This amendment is the minority report of the Joint Standing Committee on Judiciary. It makes changes consistent with California's Online Privacy Protection Act.

This amendment provides that the privacy statement required in the bill must list the categories of personal information that the website operator collects. It also provides that the categories of entities, rather than a description of entities with whom personal information may be shared as described in the bill, must be disclosed. It clarifies the process for a consumer who uses or visits the site to review and request changes to personal information. The amendment also makes the privacy statement font requirements the same as California's.

This amendment adds two exceptions to the application of the Maine Online Privacy Protection Act. First, if a website operator is subject to and in compliance with another state or federal law or regulation that requires the posting of an online privacy statement, this law does not apply. Government agencies of this State are also exempt.

This amendment was not adopted.

**LD 321      Resolve, Directing the Probate and Trust Law Advisory Commission To Review Maine's Probate Code and the Uniform Probate Code      RESOLVE 5**

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

This resolve directs the Probate and Trust Law Advisory Commission to conduct a review of the current Probate Code and the latest version of the Uniform Probate Code adopted by the Uniform Law Commission and to make legislative recommendations based on the review. The Probate and Trust Law Advisory Commission is directed to

## *Joint Standing Committee on Judiciary*

invite interested parties to participate in the review.

The Probate and Trust Law Advisory Commission is required to submit a report to the Joint Standing Committee on Judiciary by December 1, 2013 that includes legislative recommendations and may submit a bill to the Second Regular Session of the 126th Legislature.

### **Enacted Law Summary**

Resolve 2013, chapter 5 directs the Probate and Trust Law Advisory Commission to conduct a review of the current Probate Code and the latest version of the Uniform Probate Code adopted by the Uniform Law Commission and to make legislative recommendations based on the review. The Probate and Trust Law Advisory Commission is directed to invite interested parties to participate in the review.

The Probate and Trust Law Advisory Commission is required to submit a report to the Joint Standing Committee on Judiciary by December 1, 2013 that includes legislative recommendations and may submit a bill to the Second Regular Session of the 126th Legislature.

### **LD 345      An Act To Ensure the Confidentiality of Concealed Handgun Permit Holder Personal Information**

**PUBLIC 54  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WILSON PLUMMER	OTP-AM OTP-AM	H-89

This bill makes personal and identifying information of concealed weapons permit holders confidential and prohibits a person who has received concealed weapons permit holder information from redistributing or disseminating the information to a person who is not authorized to receive the information.

#### **Committee Amendment "A" (H-89)**

This amendment is the majority report of the Joint Standing Committee on Judiciary.

This amendment replaces the bill. It clarifies the current law concerning the confidentiality of concealed handgun permit information. It also provides that the permanent record that an issuing authority is required to make when issuing a concealed handgun permit is confidential, except that the municipality of residence of the permit holder, the date the permit was issued and the date the permit expires are public. The confidential information may be disclosed for criminal justice purposes or permitting purposes to law enforcement officers or issuing authorities.

The amendment directs the Chief of the State Police to develop a plan for the availability of statistical information about concealed handgun permits and the issuing process. The Chief of the State Police shall submit a report to the Joint Standing Committee on Criminal Justice and Public Safety no later than January 15, 2014 that contains the plan along with any proposed implementing legislation. The Joint Standing Committee on Criminal Justice and Public Safety may report out legislation to the Second Regular Session of the 126th Legislature upon receipt of the report. The plan must address specific data elements, whether a model permit would be desirable and a process to collect and make available statewide statistics and may include any other information or recommendations concerning issues about concealed handgun permits.

This amendment includes a mandate preamble to exempt the identified mandate on local government issuing authorities from the funding requirement.

This amendment provides an effective date of April 30, 2013, which is when Resolve 2013, chapter 1 is repealed.

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

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This amendment is the minority report of the Joint Standing Committee on Judiciary.

This amendment replaces the bill and deletes the emergency preamble and emergency clause.

This amendment clarifies the current law concerning the confidentiality of concealed handgun permit information. It also provides that the permanent record that an issuing authority is required to make when issuing a concealed handgun permit is a public record, except that the personally identifying information about specific individuals may be protected from disclosure upon request.

The amendment directs the Chief of the State Police to develop a plan for the availability of statistical information about concealed handgun permits and the issuing process. The Chief of the State Police shall submit a report to the Joint Standing Committee on Criminal Justice and Public Safety no later than January 15, 2014 that contains the plan along with any proposed implementing legislation. The Joint Standing Committee on Criminal Justice and Public Safety may report out legislation to the Second Regular Session of the 126th Legislature upon receipt of the report. The plan must address specific data elements, whether a model permit would be desirable and a process to collect and make available statewide statistics and may include any other information or recommendations concerning issues about concealed handgun permits.

This amendment was not adopted.

### **Enacted Law Summary**

Public Law 2013, chapter 54 clarifies the current law concerning the confidentiality of concealed handgun permit information. It also provides that the permanent record that an issuing authority is required to make when issuing a concealed handgun permit is confidential, except that the municipality of residence of the permit holder, the date the permit was issued and the date the permit expires are public. The confidential information may be disclosed for criminal justice purposes or permitting purposes to law enforcement officers or issuing authorities.

Public Law 2013, chapter 54 directs the Chief of the State Police to develop a plan for the availability of statistical information about concealed handgun permits and the issuing process. The Chief of the State Police shall submit a report to the Joint Standing Committee on Criminal Justice and Public Safety no later than January 15, 2014 that contains the plan along with any proposed implementing legislation. The Joint Standing Committee on Criminal Justice and Public Safety may report out legislation to the Second Regular Session of the 126th Legislature upon receipt of the report. The plan must address specific data elements, whether a model permit would be desirable and a process to collect and make available statewide statistics and may include any other information or recommendations concerning issues about concealed handgun permits.

Public Law 2013, chapter 54 was enacted as an emergency measure effective April 30, 2013, the repeal date of Resolve 2013, chapter 1.

<b>LD 352</b>	<b>An Act To Prohibit Prisoners from Filing Protection from Harassment Complaints against Corrections Personnel</b>	<b>ONTP</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUMMER LONG	ONTP	

This bill prevents a person who is confined in a state correctional or detention facility or a county jail from bringing a complaint of harassment against a corrections officer or any other person responsible for the person's custody, care or treatment.

*Joint Standing Committee on Judiciary*

**LD 375      Resolve, To Establish the Study Committee on Alternative Methods of Enforcement of Spousal Support      INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE RUSSELL	OTP-AM	S-294

This bill directs the Department of Health and Human Services to use the remedies currently available for the collection and enforcement of child support to collect spousal support even when the recipient of the spousal support is not owed any child support. The department may charge the same fees that the department charges for child support collection assistance.

**Committee Amendment "A" (S-294)**

This amendment replaces the bill with a resolve that establishes the Study Committee on Alternative Methods of Enforcement of Spousal Support to examine how other states provide for enforcement of spousal support. The study committee consists of 5 Legislators, and must report by November 6, 2013 to the Joint Standing Committee on Judiciary on spousal support enforcement methods used in other states and whether any of these methods should be implemented in this State. This amendment adds an emergency preamble and emergency clause to the bill.

**LD 376      An Act To Amend the Laws Concerning the Adoption of Siblings      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON C BEAULIEU	ONTP	

This bill provides that minor siblings who are separated by adoption, whether through child welfare actions or otherwise, may have contact with each other unless it is not in their best interests. Current law requires the Department of Health and Human Services in child welfare cases to make reasonable efforts to establish agreements with adoptive parents of children that provide for reasonable contact with the child's siblings when the department believes the contact is in the child's best interests. This bill requires the agreements unless the contact will not be in the best interests of the child. The bill also provides for contact between siblings who are adopted into different families in cases that are not child welfare cases.

**LD 392      An Act To Protect Homeowners and Reduce Foreclosure Fraud      ONTP**

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

This bill requires that a plaintiff seeking to foreclose on a mortgage is required, upon request of the defendant within 90 days of service of the foreclosure summons and complaint, to produce the original mortgage note, evidencing that the plaintiff has the right to foreclose. The bill provides procedures for lost, stolen or destroyed original promissory notes, and for promissory notes that are electronic transferable records.

Foreclosure issues have been consolidated for consideration under LD 1389, which is carried over.

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**LD 394      An Act To Add Members of the Aroostook Band of Micmacs to the      PUBLIC 81**  
**Maine Indian Tribal-State Commission and Add Corresponding**  
**Members for the State**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WILLETTE JACKSON T	OTP	

This bill adds to the Maine Indian Tribal-State Commission two members of the Aroostook Band of Micmacs and two members appointed by the Governor.

**Enacted Law Summary**

Public Law 2013, chapter 81 adds to the Maine Indian Tribal-State Commission two members of the Aroostook Band of Micmacs and two members appointed by the Governor.

**LD 395      An Act To Allow a Pet Owner To Collect Noneconomic Damages for the      ONTP**  
**Death of a Pet**

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

This bill creates a cause of action for noneconomic damages to be collected by a pet owner when another person or the person's animal kills the pet or injures the pet and the injuries lead to the death of the pet. The person must have been acting unlawfully and either intentionally or negligently.

**LD 396      An Act To Appropriate Sufficient Funds for Indigent Legal Services      CARRIED OVER**

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

This bill provides a General Fund appropriation of \$3,490,209 in fiscal year 2013-14 and \$5,995,237 in fiscal year 2014-15 for the Maine Commission on Indigent Legal Services to increase reimbursement for indigent legal services from \$50 per hour to \$70 per hour effective October 1, 2013 and to \$75 per hour effective July 1, 2014.

**Committee Amendment "A" (H-123)**

This amendment revises the rule-making authority of the Maine Commission on Indigent Legal Services to provide that rules concerning the rates of compensation for assigned counsel and contract counsel are major substantive rules. It also amends the existing language concerning major substantive rules to be consistent with the Maine Administrative Procedure Act.

This amendment adjusts the appropriation initiative to reflect an increase in the rate of reimbursement for indigent legal services to \$60 per hour beginning July 1, 2013 and \$65 per hour beginning July 1, 2014. The Biennial Budget, Public Law 2013, chapter 368, includes additional funding for indigent legal services and increases the hourly rate by \$5 beginning July 1, 2014.

This amendment directs the Maine Commission on Indigent Legal Services to report to the Joint Standing

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Committee on Judiciary by December 1, 2013 on expanding financial screening by contracting for the screening services. This language was incorporated into the Biennial Budget, Public Law 2013, chapter 368 in Part RRR

This amendment also adds an emergency preamble and an emergency clause.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 415      An Act To Require a Warrant To Obtain the Location Information of a      PUBLIC 409**  
**Cell Phone or Other Electronic Device**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ	ONTP	S-106
KRUGER	OTP-AM	S-339    HILL

This bill prohibits a government entity from obtaining the location information of a cellular telephone or other electronic device without a valid warrant, except that a government entity may obtain such information with the consent of the owner or user of the electronic device, to respond to the user's call for emergency services or to respond to certain emergency situations when a warrant cannot be issued in time to avert death or serious physical injury. It also authorizes the Attorney General to designate a law enforcement officer to obtain location information without a warrant in cases where there is an imminent threat of serious physical injury or a threat to national security.

This bill requires a government entity to inform the owner or user of an electronic device that location information was obtained from that person's device within 3 days of obtaining the location information, unless the court determines there is good cause to delay this notification.

This bill also requires judges involved with granting warrants to obtain location information to report their activities regarding the warrants to the Administrative Office of the Courts annually. It directs the Administrative Office of the Courts to provide a summary of those reports to the Legislature.

### **Committee Amendment "A" (S-106)**

This amendment is the minority report of the Joint Standing Committee on Judiciary.

This amendment clarifies that a government entity that obtains the location information of a cellular telephone or other electronic device without a valid warrant has an obligation to notify the owner or user about obtaining the location information only if the government entity is able to identify the owner or user. Once the government entity identifies the owner or user, the government entity must notify the owner or user within three days. The bill allows a government entity, when applying for a warrant, to request a delay of not more than 90 days in notifying the owner or user. This amendment extends the delay period to up to 180 days.

This amendment deletes from the bill the authorization for the Attorney General to designate an investigative or law enforcement officer to obtain location information without a warrant if there is an imminent threat of death or serious physical injury or a threat to national security. It also deletes from the bill the reporting requirements imposed on judges who issue or deny warrants.

This amendment deletes from the bill the prohibition on the use of evidence obtained in violation of the provisions of the bill, instead relying on Fourth Amendment jurisprudence as it develops through case law to provide for the exclusion of evidence that is improperly obtained.

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

### **Senate Amendment "A" To Committee Amendment "A" (S-339)**

This amendment replaces the language regarding notice of a search warrant to more closely track the language governing notice contained in L.D. 1377, "An Act To Protect Cellular Telephone Privacy." The change allows the government entity to request, when seeking a search warrant for electronic device location information, that the court waive the requirement that notice be given to the owner or user of the electronic device when a warrant is issued if the notice would result in an adverse result. In addition, this amendment specifies that a government entity must file a statement with the court within a reasonable period of time rather than 48 hours after seeking disclosure.

#### **Enacted Law Summary**

Public Law 2013, chapter 409 prohibits a government entity from obtaining the location information of a cellular telephone or other electronic device without a valid warrant, except that a government entity may obtain such information with the consent of the owner or user of the electronic device, to respond to the user's call for emergency services or to respond to certain emergency situations when a warrant cannot be issued in time to avert death or serious physical injury. A government entity that obtains the location information of a cellular telephone or other electronic device without a valid warrant has an obligation to notify the owner or user about obtaining the location information, but only if the government entity is able to identify the owner or user. Once the government entity identifies the owner or user, the government entity must notify the owner or user within 3 days. A government entity may request, when seeking a search warrant for electronic device location information, that the court waive the requirement that notice be given to the owner or user of the electronic device if the notice would result in an adverse result.

<b>LD 419</b>	<b>Resolve, Directing the Family Law Advisory Commission To Study and Report on the Uniform Parentage Act and Other Similar Laws and Proposals</b>	<b>RESOLVE 12</b>
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Sponsor(s)

Committee Report

Amendments Adopted

OTP

This resolve directs the Family Law Advisory Commission to study current Maine law, the Uniform Parentage Act as recommended for enactment by the National Conference of Commissioners on Uniform State Laws and other similar laws and proposals and report to the Joint Standing Committee on Judiciary by December 1, 2013, including any necessary implementing legislation.

#### **Enacted Law Summary**

Resolve 2013, chapter 12 directs the Family Law Advisory Commission to study current Maine law, the Uniform Parentage Act as recommended for enactment by the National Conference of Commissioners on Uniform State Laws and other similar laws and proposals and report to the Joint Standing Committee on Judiciary by December 1, 2013, including any necessary implementing legislation.

<b>LD 420</b>	<b>An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions</b>	<b>ONTP</b>
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Sponsor(s)

Committee Report

Amendments Adopted

ONTP

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

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1. It clarifies that all the information provided upon request to the Director of the Bureau of Health within the Department of Health and Human Services about toxic or hazardous substances in use or present at a specific location is public. It requires the director to release the information that is public upon request to any requester, and it repeals the requirement that the requester reside within 50 miles of the specific location.
2. It makes clear that reports of final bureau action of the Bureau of Labor Standards within the Department of Labor are public records, removing the language in current law that gives the Director of the Bureau of Labor Standards the discretion to release reports.
3. It requires 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 the Executive Director of the Maine Labor Relations Board if the conciliation process is not successful.
4. It repeals language authorizing the Secretary of State to adopt rules relating to maintenance and use of data processing files concerning motor vehicles as the confidentiality of personal information is already protected under federal law.
5. It repeals a provision 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.
6. It removes language regarding confidentiality of records for unmarked law enforcement vehicles that is redundant with another section of law.
7. It repeals language making mercury reduction plans for air emission sources emitting mercury confidential.
8. It repeals language making hazardous air pollutant emissions inventory reports confidential.

**LD 424      An Act To Amend the Short Form Deeds Act**

**PUBLIC 90**

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

This bill amends the Short Form Deeds Act to provide that a conveyance or reservation of real estate must be construed to convey or reserve an estate in fee simple, unless a different intention is clearly expressed in the instrument by a statement that the interest conveyed or received is an interest other than an estate in fee, by a limiting of the duration of the interest to a period less than perpetual duration or by an explicit restriction of the interest to the use and benefit only of the person or persons to whom it is conveyed or reserved.

This bill is submitted in response to the decision of the Supreme Judicial Court in *Tarason v. Wesson Realty, LLC*, 2012 ME 47, 40 A.3d 1005.

### **Enacted Law Summary**

Public Law 2013, chapter 90 amends the Short Form Deeds Act to provide that a conveyance or reservation of real estate must be construed to convey or reserve an estate in fee simple, unless a different intention is clearly expressed in the instrument by a statement that the interest conveyed or received is an interest other than an estate in fee, by a limiting of the duration of the interest to a period less than perpetual duration or by an explicit restriction of the interest to the use and benefit only of the person or persons to whom it is conveyed or reserved. Chapter 90 is in response to the decision of the Supreme Judicial Court in *Tarason v. Wesson Realty, LLC*, 2012 ME 47, 40 A.3d 1005.

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**LD 425      An Act To Change the Membership of the Family Law Advisory Commission      ONTP**

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

This bill adds a member to the Family Law Advisory Commission, increasing the membership from 11 to 12. The new member must be a representative of an organization of guardians ad litem.

**LD 450      An Act To Permit Real Estate Agents To Assist Property Owners in Obtaining Relief in the Mortgage Foreclosure Process      LEAVE TO WITHDRAW**

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

This bill provides an exception to the provision governing the unauthorized practice of law to permit a licensed real estate agent to negotiate on behalf of a property owner with a mortgage lender to prevent mortgage foreclosure.

**LD 458      An Act Regarding Comparative Negligence      ACCEPTED MAJORITY (ONTP) REPORT**

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

This bill amends the laws governing comparative negligence. This bill provides that if a jury finds that the fault of a claimant is greater than the fault of all other persons, the claimant may not recover.

**Committee Amendment "A" (H-142)**

This amendment, which is the minority report of the committee, amends the bill by clarifying that if a jury finds that the fault of a claimant is greater than the combined fault of all other persons, the claimant may not recover.

This amendment was not adopted.

**LD 463      An Act To Prohibit the Sale and Purchase of Human Fetal Tissue      LEAVE TO WITHDRAW**

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

This bill makes the sale or purchase of human fetal tissue a Class C crime.

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**LD 495      An Act Regarding the Law Pertaining to the Confidentiality of  
Enhanced 9-1-1 System Information and Records**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This bill amends the law pertaining to the confidentiality of information and records of the E-9-1-1 system. The bill:

1. Clarifies the types of agencies that are subject to the current law governing the confidentiality of E-9-1-1 system information and records;
2. Defines the term "information or records declared to be confidential under other law" by providing that the term includes, but is not limited to, information or records that relate to a pending law enforcement investigation or a pending criminal prosecution;
3. Ensures that transcripts of E-9-1-1 call recordings may be accurately prepared;
4. Clarifies the types of disclosures of confidential information and records that are prohibited under the law; and
5. Clarifies actions that constitute a violation of E-9-1-1 confidentiality requirements.

**Committee Amendment "A" (S-151)**

This amendment is the minority report of the Joint Standing Committee on Judiciary. It changes the penalty for intentionally releasing confidential information from a Class E crime to a civil violation.

This amendment was not adopted.

**LD 503      An Act To Amend the Limited Liability Company Laws**

**PUBLIC 58  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO PRIEST	OTP-AM	S-22

This bill changes the requirements for the name of a limited liability company that is filing an assumed name or registering a name of a foreign limited liability company to make the provision consistent with the other entity filing laws.

**Committee Amendment "A" (S-22)**

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

**Enacted Law Summary**

Public Law 2013, chapter 58 changes the requirements for the name of a limited liability company that is filing an assumed name or registering a name of a foreign limited liability company to make the provision consistent with the other entity filing laws. Public Law 2013, chapter 424 (LD 1536, the Errors Bill), Part C, Section 2

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authorizes the Secretary of State to not charge the regular filing fee to a limited liability company that files a statement of correction to change its name pursuant to the statutory changes made in chapter 58 if the statement of correction is filed on or before October 1, 2013.

Public Law 2013, chapter 58 was enacted as an emergency measure effective May 3, 2013.

**LD 512 An Act To Allow Licensed Foresters To Use Mechanics Liens**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUMMER TYLER	ONTP OTP	

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

**LD 522 An Act To Amend the Guardian Ad Litem Laws**

**ONTP**

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

This bill implements the recommendations included in the report "Recommendations for an Improved Process for Complaints Regarding Guardians Ad Litem" submitted to the Supreme Judicial Court in 2012 by the Guardian Ad Litem Task Force, appointed by Chief Justice Saufley. Current law requires a guardian ad litem appointed in a family matters case to submit a written report to the parties and the court.

This bill requires a written report only if the court directs the guardian ad litem to file a report. This bill provides that the Supreme Judicial Court may adopt rules governing guardians ad litem appointed in family matters cases under the Maine Revised Statutes, Title 19-A and in child protective cases under Title 22. The rules may cover registration or certification, qualifications, standards of practice, continuing education requirements and discipline. Discipline includes a process to provide for the just determination of complaints from parties in actions under Title 19-A and Title 22.

See LD 872, An Act To Improve the Quality of Guardian ad Litem Services for the Children and Families of Maine.

**LD 548 An Act To Amend the Laws Governing the Award of Spousal Support in Divorce Actions**

**PUBLIC 327**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON D YOUNGBLOOD	OTP-AM	H-330

This bill makes the following changes regarding spousal support in divorce actions.

1. It renames "general support" as "transitional support."
2. It removes the rebuttable presumption against an award of transitional support for marriages shorter than 10

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years in duration.

3. It provides for an end to transitional support if either party dies or reaches normal retirement age or if the party receiving support remarries or cohabits with someone for more than one year.
4. It provides that an award of transitional support may be modified for any other significant change in circumstances of either party.
5. It renames "transitional support" as "rehabilitative support" and limits the award of rehabilitative support to four years from the date the divorce action is filed.
6. It eliminates the ability of the court to award nominal support.

### **Committee Amendment "A" (H-330)**

This amendment replaces the bill. It provides that all spousal support orders issued on or after October 1, 2013 can be modified as the court determines justice requires. Current law prohibits modification of an order that expressly states it cannot be modified.

Current law allows modification of an order upon cohabitation by the recipient. This amendment makes clear that a spousal support order is subject to termination as justice requires when it can be shown that the recipient of the spousal support and another person have entered into a mutually supportive relationship that is the functional equivalent of marriage that has existed for at least 12 months of a period of 18 consecutive months.

### **Enacted Law Summary**

Public Law 2013, chapter 327 provides that all spousal support orders issued on or after October 1, 2013 can be modified as the court determines justice requires.

Public Law 2013, chapter 327 provides that a spousal support order is subject to termination as justice requires when it can be shown that the recipient of the spousal support and another person have entered into a mutually supportive relationship that is the functional equivalent of marriage that has existed for at least 12 months of a period of 18 consecutive months.

### **LD 549      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**

**CARRIED OVER**

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

This bill allows a person who is 21 years of age or older to petition the Secretary of State to expunge a criminal record of the person if the crime was committed when the person was between 18 and 20 years of age and it is the person's only criminal conviction.

### **Committee Amendment "A" (H-544)**

This amendment is the majority report of the Joint Standing Committee on Judiciary and it replaces the bill. It establishes a process to apply special restrictions on the dissemination and use of criminal history record information about an eligible criminal conviction. An eligible criminal conviction must meet 6 requirements in order for the person to be eligible for special treatment of the conviction information. The person must have been at least 18 years of age but under 21 years of age when the person committed the crime, and the crime is limited to Class E theft. In addition, at least four years must have passed since the person has fully satisfied

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each of the sentencing alternatives imposed for the conviction of the Class E theft. The Class E theft conviction must be the only criminal conviction of the person in this State, the person may not have been adjudicated as having committed a juvenile crime for which the hearing was open to the general public under the Maine Revised Statutes, Title 15, section 3307 and the person may not have had a criminal charge dismissed as a result of a deferred disposition pursuant to Title 17-A, chapter 54-F. The person may have no criminal convictions from another jurisdiction, and no criminal charges may be pending in this State or in another jurisdiction.

Unlawfully releasing the restricted information is a violation of the release of confidential information under the criminal history record information laws under Title 16, chapter 3, subchapter 8.

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, 2017.

This amendment also adds an appropriations and allocations section.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 550      An Act To Require Probate Judges, Registers of Probate and Registers of Deeds To Be Appointed      ONTP**

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

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

This bill proposes to reform the probate court system to require probate judges to be appointed by the Governor and confirmed by the Senate. The Governor will appoint 16 probate judges, one to sit in each county, and each county will continue to pay the salary of the probate judge and the expenses of the probate court and probate registry in that county. The Maine Code of Judicial Conduct will apply to probate judges, therefore prohibiting them from practicing law and receiving compensation in addition to their salaries through fees or other payments. The Constitution of Maine, Article VI will apply to probate judges.

This bill proposes that registers of probate, rather than being elected as provided in the Probate Code, will be appointed by the probate judge in that county. This bill proposes that registers of deeds, rather than being elected, will be appointed by the county commissioners of the counties in which they serve.

This bill proposes that the probate courts, probate judges, registers of probate and registers of deeds in all other aspects will continue to function as in current law.

**LD 551      An Act To Establish Certification Standards for Guardians Ad Litem      ONTP**

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to direct the Supreme Judicial Court to

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establish certification standards for guardians ad litem. The certification standards must include, but not be limited to, criteria related to minimum educational achievement in relevant subject matter and minimum experience or background in relevant fields.

See LD 872, An Act To Improve the Quality of Guardian ad Litem Services for the Children and Families of Maine.

**LD 552      An Act To Expedite Court Proceedings by Providing Funds for  
Additional District Court Personnel**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This bill provides a General Fund appropriation of \$511,969 in fiscal year 2013-14 and \$678,324 in fiscal year 2014-15 for two Judge positions, two deputy Marshal positions, two assistant Clerk positions and one Law Clerk position and related costs in order to expedite District Court proceedings.

**Committee Amendment "A" (H-78)**

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

This amendment was not adopted.

**LD 581      An Act To Amend the Laws Governing Service of Process in Eviction  
Actions**

**PUBLIC 135**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAYES	OTP-AM	H-140

This bill allows service of process in forcible entry and detainer actions to be made by mailing the complaint to the defendant's last known address and leaving the complaint at the defendant's last and usual place of abode if at least three good faith efforts on three different days have been made to serve the defendant.

**Committee Amendment "A" (H-140)**

This amendment requires the plaintiff in an eviction case to mail and post the summons as well as the complaint after three good faith attempts to serve the defendant in hand have been unsuccessful.

This amendment requires the plaintiff to file an affidavit that the service has occurred, which is currently 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. The changes are repealed September 1, 2016. After that date, the law currently in effect will go back into effect.

**Enacted Law Summary**

Public Law 2013, chapter 135 allows service of process in forcible entry and detainer actions to be made by mailing the summons and complaint to the defendant's last known address and leaving the summons and complaint at the defendant's last and usual place of abode if at least three good faith efforts on three different days have been made to serve the defendant and are unsuccessful. The plaintiff is required to file an affidavit that the service has occurred, which is currently 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. The changes are repealed September 1, 2016.

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After that date, the law currently in effect will go back into effect.

**LD 612      An Act To Protect Owners of Property in Foreclosure from Accumulation of Debts When Mortgagees Refuse To Complete the Foreclosure Process      ONTP**

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

This bill requires owners of foreclosed property who vacate their homes after receiving notice of a foreclosure judgment to notify the attorney representing the mortgagee in the foreclosure and the municipal tax assessor of the municipality where the mortgaged premises are located that they have vacated the property within 30 days of vacating the mortgaged premises and to also provide their contact information. If, within six months following a foreclosure judgment, the mortgagee has not completed the foreclosure process, the bill requires the mortgagee to notify the mortgagor using the contact information provided and to notify the municipal tax assessor.

Foreclosure issues have been consolidated for consideration under LD 1389, which is carried over.

**LD 619      An Act To Prohibit the Sharing of Certain Personal Information by the Department of the Secretary of State      PUBLIC 283**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GUERIN VALENTINO	OTP-AM	H-319

This bill requires all public entities to treat an individual's personal information as confidential if requested by the individual. "Personal information" includes but is not limited to the home address, home telephone number, home facsimile number, personal e-mail address, personal cellular telephone number and personal pager number of an individual.

**Committee Amendment "A" (H-319)**

This amendment, which replaces the bill, narrows the scope and requires e-mail addresses provided by applicants for licenses and motor vehicle registrations to the Department of the Secretary of State to be kept confidential. The e-mail addresses may not be disclosed outside the department except to law enforcement officers or for court proceedings.

**Enacted Law Summary**

Public Law 2013, chapter 283 requires e-mail addresses provided by applicants for licenses and motor vehicle registrations to the Department of the Secretary of State to be kept confidential. The e-mail addresses may not be disclosed outside the department except to law enforcement officers or for court proceedings.

**LD 640      An Act Regarding Legal Representation in Certain Eviction Actions      PUBLIC 134**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHITTEMORE DUNPHY	OTP-AM	S-56

This bill allows a person who is the sole member of a limited liability company or is a member of a limited liability

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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 eviction.

### **Committee Amendment "A" (S-56)**

The bill provides an exception to the unauthorized practice of law by a person who is not an attorney in narrow circumstances concerning limited liability companies and eviction actions. This amendment adds a provision to repeal the exception on September 1, 2016.

### **Enacted Law Summary**

Public Law 2013, chapter 134 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 eviction. This exception to the unauthorized practice of law is repealed September 1, 2016.

### **LD 680      An Act To Nullify the Federal Patient Protection and Affordable Care Act of 2010**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This bill expresses the findings of the Legislature that the federal Patient Protection and Affordable Care Act of 2010, signed into law by President Barack Obama on March 23, 2010, is in violation of the United States Constitution, Amendment X and, as such, is considered null and void in Maine.

This bill prohibits a federal or state official, agent or employee from enforcing the federal Patient Protection and Affordable Care Act of 2010 or any other statute, law, rule, regulation or order made in connection with that Act. Violation by a federal official is a Class C crime, punishable by up to five years in prison and a fine of up to \$5,000. Violation by a state official is a Class D crime, punishable by less than one year in jail and a fine of up to \$2,000.

The bill also allows a civil cause of action.

### **Committee Amendment "A" (H-186)**

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

This amendment was not adopted.

### **LD 684      An Act To Make Bylaws and Minutes of Board Meetings of Publicly Funded Hospitals Subject to the Freedom of Access Act**

**ONTP**

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

This bill makes bylaws and minutes of board meetings of hospitals that receive public funds public records for purposes of the Freedom of Access Act.

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**LD 686      Resolve, To Increase Funding for Indigent Legal Aid Provided to Wabanaki Tribal Members      ONTP**

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

This resolve directs the Maine Commission on Indigent Legal Services to amend its rules to increase the reimbursement rate for indigent legal services provided to a member of the Penobscot Nation, Passamaquoddy Tribe, Houlton Band of Maliseet Indians or Aroostook Band of Micmacs from \$50 per hour to \$80 per hour effective January 1, 2014.

**LD 687      An Act To Amend the Law Concerning Protection from Abuse Orders To Include Pets      PUBLIC 109**

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

This bill amends the law concerning protection from abuse orders to allow the court to include provisions in protection from abuse orders, including temporary orders, that direct the defendant to refrain from injuring or threatening to injure an animal that is owned, possessed, leased, kept or held by either party or a minor child residing in the household.

**Enacted Law Summary**

Public Law 2013, chapter 109 allows the court to include provisions in protection from abuse orders, including temporary orders, that direct the defendant to refrain from injuring or threatening to injure an animal that is owned, possessed, leased, kept or held by either party or a minor child residing in the household.

**LD 688      An Act Concerning Adverse Possession      ONTP**

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

This bill provides that a person may not use a claim of adverse possession to gain ownership of property against an owner of record who has paid property taxes on the property during the period for which the claimant has asserted being in possession of the property.

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

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

This bill implements the recommendations of the Judicial Compensation Commission. It increases the salary of justices in the Supreme Judicial Court, Superior Court and District Court to provide a cost-of-living increase equal

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to the amount that would have been awarded had statutory increases been granted in fiscal year 2003-04, fiscal year 2004-05, fiscal year 2010-11, fiscal year 2011-12 and fiscal year 2012-13. It also changes the reporting deadline for the Judicial Compensation Commission from December 1st to December 15th.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

See related provision in Public Law 2013, chapter 368, Part BB (biennial budget). Part BB directs the State Court Administrator to adjust upward the salaries of the State's chief justices, chief judge, deputy chief judge, associate justices and associate judges by 3% on July 1, 2013 and by 3% on July 1, 2014.

**LD 726      An Act To Adopt the Uniform Parentage Act      ONTP**

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

This bill is a concept draft pursuant to Joint Rule 208. It proposes to adopt a law that is based on the Uniform Parentage Act. In addition to any substantive changes to the uniform act that may be adopted by the Legislature, the basic numbering system, the mechanical structure and the internal organization of the law recommended by the National Conference of Commissioners on Uniform State Laws will be altered to conform to numbering, structure and organization of the Maine Revised Statutes.

See LD 419, Resolve, Directing the Family Law Advisory Commission To Study and Report on the Uniform Parentage Act and Other Similar Laws and Proposals, finally passed as Resolve 2013, chapter 12.

**LD 733      An Act To Improve the Child Support Collection Process      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON C BEAULIEU	ONTP	

This bill allows the Commissioner of Health and Human Services and the court to order that the Secretary of State issue a work-restricted license when a driver's license has been suspended for nonpayment of child support. It separates the determination of nonsupport from the administrative hearing on the question of noncompliance.

The bill requires that, when an obligor requests a hearing on noncompliance with an order of support, an administrative hearing officer within the Department of the Secretary of State conduct the hearing and report the decision back to the Department of Health and Human Services for issuance.

**LD 744      An Act To Extend the Statute of Limitations on Certain Civil Professional Negligence Suits      PUBLIC 329**

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

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This bill extends the statute of limitations for professional negligence actions against health care providers and health care practitioners when the action is based on a sexual act or sexual contact. The bill provides that the new statute of limitations applies to all actions based on a sexual act or sexual contact occurring on or after the effective date of the Act and all actions for which the claim has not yet been barred by the previous statute of limitations.

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

The bill proposes to extend the statute of limitations for professional negligence actions against certain health care providers and health care practitioners to ten years when the action is based on a sexual act or sexual contact. The amendment decreases the extension of the statute of limitations to six years and applies it to professional negligence actions against specifically psychiatrists, psychologists, social workers, professional counselors, pastoral counselors, marriage and family therapists and clinical professional counselors. In addition, the amendment provides that the sexual act or sexual contact must have occurred during the period of time the person was a patient or client of the professional.

The amendment also repeals this extension of the statute of limitations July 1, 2017.

### **Enacted Law Summary**

Public Law 2013, chapter 329 extends to six years the statute of limitations for professional negligence actions against specific professionals when the action is based on a sexual act or sexual contact. It applies the extension of the statute of limitations to professional negligence actions against psychiatrists, psychologists, social workers, professional counselors, pastoral counselors, marriage and family therapists and clinical professional counselors. It also provides that the sexual act or sexual contact must have occurred during the period of time the person was a patient or client of the professional. The extension of the statute of limitations is repealed July 1, 2017.

**LD 759      An Act To Hold Harmless a Municipality For Volunteer or Unpaid Labor**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

Sponsor(s)

KNIGHT

Committee Report

ONTP  
OTP-AM

Amendments Adopted

This bill makes a municipality immune from liability for the activity of a volunteer, unpaid employee or a person performing community service for the municipality.

### **Committee Amendment "A" (H-386)**

This amendment is the minority report of the Joint Standing Committee on Judiciary. The amendment replaces the bill, which amends the Maine Tort Claims Act, and instead provides that a municipality is not liable for death, personal injury or property damage suffered by a juvenile or adult who is participating in a supervised work or service program, performing community service or providing restitution or providing volunteer services. The amendment does not create liability for any claim, does not waive any existing immunity and does not affect the application of the workers' compensation laws to volunteer firefighters.

This amendment was not adopted.

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**LD 760 An Act Regarding Informed Consent to an Abortion**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ESPLING MASON G	ONTP OTP	

Current law requires the attending physician of a woman seeking an abortion to obtain the informed written consent of the woman and requires the provision of specific information, such as the number of weeks elapsed from the time of conception, the risks associated with the abortion and, at the woman's request, alternatives to abortion.

This bill specifies that the information must also be conveyed to the woman orally, removes the requirement that the woman request information about alternatives and requires additional information to be conveyed, including the name of the physician performing the abortion, scientifically accurate information about the fetus and the father's liability for support.

**House Amendment "A" (H-469)**

This amendment requires a physician to inform a pregnant woman of an undeniable right to see an ultrasound if an ultrasound was taken and removes from the bill all other changes to current law.

This amendment was not adopted.

**Senate Amendment "A" (S-275)**

This amendment requires a physician to inform a pregnant woman of an undeniable right to see an ultrasound if an ultrasound was taken and removes from the bill all other changes to current law.

This amendment was not adopted.

**LD 777 An Act To Protect Working Mothers Who Breast-feed**

**VETO  
SUSTAINED**

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

This bill provides that it is unlawful employment discrimination under the Maine Human Rights Act for an employer to fail to provide certain workplace accommodations for an employee with a nursing child.

**Committee Amendment "A" (H-295)**

This amendment replaces the bill and is the minority report of the Joint Standing Committee on Judiciary. The amendment increases the penalty for an employer who fails to comply with current law requiring the employer to provide a time and place for an employee who is a nursing mother to express breast milk. It increases the minimum and maximum fines for violating certain employment practices and for discharging or discriminating from \$100 to \$300 and from \$500 to \$1,000. It also updates language concerning fines for civil violations.

This amendment was not adopted.

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**LD 784      An Act To Impose Penalties for Residential Mortgage Loan Fraud and      ONTP**  
**False Representation Concerning Title**

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

This bill establishes civil and criminal penalties for those persons engaging in residential mortgage loan fraud and making a false representation concerning title.

Foreclosure issues have been consolidated for consideration under LD 1389, which is carried over.

**LD 785      An Act To Ensure the Periodic Review and Revision of Statutory      PUBLIC 110**  
**Provisions**

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

This bill requires that program evaluation reports filed by state agencies pursuant to the State Government Evaluation Act identify provisions contained in the agency's or independent agency's enabling or authorizing statutes that may require legislative review to determine the necessity of amendment to align the statutes with federal law, other state law or judicial decisions.

The bill directs the Office of the Revisor of Statutes and the Office of Policy and Legal Analysis to review the program evaluation reports and any resulting legislation and to submit a report that lists statutory provisions that are identified as potentially requiring legislative review regarding the necessity of amendment to align the statute with federal law, other state law or judicial decisions to the relevant joint standing committees, as well as to the joint standing committee of the Legislature having jurisdiction over judiciary matters. Under the bill, each joint standing committee of the Legislature receiving a report is directed to make recommendations to the joint standing committee of the Legislature having jurisdiction over judiciary matters, which is authorized to report out a bill to make statutory changes to align the statutes with federal law, other state law or decisions of the United States Supreme Court or the Supreme Judicial Court.

**Enacted Law Summary**

Public Law 2013, chapter 110 requires that program evaluation reports filed by state agencies pursuant to the State Government Evaluation Act identify provisions contained in the agency's or independent agency's enabling or authorizing statutes that may require legislative review to determine the necessity of amendment to align the statutes with federal law, other state law or judicial decisions. The Office of the Revisor of Statutes and the Office of Policy and Legal Analysis shall review the program evaluation reports and any resulting legislation and submit a report that lists statutory provisions that are identified as potentially requiring legislative review regarding the necessity of amendment to align the statute with federal law, other state law or judicial decisions to the relevant joint standing committees, as well as to the joint standing committee of the Legislature having jurisdiction over judiciary matters. Each joint standing committee of the Legislature receiving a report is required to make recommendations to the joint standing committee of the Legislature having jurisdiction over judiciary matters, which is authorized to report out a bill to make statutory changes to align the statutes with federal law, other state law or decisions of the United States Supreme Court or the Supreme Judicial Court.

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**LD 807      An Act To Provide Protection to a Condominium Association When a      ONTP**  
**Condominium Is Foreclosed On**

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

This bill amends the Maine Condominium Act to create a definition of "priority amounts," which includes heat and utility expenses and regular condominium association assessments for a six-month period before filing a lawsuit to enforce a lien and the costs and attorney's fees to enforce the lien. This bill gives a lien based upon priority amounts priority over a first mortgage and establishes that, if the association fails to send the first mortgagee notice of a lien action, the association may not collect costs or attorney's fees.

Foreclosure issues have been consolidated for consideration under LD 1389, which is carried over.

**LD 830      An Act To Further Protect Pregnant Women under the Maine Human      ACCEPTED**  
**Rights Act      MAJORITY**  
**(ONTP) REPORT**

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

This bill provides that it is unlawful employment discrimination under the Maine Human Rights Act for a covered entity to fail to provide an employee who is pregnant the same reasonable accommodations applicable to a qualified individual with a disability.

**Committee Amendment "A" (H-294)**

This amendment is the minority report of the Joint Standing Committee on Judiciary. It clarifies that the provisions defining and limiting the scope of unlawful employment discrimination on the basis of pregnancy and medical conditions that result from pregnancy do not limit the new language included in the bill, which requires an employer to provide a pregnant employee with the same reasonable accommodations applicable to a qualified individual with a disability.

This amendment was not adopted.

**LD 849      An Act To Validate Certain Real Estate Transactions Entered into by a      P & S 7**  
**Corporation while Its Charter Was Suspended**

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

This bill validates certain real estate transactions and corporate actions that were made by a corporation during a period when its corporate status was suspended.

**Enacted Law Summary**

Private and Special Law, chapter 7 validates certain real estate transactions and corporate actions that were made by

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a specific corporation during a period when its corporate status was suspended.

**LD 850      Resolve, To Study the Issue of Inheritance of Digital Assets**

**RESOLVE 27**

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

This resolve directs the Probate and Trust Law Advisory Commission to conduct a review related to the disposition of digital assets upon an individual's death or incapacity and to develop legislative recommendations for submittal to the Joint Standing Committee on Judiciary. The recommendations must be submitted no later than December 1, 2013.

**Enacted Law Summary**

Resolve 2013, chapter 27 directs the Probate and Trust Law Advisory Commission to conduct a review related to the disposition of digital assets upon an individual's death or incapacity and to develop legislative recommendations for submittal to the Joint Standing Committee on Judiciary. The recommendations must be submitted no later than December 1, 2013.

**LD 851      An Act To Allow the Return of Excess Funds by a Municipality That  
Forecloses on Real Estate**

**VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DICKERSON MAZUREK	OTP-AM ONTP	H-293

Under current law, if a municipality, or the State Tax Assessor for real estate located in the unorganized territory, forecloses on a parcel of real estate for failure to pay taxes owed on that real estate, the municipality is under no obligation to return any funds that exceed the amount owed in taxes after the sale of the real estate.

This bill requires the municipality, which includes the State Tax Assessor for real estate located in the unorganized territory, to provide notice of the availability of the excess funds, after subtracting the tax lien, interest, fees for recording the lien, costs of mailing notice, court costs and any other expenses incurred in disposing of the real estate, to the former owner within 30 days of sale of the real estate or 180 days of the foreclosure, whichever is sooner. The municipality is required to keep the excess funds in a segregated escrow account. If the former owner fails to claim the excess funds in person within 90 days of the notice, the municipality is allowed to retain the excess funds. If the former owner or the former owner's representative notifies the municipality within 90 days of the notice, the municipality must negotiate with the former owner over the return of the excess funds. If the former owner is dissatisfied with the municipality's offer, the former owner may seek binding arbitration for resolution of the matter.

**Committee Amendment "A" (H-293)**

This amendment is the majority report of the Joint Standing Committee on Judiciary. It allows a municipality to adopt an ordinance that allows the municipality to return proceeds from the sale and final disposition of tax-acquired property to the former owner. Proceeds must first be used to cover all back taxes, interest, costs and other unpaid municipal expenses either associated with the disposition of the tax-acquired property or assessed or charged against the property prior to disposition. The ordinance must provide for standards governing the return of the proceeds and the procedures to ensure that the interests of the taxpayers of the municipality are protected.

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**LD 852      An Act To Amend Certain Provisions of Law Affecting the Judicial Branch**

**PUBLIC 159**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRIEST VALENTINO	OTP-AM	H-176

This bill does the following.

1. It authorizes the State Court Administrator to use the fees generated from the sale of publications or forms to fund publications, forms and information technology.
2. It combines the judicial divisions of Northern Penobscot and Central Penobscot into Northern and Central Penobscot and authorizes the Chief Judge to determine the level of service at the sites of the district courts for that judicial division.
3. It permits the Chief Judge of the District Court to employ retired family law magistrates.
4. It changes certain reporting dates for the Judicial Department and the State Court Administrator from January 15th to February 15th.
5. It requires the Maine Criminal Justice Sentencing Institute to meet only when sufficient funding has been allocated for that purpose, instead of every 3 years as in current law.
6. It requires attorney's fees for the defense of appeals by the State to be paid by the Maine Commission on Indigent Legal Services.

**Committee Amendment "A" (H-176)**

The bill requires attorney's fees for the defense of appeals by the State to be paid by the Maine Commission on Indigent Legal Services. This amendment provides that the compensation paid by the commission may not exceed the rates established by the commission for the payment of counsel providing indigent legal services.

**Enacted Law Summary**

Public Law 2013, chapter 159 does the following.

1. It authorizes the State Court Administrator to use the fees generated from the sale of publications or forms to fund publications, forms and information technology.
2. It combines the judicial divisions of Northern Penobscot and Central Penobscot into Northern and Central Penobscot and authorizes the Chief Judge to determine the level of service at the sites of the district courts for that judicial division.
3. It permits the Chief Judge of the District Court to employ retired family law magistrates.
4. It changes certain reporting dates for the Judicial Department and the State Court Administrator from January 15th to February 15th.
5. It requires the Maine Criminal Justice Sentencing Institute to meet only when sufficient funding has been allocated for that purpose, instead of every threes as in current law.

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6. It requires attorney's fees for the defense of appeals by the State to be paid by the Maine Commission on Indigent Legal Services and provides that the compensation paid by the commission may not exceed the rates established by the commission for the payment of counsel providing indigent legal services.

**LD 854      An Act To Clarify When a Manufactured Home Becomes Residential  
Real Property**

**PUBLIC 125**

Sponsor(s)

PRIEST

Committee Report

OTP

Amendments Adopted

This bill amends the laws governing manufactured housing.

1. It adds language to the declaration of purpose in the manufactured housing law to state that manufactured housing for which no certificate of title has been issued is considered real property when it has been permanently affixed to real property that is owned by the owner of the manufactured housing.
2. Current law governing title to vehicles specifies that a certificate of title or salvage is not required for manufactured housing that is permanently affixed to real property within 30 days of the date of sale. This bill specifies that a certificate is not required if the real property is owned by the owner of the manufactured housing.
3. Current law governing the perfection of security interests in vehicles specifies that it does not apply to manufactured housing that is permanently affixed to real property. This bill specifies that the real property must be owned by the owner of the manufactured housing.

**Enacted Law Summary**

Public Law 2013, chapter 125 amends the laws governing manufactured housing.

1. It adds language to the declaration of purpose in the manufactured housing law to state that manufactured housing for which no certificate of title has been issued is considered real property when it has been permanently affixed to real property that is owned by the owner of the manufactured housing.
2. Current law governing title to vehicles specifies that a certificate of title or salvage is not required for manufactured housing that is permanently affixed to real property within 30 days of the date of sale; Chapter 125 specifies that a certificate is not required if the real property is owned by the owner of the manufactured housing.
3. Current law governing the perfection of security interests in vehicles specifies that it does not apply to manufactured housing that is permanently affixed to real property; Chapter 125 specifies that the real property must be owned by the owner of the manufactured housing.

**LD 861      Resolve, Regarding Legislative Review of Portions of Chapter 2: Rules  
Concerning the Processing of Applications and Other Administrative  
Matters, a Major Substantive Rule of the Department of Environmental  
Protection**

**RESOLVE 65  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP  
OTP-AM

This resolve provides for legislative review of portions of Chapter 2: Rules Concerning the Processing of Applications and Other Administrative Matters, a major substantive rule of the Department of Environmental

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Protection.

### Committee Amendment "A" (H-277)

This amendment is the minority report of the Joint Standing Committee on Judiciary. It provides that final adoption of portions of Chapter 2: Rules Concerning the Processing of Applications and Other Administrative Matters, a major substantive rule provisionally adopted by the Department of Environmental Protection is authorized only if the rule consists solely of a provision that the board interprets and applies the term "aggrieved person" in a manner consistent with Maine court decisions that address judicial standing requirements for appeals of final agency action. It also removes the emergency preamble and emergency clause from the resolve.

This amendment was not adopted.

### Enacted Law Summary

Resolve 2013, chapter 65 authorizes the final adoption of Chapter 2: Rules Concerning the Processing of Applications and Other Administrative Matters, a major substantive rule of the Department of Environmental Protection.

Resolve 2013, chapter 65 was finally passed as an emergency measure effective June 22, 2013.

### LD 864 An Act Regarding Service of Small Claims Notices

CARRIED OVER

Sponsor(s)

COLLINS

Committee Report

OTP-AM

Amendments Adopted

This bill permits service of a statement of claim in a small claims court proceeding by alternate means as permitted for service of a summons and complaint under the Maine Rules of Civil Procedure, Rule 4(g).

### Committee Amendment "A" (S-178)

This amendment adds a repeal date of February 15, 2016 to the requirement in the bill that rules adopted by the Supreme Judicial Court must permit service of a statement of claim in a small claims court proceeding by alternate means. The amendment adds an appropriations and allocations section.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

### LD 869 An Act To Relax Divorce Requirements for Victims of Domestic Violence

ONTP

Sponsor(s)

LACHOWICZ  
CHIPMAN

Committee Report

ONTP

Amendments Adopted

This bill allows a person to file for divorce without meeting the six-month residency requirement if the person resides in the State and produces a valid and currently-effective protection from abuse order or its equivalent from another jurisdiction and the person's spouse is the defendant subject to the order.

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**LD 871      An Act To Protect Victims of Domestic Violence by Waiving Their      ONTP**  
**Filing Fees in Divorce Actions**

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

This bill waives the filing fee in a divorce action for a person who has a protection from abuse order in effect against the defendant when the complaint is filed.

**LD 872      An Act To Improve the Quality of Guardian ad Litem Services for the      PUBLIC 406**  
**Children and Families of Maine**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUTREMBLE VILLA	OTP-AM	S-297 S-343    HILL

This bill is a concept draft pursuant to Joint Rule 208. This bill restructures the current guardian ad litem program in Maine for the greater benefit of children and their kinship supports involved in the crises of divorce and child protection complaints. It is based on the findings and recommendations of the 2006 report, "Performance Audit of Guardians ad litem for Children in Child Protection Cases" submitted to the Government Oversight Committee by the Office of Program Evaluation and Government Accountability. It proposes a comprehensive program governing guardians ad litem appointed under the Maine Revised Statutes, Titles 18-A, 19-A and 22.

**Committee Amendment "A" (S-297)**

This amendment replaces the bill. It enacts a new chapter on children's guardians ad litem. The chapter uses current requirements for guardians ad litem as a base, and includes some of the recommendations of the reports to the Supreme Judicial Court, "Recommendations for an Improved Process for Complaints Regarding Guardians Ad Litem," dated September 21, 2012, and "Recommendations for Amending the Maine Rules for Guardians Ad Litem," dated January 14, 2013, by the Guardian Ad Litem Stakeholders Group. Under the new chapter, guardians ad litem appointed under the Maine Revised Statutes, Title 18-A are subject to the general provisions and rules adopted by the Supreme Judicial Court, including the complaint process. Guardians ad litem appointed under Title 19-A and Title 22 are subject to the general provisions and the rules, as well as specific provisions for the different types of cases.

The amendment directs the family division within the judicial branch to assist the Chief Judge of the District Court to roster guardians ad litem and in the administration of guardians ad litem appointed under Title 19-A and Title 22. The amendment requires the family division to collect, maintain and report data about the appointment of guardians ad litem, reports, caseloads and other information.

The amendment clarifies the process of rostering guardians ad litem, although the details will be established by rules adopted by the Supreme Judicial Court. The rules must include criminal background checks.

The amendment establishes in statute the role of a guardian ad litem and requires compliance with standards of conduct, which will be adopted by rule by the Supreme Judicial Court.

The order of appointment must specify the duties of the guardian ad litem. A guardian ad litem has no authority to perform and will not be expected to perform any duties beyond those specified in the order, unless subsequently ordered to do so by the court.

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The order appointing a guardian ad litem in a case under Title 18-A and Title 19-A must also specify the hourly rate or flat fee for the guardian ad litem, the timing of the payments to be made and by whom and the maximum amount of fees that may be charged for the case without further order of the court.

The amendment requires the Supreme Judicial Court to provide by rule for a complaint process concerning guardians ad litem. The complaint process is in addition to the right of a party to file a motion to remove the guardian ad litem while the case is pending.

The entire chapter is repealed October 1, 2017.

The judicial branch is directed to include guardian ad litem elements in its request for proposals for the new case management system for the courts.

The Chief Judge of the District Court is directed to report to the Joint Standing Committee on Judiciary by February 15, 2014 on the adoption of rules to implement the new chapter, establishment of a complaint process, recommendations concerning evaluations by parties and the adoption of standards of conduct for guardians ad litem.

The amendment also adds an appropriations and allocations section.

### **Senate Amendment "A" To Committee Amendment "A" (S-343)**

This amendment removes guardians ad litem appointed under the Maine Revised Statutes, Title 22 from the provisions covering data reporting, standardized billing and other administrative requirements. It establishes January 1, 2015 as the effective date for the provisions of the bill that address the administration of guardians ad litem, the post-judgment evaluation policy and the reporting requirement. It also replaces the appropriations and allocations section to provide funding for one full-time position and one part-time position for the Judicial Department.

### **Enacted Law Summary**

Public Law 2013, chapter 406 enacts a new chapter on children's guardians ad litem. The chapter uses current requirements for guardians ad litem as a base, and includes some of the recommendations of the reports to the Supreme Judicial Court, "Recommendations for an Improved Process for Complaints Regarding Guardians Ad Litem," dated September 21, 2012, and "Recommendations for Amending the Maine Rules for Guardians Ad Litem," dated January 14, 2013, by the Guardian Ad Litem Stakeholders Group. Under the new chapter, guardians ad litem appointed under the Maine Revised Statutes, Title 18-A are subject to the general provisions and rules adopted by the Supreme Judicial Court, including the complaint process. Guardians ad litem appointed under Title 19-A and Title 22 are subject to the general provisions and the rules, as well as specific provisions for the different types of cases, although the provisions concerning the administration of guardians ad litem apply to only those appointed under Title 19-A.

The family division within the judicial branch will assist the Chief Judge of the District Court to roster guardians ad litem and in the administration of guardians ad litem appointed under Title 19-A. The family division will collect, maintain and report data about the appointment of guardians ad litem, reports, caseloads and other information, beginning January 1, 2015.

Public Law 2013, chapter 406 provides basic requirements for the rostering of guardians ad litem, although the details will be established by rules adopted by the Supreme Judicial Court. The rules must include criminal background checks.

Public Law 2013, chapter 406 establishes in statute the role of a guardian ad litem and requires compliance with standards of conduct, which will be adopted by rule by the Supreme Judicial Court.

The order of appointment must specify the duties of the guardian ad litem. A guardian ad litem has no authority to

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perform and will not be expected to perform any duties beyond those specified in the order, unless subsequently ordered to do so by the court.

The order appointing a guardian ad litem in a case under Title 18-A and Title 19-A must also specify the hourly rate or flat fee for the guardian ad litem, the timing of the payments to be made and by whom and the maximum amount of fees that may be charged for the case without further order of the court.

The Supreme Judicial Court shall provide by rule for a complaint process concerning guardians ad litem. The complaint process is in addition to the right of a party to file a motion to remove the guardian ad litem while the case is pending.

The entire chapter on children's guardians ad litem is repealed October 1, 2017.

The judicial branch is directed to include guardian ad litem elements in its request for proposals for the new case management system for the courts.

The Chief Judge of the District Court is directed to report to the Joint Standing Committee on Judiciary by February 15, 2017 on the adoption of rules to implement the new chapter, establishment of a complaint process, recommendations concerning evaluations by parties and the adoption of standards of conduct for guardians ad litem. Funding is provided for one full-time position and one part-time position for the Judicial Department beginning January 1, 2015.

### **LD 884      An Act To Improve Death Investigations**

**PUBLIC 113**

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

This bill allows the Chief Medical Examiner to appoint qualifying persons who are not physicians as medicolegal death investigators with the authority to go to death scenes and conduct investigations and inquiries into the cause, manner and circumstances of death in medical examiner cases. Medicolegal death investigators may be employees of the Office of the Chief Medical Examiner or serve on a fee-for-service basis as determined by the Chief Medical Examiner.

#### **Enacted Law Summary**

Public Law 2013, chapter 113 allows the Chief Medical Examiner to appoint qualifying persons who are not physicians as medicolegal death investigators with the authority to go to death scenes and conduct investigations and inquiries into the cause, manner and circumstances of death in medical examiner cases. Medicolegal death investigators may be employees of the Office of the Chief Medical Examiner or serve on a fee-for-service basis as determined by the Chief Medical Examiner.

### **LD 900      An Act Regarding the Disclosure of Certain Records in Criminal Matters**

**PUBLIC 201**

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

This bill allows state, county and municipal government employers to disclose otherwise confidential personnel records to prosecutors when it is necessary for the determination of whether or not a defendant has a constitutional

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right to any of the information in the records, in accordance with *Brady v. Maryland*, 373 U.S. 83 (1963) and *Giglio v. United States*, 405 U.S. 150 (1972). The bill also permits state, county and municipal employees to disclose personnel records at the request of prosecutors in support of the prosecutors' efforts to comply with their constitutional duties.

### Enacted Law Summary

Public Law 2013, chapter 201 allows state, county and municipal government employers to disclose otherwise confidential personnel records to prosecutors when it is necessary for the determination of whether or not a defendant has a constitutional right to any of the information in the records, in accordance with *Brady v. Maryland*, 373 U.S. 83 (1963) and *Giglio v. United States*, 405 U.S. 150 (1972). Chapter 201 also permits state, county and municipal employees to disclose personnel records at the request of prosecutors in support of the prosecutors' efforts to comply with their constitutional duties.

### LD 912      **An Act To Provide Another Alternative to the Civil Order of Arrest Process**      PUBLIC 150

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NELSON KATZ	OTP-AM	H-175

This bill allows a judgment creditor to request a court to issue an order for appearance as an alternative means of enforcing a debtor's failure to appear in court after having been served with a disclosure subpoena. It also authorizes a court to order the Department of Labor to provide recent employment information to a judgment creditor upon a judgment debtor's failure to appear in court in response to a disclosure subpoena or contempt subpoena.

### Committee Amendment "A" (H-175)

This amendment adds a repeal date of February 15, 2016 to the changes made in the bill. It also provides for the provisions of the current law to be effective again beginning February 15, 2016.

### Enacted Law Summary

Public Law 2013, chapter 150 allows a judgment creditor to request a court to issue an order for appearance as an alternative means of enforcing a debtor's failure to appear in court after having been served with a disclosure subpoena. It also authorizes a court to order the Department of Labor to provide recent employment information to a judgment creditor upon a judgment debtor's failure to appear in court in response to a disclosure subpoena or contempt subpoena. The changes made to the law in chapter 150 are repealed February 15, 2016.

### LD 913      **An Act To Promote Excursion Passes by Amending the Law Governing Expiration Dates on Gift Obligations and Stored-value Cards Redeemable with Multiple Sellers**      ONTP

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

This bill amends the Uniform Unclaimed Property Act to exempt gift obligations and stored-value cards that are redeemable with multiple unaffiliated sellers from the provision in the Act that prohibits expiration dates for gift obligations and stored-value cards.

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**LD 972      An Act To Educate Women on the Medical Risks Associated with  
Abortion**

**LEAVE TO  
WITHDRAW**

Sponsor(s)

AYOTTE  
JACKSON T

Committee Report

Amendments Adopted

This bill requires that in order to ensure that informed consent is obtained from a woman seeking an abortion, specific information, including the results of an ultrasound or sonogram of the fetus, must be provided both orally and in writing to a woman seeking an abortion at least 24 hours before the abortion is performed. The Department of Health and Human Services shall develop a brochure that contains required information and provide copies to physicians and make the brochure available online.

**LD 973      An Act To Make Veterans' Property Tax Exemption Applications  
Confidential**

**PUBLIC 222  
EMERGENCY**

Sponsor(s)

BRIGGS  
TUTTLE

Committee Report

OTP-AM

Amendments Adopted

H-231  
H-260 BRIGGS

This bill exempts from the freedom of access laws applications and supporting documentation filed by a person seeking an exemption from property tax provided to a veteran or the family of a deceased veteran.

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

This amendment adds a mandate preamble.

**House Amendment "A" (H-260)**

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

**Enacted Law Summary**

Public Law 2013, chapter 222 exempts from the freedom of access laws applications and supporting documentation filed by a person seeking an exemption from property tax provided to a veteran or the family of a deceased veteran. Chapter 222 was enacted with a mandate preamble.

Public Law 2013, chapter 222 was enacted as an emergency measure effective June 10, 2013.

**LD 974      An Act To Prevent Fraudulent Trademark Registration**

**ONTP**

Sponsor(s)

NEWENDYKE  
BURNS

Committee Report

ONTP

Amendments Adopted

This bill prohibits the filing of a trademark if the trademark is in use in the State by another and directs the Secretary of State to conduct a brief search on the Internet to determine if the information provided on a trademark application is correct.

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This bill also requires a person making a fraudulent registration of a trademark to pay all damages to a person injured by the registration, including court costs and attorney's fees, and directs the Attorney General to prosecute the crime as an unsworn falsification and seek all legal remedies, including equitable relief, from the court.

**LD 975      An Act To Ensure Accountability of Guardians Ad Litem and Parenting Coordinators**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This bill ensures that guardians ad litem and parenting coordinators are accountable. This bill:

1. Requires the court to impose limits on the extent of investigations to be undertaken by a guardian ad litem to prevent escalation of conflict and antagonistic conduct of the parents and to protect children from long-term exposure to traumatic processes;
2. Requires all guardians ad litem and parenting coordinators to have sufficient education and training in social work;
3. Requires the court to set expenditure limits on guardian ad litem and parenting coordinator fees and any other costs incurred in investigations or the completion of the duties of the appointment;
4. Removes the quasi-judicial immunity provided to guardians ad litem and parenting coordinators by statute; and
5. Allows a cause of action and the award of punitive damages against guardians ad litem and parenting coordinators who falsely accuse parties of abuse or neglect or who intentionally exclude from reports to the parties or the court relevant information.

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

This amendment is the minority report of the Joint Standing Committee on Judiciary. The bill removes quasi-judicial immunity established under the current law for guardians ad litem appointed under the Maine Revised Statutes, Title 18-A, Title 19-A and Title 22, and for parenting coordinators appointed under Title 19-A. This amendment provides that there is no civil liability for a guardian ad litem or parenting coordinator for good faith acts or omissions that are within the scope of the duties of the guardian ad litem or parenting coordinator, as long as there is no gross negligence. The cause of action against the guardian ad litem or parenting coordinator as proposed in the bill is retained.

This amendment was not adopted.

See LD 872, An Act to Improve the Quality of Guardian as litem service for the Children and Families of Maine.

**LD 982      An Act To Create a Gambling Offset To Enhance the Collection of Child Support**

**PUBLIC 255**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GUERIN VALENTINO	OTP-AM	H-449

## *Joint Standing Committee on Judiciary*

This bill requires that licensees that operate slot machines and table games intercept the gambling winnings of individuals with outstanding child support debt and requires that those amounts be forwarded to the Department of Health and Human Services.

### **Committee Amendment "A" (H-449)**

This amendment requires licensees that conduct pari-mutuel wagering on horse racing in this State, in addition to the licensees that operate slot machines and table games as included in the bill, to intercept the gambling winnings of individuals with outstanding child support debt and requires that those amounts be forwarded to the Department of Health and Human Services.

This amendment clarifies that, if the licensee is unable to obtain the child support obligor information from the registry owner on a real-time basis after attempting in good faith to do so, the licensee may make payment to the individual.

The bill requires the licensee to transmit the amount withheld to the Department of Health and Human Services within 24 hours. This amendment extends the time to transmit the withheld amount to within seven days.

This amendment clarifies that the information obtained by the department or the registry operator from a licensee and the information obtained by the licensee from the department or the registry operator are confidential. It provides that knowing or intentional disclosure of the information is a civil violation for which a fine not to exceed \$1,000 may be adjudged.

This amendment provides that a licensee who fails to make a good faith effort to obtain information from the registry operator or who fails to withhold and transmit the amount of the lien is liable to the department for the greater of \$500 and the amount the licensee is required to withhold and transmit to the department, together with costs, interest and reasonable attorney's fees.

The amendment also adds an appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2013, chapter 255 requires that licensees that conduct pari-mutual wagering on horse racing in this State and licensees that operate slot machines and table games intercept the gambling winnings of individuals with outstanding child support debt and requires that those amounts be forwarded to the Department of Health and Human Services.

**LD 1000      An Act To Protect Maine Consumers**

**ONTP**

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

This bill provides that it is an unfair trade practice for a contract for goods or services provided primarily to a resident individual or business to require disputes regarding the contract to be governed by the law of a jurisdiction other than this State or to require a resident individual or business to submit to the jurisdiction of another location for the resolution of disputes regarding the contract.

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**LD 1024 An Act To Enhance Enforcement of the Mandatory Reporting of Abuse and Neglect**

**PUBLIC 293**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN FREDETTE	OTP-AM	S-177

This bill requires the Department of Health and Human Services to make a report, which may include confidential child protection information, to the licensing board of a professional who appears to have violated the mandatory reporting law. The licensing board and licensee are required to keep the information confidential, and its use in a disciplinary proceeding would be governed by the existing procedures in the Maine Revised Statutes, Title 5, section 9057, subsection 6.

**Committee Amendment "A" (S-177)**

This amendment clarifies that the Department of Health and Human Services is required to share confidential records about a child protection case with the appropriate licensing board when it appears from the record or relevant circumstances that a mandated reporter failed to make a required report concerning child abuse or neglect.

**Enacted Law Summary**

Public Law 2013, chapter 293 requires the Department of Health and Human Services to make a report, which may include confidential child protection information, to the licensing board of a professional who appears from the record or relevant circumstances to have failed to make a mandated report concerning child abuse or neglect. The licensing board and licensee are required to keep the information confidential, and its use in a disciplinary proceeding are governed by the existing procedures in the Maine Revised Statutes, Title 5, section 9057, subsection 6.

**LD 1025 An Act To Amend the Law Pertaining to Staff in the Office of the Attorney General**

**VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO PRIEST	OTP-AM ONTP	S-90

This bill eliminates the requirement that salaries set by the Attorney General for the assistant attorneys general, staff attorneys and secretary to the Attorney General be approved by the Governor and that the aggregate amount of such compensation not exceed the amount appropriated or result in an increased request to future Legislatures.

**Committee Amendment "A" (S-90)**

This amendment, which is the majority report of the committee, retains the provision in current law that the aggregate amount of compensation of certain staff in the Office of the Attorney General may not exceed the amount appropriated or result in an increased request to future Legislatures.

**LD 1034 An Act To Increase Child Support Collections by Requiring the Interception of Certain Gambling Winnings**

**ONTP**

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

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This bill requires that licensees that conduct pari-mutuel wagering on horse racing in this State and licensees that operate slot machines and table games intercept the gambling winnings of individuals with outstanding child support debt and requires that those amounts be forwarded to the Department of Health and Human Services.

See LD 982.

**LD 1038     An Act To Make the State's Uniform Commercial Code Compatible  
with the Federal Electronic Fund Transfer Act**

**PUBLIC 151  
EMERGENCY**

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

In anticipation of the effective date of the amendments to federal law governing electronic fund transfers, this bill replaces the existing exemption in the State's Uniform Commercial Code governing fund transfers by making the Uniform Commercial Code applicable to the remittance transfers that are not electronic funds transfers under the federal Electronic Fund Transfer Act. The bill also specifically acknowledges that the federal statute will control in the case of any conflict between the Uniform Commercial Code and the federal Electronic Fund Transfer Act.

**Enacted Law Summary**

Public Law 2013, chapter 151 replaces the existing exemption in the State's Uniform Commercial Code governing fund transfers by making the Uniform Commercial Code applicable to the remittance transfers that are not electronic funds transfers under the federal Electronic Fund Transfer Act. The federal statute will control in the case of any conflict between the Uniform Commercial Code and the federal Electronic Fund Transfer Act.

Public Law 2013, chapter 151 was enacted as an emergency measure effective May 24, 2013.

**LD 1039     An Act To Promote Regulatory Fairness**

**ONTP**

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

This bill establishes standards for relief when state regulation takes value from an individual property owner, as well as efficient mechanisms for pursuit of such relief. To eliminate any fiscal impact from the establishment of these new standards and mechanisms, they will apply only to burdens from regulations enacted in the future.

The bill provides mechanisms designed to achieve fair results and to resolve disputes efficiently, including the ability to grant variances, which is an option consistent with general land use principles.

**LD 1040     An Act To Prohibit the Placement of Cameras and Electronic  
Surveillance Equipment on Private Property without the Written  
Permission of the Landowner**

**PUBLIC 382**

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

## *Joint Standing Committee on Judiciary*

This bill prohibits a person from placing a camera or electronic surveillance equipment that records images or data of any kind while unattended outside on the private property of another without the written consent of the landowner. A person who violates this provision commits a civil violation for which a fine of \$100 for every day that a camera or electronic surveillance equipment is in place may be adjudged.

### **Committee Amendment "B" (S-261)**

This amendment is the minority report of the Joint Standing Committee on Judiciary. This amendment provides that a camera or electronic surveillance equipment may be placed pursuant to a warrant. The amendment requires a person who places a camera or electronic surveillance equipment on the private property of another with either the landowner's permission or pursuant to a warrant to label the camera with the person's name and contact information. It allows a landowner to remove or disable a camera or electronic surveillance equipment placed without written consent or pursuant to a warrant or that is not labeled.

This amendment creates exceptions for the use of cameras to deter theft or vandalism of a motor vehicle when the motor vehicle is temporarily parked and for electronic devices that are implanted or attached to animals to identify, monitor and track them.

The bill makes a violation of the prohibition a civil violation for which a fine of \$100 for each day of the violation may be adjudged. This amendment limits the fine to \$500 for a violation.

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

This amendment is the majority report of the Joint Standing Committee on Judiciary. It allows the placement of a camera or electronic surveillance equipment on the private property of another person only if the landowner has given written consent, the placement is pursuant to a warrant or, while operating under the open fields doctrine as developed through Fourth Amendment case law, a law enforcement officer has a reasonable and articulable suspicion that a crime or a civil violation related to littering has occurred, is occurring or is about to occur. When a camera or electronic surveillance equipment is placed based on a reasonable and articulable suspicion, the law enforcement officer must document the facts giving rise to the reasonable and articulable suspicion as well as the time, date and location of the placement of the camera or electronic surveillance equipment. It requires that a person who places a camera or electronic surveillance equipment must label the camera or electronic surveillance equipment with the person's name and contact information.

The landowner may remove or disable a camera or electronic surveillance equipment that was placed without written consent, without a warrant or without a documented reasonable and articulable suspicion or that is not labeled.

This amendment creates exceptions for the use of cameras to deter theft or vandalism of motor vehicles when the motor vehicles are temporarily parked and electronic devices that are implanted or attached to animals to identify, monitor and track them.

The bill establishes a civil violation for which a fine of \$100 a day for each day of the violation may be adjudged. This amendment keeps the civil violation, but limits the total fine to not more than \$500 for a violation.

This amendment was not adopted.

### **Enacted Law Summary**

Public Law 2013, chapter 382 prohibits a person from placing a camera or electronic surveillance equipment that records images or data of any kind while unattended outside on the private property of another without the written consent of the landowner or without a warrant. A person who places a camera or electronic surveillance equipment on the private property of another with either the landowner's permission or pursuant to a warrant must label the camera with the person's name and contact information. A landowner may remove or disable a camera or electronic surveillance equipment placed without written consent or not pursuant to a warrant or that is not labeled. Cameras

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to deter theft or vandalism of a motor vehicle when the motor vehicle is temporarily parked and for electronic devices that are implanted or attached to animals to identify, monitor and track them are excepted from the prohibition. Violation of the prohibition is a civil violation for which a fine of \$500 may be adjudged.

**LD 1046      An Act To Provide Immunity for Prescribing and Dispensing Intranasal Naloxone Kits      VETO SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DORNEY	OTP-AM ONTP	H-436 S-266 VALENTINO

This bill provides immunity for health care professionals and other persons who assist a person who is experiencing or likely to experience an opiate-related drug overdose with intranasal naloxone.

**Committee Amendment "A" (H-436)**

This amendment is the majority report of the committee and replaces the bill. The amendment authorizes a health care professional to prescribe and dispense naloxone to a person at risk of experiencing an opioid-related overdose and a person who may be in a position to assist an individual during an opioid-related overdose. The amendment also authorizes a person who has received opioid overdose information to receive a prescription for and possess naloxane and administer naloxone to an individual who the person believes in good faith is experiencing an opioid-related overdose.

**Senate Amendment "A" To Committee Amendment "A" (S-266)**

This amendment removes the requirement that a health care professional who prescribes naloxone to a person provide that person opioid overdose information.

**LD 1068      An Act To Prevent the Reduction in Adoption Subsidy after an Agreement Has Been Signed by the Prospective Adoptive Parents and the Department of Health and Human Services      PUBLIC 411 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAVERS GRATWICK	OTP-AM ONTP	H-276

This bill prohibits the Department of Health and Human Services from reducing its adoption assistance payments to adoptive parents once an adoption assistance payment is agreed upon.

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

This amendment is the majority report of the Joint Standing Committee on Judiciary. It incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2013, chapter 411 prohibits the Department of Health and Human Services from reducing its adoption assistance payments to adoptive parents once an adoption assistance payment is agreed upon.

Public Law 2013, chapter 411 was enacted as an emergency measure effective July 10, 2013.

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**LD 1081 An Act To Establish Legislative Standing in Judicial Proceedings**

**ONTP**

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

This bill provides that a group of 25 or more Legislators acting in good faith have standing to intervene in any court proceeding to defend a law enacted by the Legislature if the constitutionality, legality or application of the law is at issue. The group of Legislators may request that the Attorney General represent them in the proceeding or may employ private counsel, but state funds may not be used to cover the cost of private representation.

**LD 1091 An Act To Require Nonprofit Corporations To Disclose the Salaries of Their Employees**

**ONTP**

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

The purpose of this bill is to make publicly available the salaries of employees of nonprofit corporations.

This bill provides that this salary information must be provided on a nonprofit corporation's publicly accessible website, or through other comparable means, and must be provided to any member of the public upon request.

This salary information must also be provided in the nonprofit corporation's annual report to the Secretary of State. Churches are not subject to the requirements of this bill.

**LD 1107 An Act To Provide a Uniform Process for the Use of Orders Awarding Parental Rights and Responsibilities To Dispose of a Child Protective Case**

**PUBLIC 294**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREY	OTP-AM	H-318

This bill amends the child protection law to make clear that the court has authority to completely dispose of a child protective case by entering an order awarding parental rights and responsibilities under Title 19-A, section 1653.

**Committee Amendment "A" (H-318)**

The bill requires notice to the parties that a family matters case will be opened to dispose of the child protective case through the use of an order awarding parental rights and responsibilities.

This amendment clarifies that the court must ensure that proper notice is given, but, unlike the bill, does not apply Rule 4 of the Maine Rules of Civil Procedure.

This amendment requires that the court direct the clerk to open a family matters case on behalf of the parties.

This amendment provides that the court, upon entering an order awarding parental rights and responsibilities, may dismiss the child protection action or, if the order is a provisional order awarding parental rights and responsibilities, direct that the child protection action must be dismissed upon the expiration of a period not to

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exceed six months, at which point the provisional order becomes permanent. This delay in dismissing the child protection action gives the court time to assess whether the provisional order awarding parental rights and responsibilities will meet the best interests of the child. The case will be dismissed unless good cause is shown in writing to continue the case. If the order is provisional, the court has discretion as to whether appointment of the guardian ad litem and any attorneys should be terminated before the dismissal of the child protection action.

The bill provides that when a child protection action is dismissed, the court shall terminate the appointments of the guardian ad litem and the attorneys.

### **Enacted Law Summary**

Public Law 2013, chapter 294 amends the child protection law to make clear that the court has authority to completely dispose of a child protective case by entering an order awarding parental rights and responsibilities under Title 19-A, section 1653. The court, upon entering an order awarding parental rights and responsibilities, may dismiss the child protection action or, if the order is a provisional order awarding parental rights and responsibilities, direct that the child protection action must be dismissed upon the expiration of a period not to exceed 6 months, at which point the provisional order becomes permanent. This delay in dismissing the child protection action gives the court time to assess whether the provisional order awarding parental rights and responsibilities will meet the best interests of the child. The case will be dismissed unless good cause is shown in writing to continue the case. If the order is provisional, the court has discretion as to whether appointment of the guardian ad litem and any attorneys should be terminated before the dismissal of the child protection action.

### **LD 1114     An Act To Amend the Laws Concerning Parental Rights in Child Abandonment Cases**

**PUBLIC 343**

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

This bill provides that criminal abandonment of a child does not include voluntary placement of a child with a person, agency or medical facility resulting from a coordinated effort with the Department of Health and Human Services and health care professionals to secure a placement that is in the best interests of the child.

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

This amendment replaces the bill but carries out the original intent. This amendment provides that it is an affirmative defense to a prosecution for abandonment of a child that the parent, guardian or other person legally charged with the long-term care and custody of a child under 14 years of age voluntarily placed the child with a person, agency or medical facility after communicating with the Department of Health and Human Services and health care professionals with the purpose of securing a placement that is in the best interests of the child.

### **Enacted Law Summary**

Public Law 2013, chapter 343 provides that it is an affirmative defense to a prosecution for abandonment of a child that the parent, guardian or other person legally charged with the long-term care and custody of a child under 14 years of age voluntarily placed the child with a person, agency or medical facility after communicating with the Department of Health and Human Services and health care professionals with the purpose of securing a placement that is in the best interests of the child.

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**LD 1116 An Act To Amend the Attorney's Fees Provision in Foreclosure Actions**

**ONTP**

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

This bill provides that if the mortgagee does not prevail in a foreclosure action or if the court finds the action was not brought in good faith, then the court must order the mortgagee to pay reasonable attorney's fees and court costs to the mortgagor, unless the court determines that making such an order would be unjust. If the court determines that the order would be unjust, the court must provide an explanation of that determination.

Foreclosure issues have been consolidated for consideration under LD 1389, which is carried over.

**LD 1118 An Act To Amend Public Access Laws To Improve Accountability for Public Funds by Making Public the Board Meetings of Hospitals Receiving Significant State Funding**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This bill requires that meetings of a general hospital's board of directors be 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 Federal Government in its prior fiscal year.

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

This amendment is the minority report of the Joint Standing Committee on Judiciary. It replaces the bill. This amendment requires a hospital to provide public notice and host a public meeting prior to closing its 24-hour emergency room. The notice must be published in the newspaper with the greatest daily circulation in the municipality in which the hospital is located no less than 6 months prior to the date 24-hour emergency room service will end. The hospital must notify in writing the municipal officers of the municipality in which the hospital is located no less than 6 months prior to the date 24-hour emergency room service will end. The governing body of the hospital is required to conduct a meeting in the municipality in which the hospital is located to which the public is invited to attend and speak. A majority of the governing body of the hospital must attend. The meeting must be scheduled no earlier than 30 days after the notice is provided and no later than 30 days before the 24-hour emergency room service will end.

This amendment was not adopted.

**LD 1119 An Act To Establish Superior Court as the Forum in Which Appeals of Agency Decisions Must Be Taken**

**DIED BETWEEN  
HOUSES**

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

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This bill amends the laws governing appeals of agency decisions. Currently, appeals of decisions of the Workers' Compensation Board and the Public Utilities Commission and appeals of final action by the Board of Environmental Protection or the Commissioner of Environmental Protection on applications for expedited wind energy development, general permits for tidal energy demonstration projects and general permits for offshore wind energy demonstration projects are heard by the Law Court. Under this bill, those decisions are instead subject to appeal to the Superior Court.

**Committee Amendment "A" (H-384)**

This amendment replaces the bill. It removes the exclusive jurisdiction of the Law Court over an appeal by a person aggrieved by an order or decision of the Board of Environmental Protection or Commissioner of Environmental Protection on an application for an expedited wind energy development, allowing an appeal to be made to the Superior Court. The amendment is the majority report of the committee.

This amendment was not adopted.

**LD 1136      An Act To Provide State Recognition for the Kineo Band of Maliseet Indians      ONTP**

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

This bill provides for state recognition of the Kineo Band of Maliseet Indians as a Native American tribe. Recognition does not create, extend or form the basis of any right or claim to land or real estate in the State or any right to conduct gambling activities prohibited by law. The Kineo Band of Maliseet Indians and the individual members of the band remain subject to all the laws of the State.

**LD 1193      An Act To Allow a Wrongful Death Cause of Action for the Death of an Unborn Child      ACCEPTED MAJORITY (ONTP) REPORT**

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

This bill provides for a cause of action for the wrongful death of an unborn viable fetus. The bill specifies that such an action must be brought in Probate Court. An unborn viable fetus is a fetus that has reached the 12th week of gestation or beyond.

The bill specifies that a cause of action for the wrongful death of an unborn viable fetus does not exist:

1. Against the mother;
2. Against a health care practitioner or health care provider performing an abortion permitted by law and for which required consent was given; or
3. Against a health care practitioner or health care provider if the health care practitioner or health care provider did not know of the pregnancy and, under the applicable standard of care, had no medical reason to know of the pregnancy.

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**Committee Amendment "A" (H-447)**

The bill provides for a cause of action for the wrongful death of an unborn viable fetus. It provides that, for the purposes of such an action, an unborn viable fetus is a fetus that has reached at least the 12th week of gestation. This amendment changes that threshold to at least the 24th week of gestation.

This amendment was not adopted.

**LD 1194 An Act To Protect Social Media Privacy in School and the Workplace**

**CARRIED OVER**

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

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

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 1200 An Act To Impose a Duty To Warn and Protect on Mental Health Professionals**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This bill imposes on certain mental health professionals a duty to warn and protect if a patient or client is likely to engage in physical violence that poses a serious risk of harm to self or others or that constitutes a serious threat of substantial damage to real property. The duty to warn and protect applies to physicians, psychologists, alcohol and drug counselors, social workers and counseling professionals.

**Committee Amendment "A" (H-207)**

This amendment is the minority report of the committee and adds to the bill by imposing on osteopathic physicians a duty to warn and protect if a patient is likely to engage in physical violence that poses a serious risk of harm to self or others or that constitutes a serious threat of substantial damage to real property.

This amendment was not adopted.

**LD 1204 An Act To Clarify the Appeal Process of Code Enforcement Officers and Boards of Appeal**

**PUBLIC 144**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBS	OTP-AM	H-173

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This bill seeks to address the decision in *Eliot Shores, LLC v. Town of Eliot*, 2010 ME 129, 9 A.3d 806, by allowing the board of appeals for a municipality to review a decision of a code enforcement officer for that municipality and allowing review of a board of appeal's decision by the Superior Court unless the charter or an ordinance of the municipality expressly provides that the decision of the code enforcement officer or board of appeals is only advisory.

### **Committee Amendment "A" (H-173)**

The bill strikes a provision in current law that a board of appeals may not assert jurisdiction over a matter unless the municipal charter or ordinance specifies the precise subject matter that may be appealed; the amendment retains that provision.

The bill allows a board of appeals to review a decision of a code enforcement officer unless the charter or an ordinance expressly provides that the decision is only advisory; the amendment provides that the charter or an ordinance may expressly provide that the decision may not be appealed.

The bill and amendment seek to address the decisions in *Eliot Shores, LLC v. Town of Eliot*, 2010 ME 129, 9 A.3d 806 and *Farrell v. City of Auburn*, 2010 ME 88, 3 A.3d 385.

### **Enacted Law Summary**

Public Law 2013, chapter 144 provides that absent an express provision otherwise in a charter or ordinance, a decision of a code enforcement officer under a land use ordinance is reviewable on appeal by the board of appeals and in turn by the Superior Court. Chapter 144 seeks to address the decisions in *Eliot Shores, LLC v. Town of Eliot*, 2010 ME 129, 9 A.3d 806 and *Farrell v. City of Auburn*, 2010 ME 88, 3 A.3d 385.

## **LD 1216      An Act To Amend the Freedom of Access Act**

**PUBLIC 350**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAREY THOMAS	OTP-AM	H-389

This bill amends the Freedom of Access Act to require agencies and officials to respond within five calendar days to any communication about public records. The response must include a good faith, nonbinding estimate of the cost to provide the records. When estimating the cost, the agency or official must provide details of the costs, including the statutes governing the confidentiality of any information redacted from requested records.

This bill provides that failure to provide a written denial or refusal is considered a failure to allow inspection or copying and is subject to an appeal to Superior Court.

This bill gives the court discretion to award reasonable attorney's fees and litigation expenses to the substantially prevailing plaintiff without making a finding of bad faith.

### **Committee Amendment "A" (H-389)**

This amendment requires an agency or official to acknowledge a request to inspect or copy public records within 5 working days of receiving the request. Within a reasonable time of receiving the request, the agency or official must give a good faith, nonbinding estimate of the time to comply with the request and must also provide the cost estimate as required in current law.

This amendment deletes the proposed requirement that the agency or official responding to a request explain costs and the statutes requiring redaction. It also deletes the changes to attorney's fees.

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### Enacted Law Summary

Public Law 2013, chapter 350 requires an agency or official to acknowledge a request to inspect or copy public records within five working days of receiving the request. Within a reasonable time of receiving the request, the agency or official must give a good faith, nonbinding estimate of the time to comply with the request and must also provide the cost estimate as required in current law.

Public Law 2013, chapter 350 provides that failure to provide a written denial or refusal is considered a failure to allow inspection or copying and is subject to an appeal to Superior Court.

**LD 1249      An Act To Make Statutory Changes To Address Certain Conflicting  
Requirements of the Maine Rules of Professional Conduct and the  
Federal Developmental Disabilities Assistance and Bill of Rights Act of  
2000 Regarding Maine's Protection and Advocacy Agency**

**PUBLIC 310**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRIEST VALENTINO	OTP-AM	H-332

In the 125th Legislature, the Maine Revised Statutes, Title 34-B was amended by Public Law 2011, chapter 657, Part EE to require that the Department of Health and Human Services contract with Maine's protection and advocacy agency to provide legal advocacy for all individuals with intellectual disabilities or autism receiving services from the department.

This bill conforms the laws concerning persons with intellectual disabilities or autism with the Maine Rules of Professional Conduct and the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402 by requiring that the agency maintain the confidentiality of client records and changing the role of the agency in investigating rights violations and in behavior modification and management review committees.

### **Committee Amendment "A" (H-332)**

This amendment requires Maine's protection and advocacy agency, the Disability Rights Center, to conduct its duties on a statewide basis. It clarifies that the services must be provided in geographically dispersed locations, rather than regions. It requires reporting to the Department of Health and Human Services and deletes from the complaint process complaints about practices, procedures and policies of the department and department personnel.

### Enacted Law Summary

Public Law 2013, chapter 310 conforms the laws concerning persons with intellectual disabilities or autism with the Maine Rules of Professional Conduct and the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402 by requiring that the Maine's protection and advocacy agency that provides legal advocacy for all individuals with intellectual disabilities or autism receiving services from the department maintain the confidentiality of client records and by changing the role of the agency in investigating rights violations and in behavior modification and management review committees. Maine's protection and advocacy agency, the Disability Rights Center, must conduct its duties on a statewide basis by providing services in geographically dispersed locations. Public Law 2013, chapter 310 requires reporting to the Department of Health and Human Services and deletes from the complaint process complaints about practices, procedures and policies of the department and department personnel.

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**LD 1253 An Act To Allow Tribal Members a Choice of Venue**

**ONTP**

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

This bill provides that the jurisdiction over certain tribal members in civil and criminal actions is shared concurrently by the state courts and the tribal courts of the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians. An eligible defendant may move the action from the state court to the tribal court or from the tribal court to the state court at the beginning of the action. Both parties in a civil action must agree to transfer the action from the state court to the tribal court.

This bill also provides for consistent jurisdiction in the Penobscot Tribal Court over certain actions involving members of the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians and the Penobscot Nation.

This legislation takes effect only if the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians certify their approval.

**LD 1331 An Act To Amend the Law Pertaining to Defective or Unreasonably Dangerous Implantable Medical Devices and Pharmaceuticals**

**VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	OTP-AM ONTP	S-163

This bill requires a user or consumer who has been injured by defective, unreasonably dangerous goods or products to bring a civil action within six years after the date that both that injury and its cause are known or should have been known by the exercise of reasonable diligence.

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

The bill requires a user or consumer who has been injured by defective, unreasonably dangerous goods or products to bring a civil action within six years after the date that both that injury and its cause are known or should have been known by the exercise of reasonable diligence. This amendment, which is the majority report of the committee, limits the type of civil actions subject to the six year limitation to actions against sellers of pharmaceuticals or implantable medical devices and provides definitions of those terms.

**LD 1339 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 THIBODEAU	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

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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" (H-448)**

This amendment, which is the minority report of the Joint Standing Committee on Judiciary, incorporates a fiscal note.

This amendment was not adopted.

### **LD 1377     An Act To Protect Cellular Telephone Privacy**

**PUBLIC 402**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ CAREY	OTP-AM OTP-AM	S-278 S-322    KATZ

This bill enacts provisions governing the disclosure of information regarding the content of communications conveyed using portable electronic devices such as cellular telephones. This bill prohibits a government entity from obtaining information concerning the identities of parties to a communication, the date and time of the communication or the existence, substance, purport or meaning of the communication conveyed using a cellular telephone or other electronic device without a valid warrant, except that a government entity may obtain such information with the consent of the owner or user of the electronic device. It also authorizes the Attorney General to designate a law enforcement officer to obtain such content information without a warrant in cases in which there is an imminent threat of death or serious physical injury or a threat to national security.

This bill requires a government entity to inform the owner or user of a portable electronic device that content information was obtained from that person's device within 3 days of obtaining the information, unless the court determines there is good cause to delay this notification.

This bill also requires judges involved with granting warrants to obtain content information to report their activities regarding the warrants to the Administrative Office of the Courts annually. It directs the Administrative Office of the Courts to provide a summary of those reports to the Legislature.

This bill provides that a person damaged as a result of a violation of these provisions has a cause of action in Superior Court against the provider of electronic communication service that disclosed portable electronic device content information in violation of these provisions, and, in addition to actual damages, costs and attorney's fees, the court may award statutory damages in an amount not to exceed \$5,000. The bill also provides that a person damaged as a result of a violation of these provisions has a cause of action in court against a government entity that fails to comply with these provisions, and the court may award injunctive relief. Finally, the bill authorizes the Attorney General to enforce these provisions.

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

This amendment is the majority report of the Joint Standing Committee on Judiciary. It replaces the bill.

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This amendment enacts provisions governing the disclosure of information regarding the content of communications conveyed using portable electronic devices such as cellular telephones. This amendment prohibits a government entity from obtaining content information concerning the substance, purport or meaning of the communication conveyed using a cellular telephone or other portable electronic device without a valid warrant, except that a government entity may obtain such information with the consent of the owner or user of the portable electronic device or in an emergency.

This amendment requires a government entity to inform the owner or user of a portable electronic device that content information was obtained from that person's device within 3 days of obtaining the information, unless the court determines there is good cause to waive the notification requirement.

This amendment provides that a person damaged as a result of a violation of these provisions has a cause of action in court against a government entity that fails to comply with these provisions, and the court may award injunctive relief.

### **Committee Amendment "B" (S-279)**

This amendment is the minority report of the Joint Standing Committee on Judiciary. It replaces the bill.

This amendment enacts provisions governing the disclosure of information regarding the content of communications conveyed using portable electronic devices such as cellular telephones. This amendment prohibits a government entity from obtaining content information concerning the substance, purport or meaning of the communication conveyed using a cellular telephone or other portable electronic device without a valid warrant, except that a government entity may obtain such information with the consent of the owner or user of the portable electronic device or in an emergency.

This amendment requires a government entity to inform the owner or user of a portable electronic device that content information was obtained from that person's device within 10 days of obtaining the information, unless the court determines there is good cause to delay this notification. The delay may be for a period of up to 90 days. The government entity may request subsequent delays for up to one additional year. The government entity may also request that the court order the provider of an electronic communication service that is subject to the warrant not to notify any person about the existence of the warrant for the same time periods.

This amendment provides that, except as proof of a violation of the new provisions, evidence obtained in violation of the provisions is not admissible in a criminal, civil, administrative or other proceeding. Content information may be received in evidence or otherwise disclosed in a proceeding only if each party has been furnished with a copy of the warrant and accompanying application under which the content information was obtained at least 10 days before the proceeding, unless the 10-day requirement is waived by the court.

This amendment provides that a person damaged as a result of a violation of these provisions has a cause of action in Superior Court against the provider of an electronic communication service that disclosed portable electronic device content information in violation of these provisions, and, in addition to actual damages, costs and attorney's fees, the court may award statutory damages in an amount not to exceed \$5,000. There is no liability if the action taken was in response to a warrant or with the affirmative consent of the apparent owner or user of the portable electronic device. The amendment also provides that a person damaged as a result of a violation of these provisions has a cause of action in court against a government entity that fails to comply with these provisions, and the court may award injunctive relief. Finally, the bill authorizes the Attorney General to enforce these provisions.

The amendment also adds an appropriations and allocations section.

This amendment was not adopted.

### **Senate Amendment "A" To Committee Amendment "A" (S-322)**

## Joint Standing Committee on Judiciary

This amendment clarifies the language concerning access to portable electronic communication device content. The amendment provides that a warrant is required when a government entity seeks portable electronic device content information directly from the provider of the portable electronic communication service.

This amendment also provides that the consent of the owner or user is not required if the content information is disclosed in a publicly accessible domain.

### Enacted Law Summary

Public Law 2013, chapter 402 prohibits a government entity from obtaining content information concerning the substance, purport or meaning of the communication conveyed using a cellular telephone or other portable electronic device directly from the provider of the portable electronic communication service without a valid warrant, except that a government entity may obtain such information with the consent of the owner or user of the portable electronic device or in an emergency. Consent of the owner or user is not required if the content information is disclosed in a publicly accessible domain.

A government entity must inform the owner or user of a portable electronic device that content information was obtained from that person's device within three days of obtaining the information, unless the court determines there is good cause to waive the notification requirement.

A person damaged as a result of a violation of these provisions has a cause of action in court against a government entity that fails to comply with these provisions, and the court may award injunctive relief.

**LD 1384 An Act To Amend Article 9-A of the Uniform Commercial Code**

**PUBLIC 317  
EMERGENCY**

Sponsor(s)

FREY

Committee Report

OTP-AM

Amendments Adopted

H-333

This bill enacts the 2010 amendments to the Uniform Commercial Code, Article 9-A, which were adopted by the National Conference of Commissioners on Uniform State Laws. The changes take effect July 1, 2013.

This bill includes in the Maine Revised Statutes, Title 11, section 9-1503 Alternative B, as proposed by the National Conference of Commissioners on Uniform State Laws, concerning acceptable names of individual debtors as part of financing statements. Maine issues driver's licenses and non-driver identification cards, and those are specifically referenced as acceptable sources of a debtor's name to be included in a financing statement.

The bill modifies the National Conference of Commissioners on Uniform State Laws proposal with regard to written financing statements and amendments by providing that a filing office may not reject filings that are made on forms approved by the International Association of Commercial Administrators or a successor organization or approved by the Secretary of State by rule.

### Committee Amendment "A" (H-333)

This amendment changes the standard for filing the debtor name in a secured transaction when the debtor is an individual. The National Conference of Commissioners on Uniform State Laws provided two alternatives from which state legislatures were to choose when adopting the 2010 Amendments to Revised Article 9 of the Uniform Commercial Code. The bill was printed with Alternative B. This amendment instead adopts Alternative A, which provides that if the debtor is an individual to whom this State has issued a driver's license or a non-driver identification card and it has not expired, then the correct debtor name for the financing statement is the name on the driver's license or nondriver identification card. This change is made in the Maine Revised Statutes, Title 11, section 9-1503. A corresponding change is added in Title 11, section 9-1502.

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This amendment corrects a reference to a personal representative.

This amendment corrects a clerical error in describing the Secretary of State's responsibility as the filing office to accept a written amendment or information statement in the form or format approved by the International Association of Commercial Administrators or adopted by rule by the Secretary of State.

**Enacted Law Summary**

Public Law 2013, chapter 317 enacts the 2010 amendments to the Uniform Commercial Code, Article 9-A, which were adopted by the National Conference of Commissioners on Uniform State Laws. The changes take effect July 1, 2013.

The changes include Alternative A, as proposed by the National Conference of Commissioners on Uniform State Laws, which provides that if the debtor is an individual to whom this State has issued a driver's license or a non-driver identification card and it has not expired, then the correct debtor name for the financing statement is the name on the driver's license or nondriver identification card.

Public Law 2013, chapter 317 modifies the National Conference of Commissioners on Uniform State Laws proposal with regard to written financing statements and amendments by providing that a filing office may not reject filings that are made on forms approved by the International Association of Commercial Administrators or a successor organization or approved by the Secretary of State by rule.

Public Law 2013, chapter 317 was adopted as an emergency measure effective July 1, 2013.

**LD 1389 An Act To Expedite the Foreclosure Process**

**CARRIED OVER**

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

This bill:

1. Allows an employee of a financial institution or credit union who is not an attorney to appear for that institution in connection with a foreclosure action; and
2. Clarifies the standards for foreclosure mediation and allows for an expedited foreclosure of abandoned property.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 1400 Resolve, Directing the Attorney General To Report on the Status of Discussions on Domestic Violence on Tribal Lands**

**RESOLVE 51  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SOCTOMAH BURNS	OTP-AM	H-275

This resolve directs the Attorney General to consult with federally recognized tribes in the State that have tribal domestic violence programs to establish procedures and coordinate with the State concerning the newly enacted

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tribal provisions of the federal Violence Against Women Act of 1994 and to provide services to victims of domestic violence. The Attorney General is required to report to the Joint Standing Committee on Judiciary by January 1, 2014.

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

This amendment replaces the resolve and directs the Attorney General to report on discussions among representatives of the governments of the four federally recognized tribes in the State, domestic violence advocates and the State concerning the social, economic and legal issues involved in domestic violence on tribal lands and coordination of tribal and state efforts to address domestic violence.

### **Enacted Law Summary**

Resolve 2013, chapter 51 directs the Attorney General to report on discussions among representatives of the governments of the four federally recognized tribes in the State, domestic violence advocates and the State concerning the social, economic and legal issues involved in domestic violence on tribal lands and coordination of tribal and state efforts to address domestic violence.

Resolve 2013, chapter 51 was finally passed as an emergency measure effective June 11, 2013.

<b>LD 1401</b>	<b>An Act To Amend the Laws Governing the Issuance of and Access to Birth Certificates and Certain Medical Information</b>	<b>ONTP</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KENT GERZOFSKY	ONTP	

This bill:

1. Eliminates the current restriction that an adoptee be at least 18 years of age for the court to release medical or genetic information contained in court records relating to the adoption; and
2. Repeals the provisions of law that require that an original birth record of an adoptee be sealed and that a new certificate of birth be created.

<b>LD 1424</b>	<b>An Act To Increase Mileage Reimbursement and Compensation for Jurors</b>	<b>CARRIED OVER</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROOKS ALFOND	OTP-AM	

This bill changes the mileage rate paid to jurors and witnesses from 15¢ per mile and 22¢ per mile, respectively, to the rate paid by the State for travel by employees of the State for the business of the State, which is currently 44¢ per mile. This bill also increases the daily rate paid to jurors and witnesses from \$10 to \$20.

### **Committee Amendment "A" (H-232)**

This amendment strikes out the provisions of the bill that increase the compensation and mileage rates for court witnesses. The amendment also adds an appropriations and allocations section to the bill.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and

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H-C (H-582).

**LD 1428 An Act To Protect Religious Freedom**

**CARRIED OVER**

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

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

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 1445 An Act To Facilitate Children's Testimony**

**CARRIED OVER**

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

This bill allows a court, by motion from the State, to allow the testimony of a child who is 10 years of age or younger and the alleged victim of a sexual assault or sexual exploitation outside of the presence of the defendant if the court finds by clear and convincing evidence that the protection of the judicial process or the well-being of the child outweighs the constitutional rights of the defendant to confront the defendant's accuser. This bill requires that testimony by a child victim outside the presence of the defendant must be televised by live, two-way closed-circuit television with adequate provisions including that the court, jury and defendant can hear and observe the child. This bill does not allow testimony of a child outside of the presence of the defendant if the defendant is an attorney pro se or if a positive identification of the defendant by the child is required.

**Committee Amendment "A" (H-385)**

This amendment is the majority report of the Joint Standing Committee on Judiciary. It removes from the bill the provision providing that the court, before allowing special procedures for a child's testimony, must find that the constitutional rights of the defendant are outweighed. The amendment also adds an appropriations and allocations section.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 1450 An Act To Connect the Citizens of the State to the State's Natural Resources by Establishing Standards for Relief from Regulatory Burdens**

**ACCEPTED MAJORITY (ONTP) REPORT**

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

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This bill establishes 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-280)**

This amendment is the minority report of the Joint Standing Committee on Judiciary. It deletes from the bill the chapter on regulatory fairness review and removes provisions related to that chapter.

This amendment was not adopted.

### **LD 1469     An Act To Ensure Ethical Standards for Court Reporters**

**PUBLIC 298**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL BERRY	OTP-AM	S-176

This bill establishes ethical standards and requirements for the provision of court reporting services, including prohibitions against providers of court reporting services:

1. Providing services if the court reporter is a party to or has a financial interest in the proceeding;
2. Entering into contracts for more than one case, action or legal proceeding with an attorney, party to an action, insurance company, third-party administrator or any other person or entity that has a financial interest in the case, action or legal proceeding; and
3. Providing additional advocacy or litigation support services, including, but not limited to, trial preparation assistance, deposition summaries and nonpublished transcript databases.

### **Committee Amendment "A" (S-176)**

This amendment:

1. Clarifies that the legislation does not apply to the Judicial Branch;
2. Allows contracts for more than one case;
3. Deletes restrictions on preferred provider lists;
4. Provides that only a party may file a motion in a pending action;
5. Clarifies that this legislation does not limit authority of courts;
6. Eliminates the requirement of periodic reports; and
7. Eliminates the private cause of action.

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**Enacted Law Summary**

Public Law 2013, chapter 298 establishes ethical standards and requirements for the provision of court reporting services, including prohibitions against providers of court reporting services for specific activities including: providing services if the court reporter is a party to or has a financial interest in the proceeding; entering into contracts with an attorney, party to an action, insurance company, third-party administrator or any other person or entity that has a financial interest in the case, action or legal proceeding other than a contract to provide court reporting, litigation and trial support services; and entering into contracts that allow an attorney, party to an action, insurance company, third-party administrator or any other person or entity to interfere with a court reporter's right to deal directly with all parties. Only a party may file a motion alleging a violation of the restrictions in a pending action.

**LD 1475 An Act To Improve Citizen Access to Legal Representation**

**ONTP**

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

This bill allows an attorney who practices law in a jurisdiction other than this State to be admitted to the general practice of law in this State without complying with the qualifications for admission to practice law specified in the Maine Revised Statutes, Title 4, section 805-A.

This bill provides that an attorney from another jurisdiction admitted to the general practice of law in this State who has not met the qualifications for admission to practice law specified in Title 4, section 805-A must disclose in writing to a client in this State represented by that attorney that the attorney has not met these qualifications for admission and must obtain from that client written consent to the representation.

**LD 1511 An Act Regarding Coordinated Access to Public Records of State Agencies**

**PUBLIC 229**

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

This bill directs the Public Access Ombudsman within the Department of the Attorney General to coordinate state agency compliance with the Freedom of Access Act. It directs the Department of the Attorney General to review the feasibility of developing a centralized system that includes a single website address and a single e-mail address for the public to use to make requests for public records of all state agencies. The report must be submitted to the Joint Standing Committee on Judiciary by January 5, 2014 and the committee is authorized to report out a bill relating to the subject matter of the report.

**Enacted Law Summary**

Public Law 2013, chapter 229 directs the Public Access Ombudsman within the Department of the Attorney General to coordinate state agency compliance with the Freedom of Access Act. It directs the Department of the Attorney General to review the feasibility of developing a centralized system that includes a single website address and a single e-mail address for the public to use to make requests for public records of all state agencies. The report must be submitted to the Joint Standing Committee on Judiciary by January 5, 2014 and the committee is authorized to report out a bill relating to the subject matter of the report.

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**LD 1523    An Act To Strengthen the Laws Governing Mandatory Reporting of Child Abuse or Neglect**

**PUBLIC 268**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY	OTP-AM	H-388

This bill adds specific categories of injury for which mandatory reporting of child abuse or neglect is required for children who are under six months of age or otherwise nonambulatory. The bill makes any failure to report by a mandated reporter a Class E crime. The bill requires a person in the professional categories required to report suspected child abuse or neglect to have completed mandated reporter training within the previous five years before a professional license or certification may be issued or renewed. The bill also permits the Commissioner of Health and Human Services to revoke the license of a youth camp if an officer or agent of the camp fails to make a required report.

**Committee Amendment "A" (H-388)**

This amendment removes from the bill the training requirement for mandated reporters. It removes "failure to thrive" from the list of required reportable circumstances. It removes the provision that makes failure to report a Class E crime and the provision that permits the Commissioner of Health and Human Services to revoke a youth camp license for failure to report suspected child abuse or neglect.

**Enacted Law Summary**

Public Law 2013, chapter 268 adds specific categories of injury for which mandatory reporting of child abuse or neglect is required for children who are under six months of age or otherwise non-ambulatory.

**LD 1536    An Act To Correct Errors and Inconsistencies in the Laws of Maine**

**PUBLIC 424  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-566
		H-576    PRIEST
		H-569    PRIEST
		H-570    PRIEST
		H-571    PRIEST
		H-572    PRIEST
		H-573    PRIEST
		H-574    PRIEST
		H-577    PRIEST
		H-578    PRIEST
		S-369    VALENTINO

PART A corrects technical errors and omissions throughout the laws of Maine.

Part B, Part C and Part D correct conflicts, cross-references and other technical errors related to the reorganization of the Departments of Agriculture and Conservation.

**Committee Amendment "A" (H-566)**

This amendment strikes out 15 sections from Part A of the bill. This amendment strikes Parts B, C and D from the bill because the corrections are correctly addressed in Legislative Document 837, "An Act To Clarify the Laws

## *Joint Standing Committee on Judiciary*

Establishing the Department of Agriculture, Conservation and Forestry," of this Legislature. This amendment adds new Parts B and C as follows.

Part B of the amendment does the following.

Section 1 removes a comma to reflect the intent of the provision of law concerning cost-of-living adjustments to retirement benefits.

Section 2 repeals a provision of law that states that consumer cooperative associations are subject to Title 32, chapter 13, which was repealed in 1985. Title 32, chapter 135, the successor to chapter 13, exempts securities issued by associations such as consumer cooperatives.

Section 3 amends Title 15, section 103, 2nd paragraph to provide consistency with changes made in Public Law 2011, chapter 542, which implemented the recommendations of the Department of Health and Human Services and the Maine Developmental Disabilities Council regarding respectful language developed pursuant to Public Law 2011, chapter 186, Part B.

Section 4 amends the Maine Juvenile Code to correct a cross-reference concerning the decision whether to release or further detain a juvenile arrested for a crime under Title 12 or Title 29-A.

Section 5 corrects a conflict created by Initiated Bill 2011, chapter 1, section 3 and Public Law 2011, chapter 511, section 1, which affected the same provision of law, by incorporating the changes made by both laws concerning applications for recording notice of intention of marriage.

Sections 6 and 7 correct cross-references to the Uniform Child Custody Jurisdiction and Enforcement Act. Public Law 1999, chapter 486 repealed the Uniform Child Custody Jurisdiction Act and replaced it with the Uniform Child Custody Jurisdiction and Enforcement Act.

Section 8 amends the protection from abuse statutes concerning batterers' intervention programs. Resolve 2013, chapter 3 provides for immediate changes to the rules governing batterers' intervention programs in response to a court decision that identified an unconstitutional regulatory scheme. The rules are designated as major substantive rules in Title 19-A, section 4014, subsection 1. Resolve 2013, chapter 3 provided that, notwithstanding Title 19-A, section 4014, subsection 1, all rules or amendments to rules on the subject of the certification of batterers' intervention programs are considered routine technical rules. Section 8 amends Title 19-A, section 4014, subsection 1 to be consistent with Resolve 2013, chapter 3.

Section 9 replaces Part A, section 15 of the bill. It clarifies that elements of the record of the certificate of need application process include the actuarial analysis undertaken by the Superintendent of Insurance when the analysis is required by the Commissioner of Health and Human Services.

Section 10 corrects a conflict created by Public Law 2011, chapters 542 and 655, which affected the same provision of law, by incorporating the changes made by both laws concerning growth management programs and capital investments.

Section 11 corrects a clerical error in Title 32, section 4693, subsection 2, which provides 2 options for the notice that must be included in the disclosure statement that is required to be made to a consumer purchasing a business opportunity in this State. The first option applies when the seller has secured a surety bond from a surety company, and the 2nd option applies when the seller has established an escrow account at a licensed bank or savings institute. The current law regarding the 2nd option erroneously contains a reference to a surety company. This section corrects that reference so that it refers to a licensed bank or savings institute.

Section 12 corrects a statutory reference to the definition of "public member" in the law governing the State Board

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of Social Worker Licensure.

Section 13 corrects a conflict created by Public Law 2011, chapters 515 and 662, which amended Title 34-A, section 1216, subsection 1 in 2 different ways by incorporating the changes made by both public laws concerning limited disclosure of records of persons receiving services from the Department of Corrections.

Section 14 corrects a conflict created by Public Law 2011, chapters 637 and 655, which affected the same provision of law, by incorporating the changes made by both laws concerning the membership of the Efficiency Maine Trust Board.

Part C of the amendment does the following.

Section 1 amends Resolve 2013, chapter 22 to delete the required membership of a specific private corporation in a working group on applied learning opportunities in elementary schools and middle schools.

Section 2 provides authority for the Secretary of State to accept a filing to change the assumed name of a limited liability company without fee if the limited liability company had filed a statement between July 1, 2011 and May 3, 2013 for use of an assumed name containing certain required terms or abbreviations. A fee will not be charged if the new assumed name is the same as filed but without the required term or abbreviation. The new filing for change of name must be made on or before October 1, 2013 to avoid the fee.

### **House Amendment "G" To Committee Amendment "A" (H-576)**

This amendment corrects a reference in the list of divisions and programs within the Department of Agriculture, Conservation and Forestry, Bureau of Resource Information and Land Use Planning to the Land for Maine's Future Program.

### **House Amendment "A" To Committee Amendment "A" (H-569)**

This amendment corrects a numbering problem created by Public Law 2013, chapters 246 and 311, which enacted 2 substantially different sections of law using the same section number. Section 1 repeals the version of Title 10, section 8010 enacted by chapter 311 and section 2 enacts the language as Title 10, section 8011, but without a sentence that was inadvertently not deleted from Legislative Document 1137, "An Act To Facilitate Veterans' and Their Spouses' Access to Employment, Education and Training," by the committee amendment to that legislative document.

### **House Amendment "B" To Committee Amendment "A" (H-570)**

This amendment amends changes made by Public Law 2013, chapter 256 concerning appointments to the Maine Land Use Planning Commission.

Section 1 clarifies the law to reflect the Joint Standing Committee on Agriculture, Conservation and Forestry's intent that the terms of the members of the commission appointed and confirmed under the existing appointment process would not be affected by the provisions of the new law that prohibit a county commissioner from serving simultaneously as a member of the commission.

Public Law 2013, chapter 256, section 17 establishes a system of staggered terms for commission members. Appointments have been made under the current law, which provides for 4-year terms, setting up an inconsistency with the proposed staggered terms. Section 2 repeals Public Law 2013, chapter 256, section 17, eliminating the inconsistency between the staggered terms language in that section and the length of terms that are currently in place for appointees to the commission who have been or are likely to be confirmed for appointment to the board this calendar year.

### **House Amendment "C" To Committee Amendment "A" (H-571)**

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This amendment deletes a provision of Committee Amendment "A" striking a section of the bill correcting a conflict. The committee amendment struck the section because the conflict was being corrected by another bill; however, the other bill was vetoed and the veto was sustained.

### **House Amendment "D" To Committee Amendment "A" (H-572)**

This amendment adds a section that changes a reference to a chapter to a reference to a subchapter to correct an apparent clerical error concerning membership camping.

### **House Amendment "E" To Committee Amendment "A" (H-573)**

This amendment repeals a word in the law on medical use of marijuana that was erroneously included in the enacted law. The amendment deletes the word "medical" from the phrase "emergency medical services personnel" to achieve the intended result of access to legitimate marijuana cultivation sites for all emergency services personnel.

### **House Amendment "F" To Committee Amendment "A" (H-574)**

This amendment establishes an effective date of July 1, 2013 for Public Law 2013, chapter 368, Pt. EE, which increases assessments for the Victims' Compensation Fund.

### **House Amendment "H" To Committee Amendment "A" (H-577)**

This amendment corrects a reporting date for the Education Coordinating Committee in Public Law 2013, chapter 368. The amendment requires the Education Coordinating Committee to report to the Joint Select Committee on Maine's Workforce and Economic Future the findings and recommendations of its study of adult remedial education by December 16, 2013.

### **House Amendment "I" To Committee Amendment "A" (H-578)**

This amendment corrects a conflict created when Public Law 2013, chapters 337 and 356 amended the law concerning the review of requests for students to transfer from one school administrative district to another.

The amendment repeals and replaces the Maine Revised Statutes, Title 20-A, section 5205, subsection 6, paragraph B with the version included in Public Law 2013, chapter 337. The change made in chapter 356 was a grammatical correction that is no longer needed.

### **Senate Amendment "A" (S-369)**

This amendment clarifies that the Act takes effect when approved, except as otherwise indicated.

### **Enacted Law Summary**

Public Law 2013, chapter 424, Part A corrects technical errors and inconsistencies throughout the Laws of Maine.

Part B and Part C, added by Committee Amendment "A," correct additional errors and inconsistencies, some of which are substantive.

Part D, added by House Amendment "A" to Committee Amendment "A," corrects a numbering problem created by Public Law 2013, chapters 246 and 311, which enacted 2 substantially different sections of law using the same section number. Section D-1 repeals the version of Title 10, section 8010 enacted by chapter 311 and section D-2 enacts the language as Title 10, section 8011, but without a sentence that was inadvertently not deleted from Legislative Document 1137, "An Act To Facilitate Veterans' and Their Spouses' Access to Employment, Education and Training," by the committee amendment to that legislative document.

Part E, added by House Amendment "B" to Committee Amendment "A," amends changes made by Public Law 2013, chapter 256 concerning appointments to the Maine Land Use Planning Commission.

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Part F, added by House Amendment "D" to Committee Amendment "A," adds a section that changes a reference to a chapter to a reference to a subchapter to correct an apparent clerical error concerning membership camping.

Part G, added by House Amendment "E" to Committee Amendment "A," repeals a word in the law on medical use of marijuana that was erroneously included in the enacted law. Section G-1 deletes the word "medical" from the phrase "emergency medical services personnel" to achieve the intended result of access to legitimate marijuana cultivation sites for all emergency services personnel.

Part H, added by House Amendment "F" to Committee Amendment "A," establishes an effective date of July 1, 2013 for Public Law 2013, chapter 368, Pt. EE, which increases assessments for the Victims' Compensation Fund.

Part I, added by House Amendment "H" to Committee Amendment "A," corrects a reporting date for the Education Coordinating Committee in Public Law 2013, chapter 368.

Part J, added by House Amendment "I" to Committee Amendment "A," corrects a conflict created when Public Law 2013, chapters 337 and 356 amended the law concerning the review of requests for students to transfer from one school administrative district to another.

Part K, added by House Amendment "G" to Committee Amendment "A," corrects a reference in the list of divisions and programs within the Department of Agriculture, Conservation and Forestry, Bureau of Resource Information and Land Use Planning to the Land for Maine's Future Program.

Public Law 2013, chapter 424, was enacted as an emergency measure effective July 16, 2013.

**LD 1564      Resolve, Approving the 2013 Draft and Arrangement of the  
Constitution of Maine Made by the Chief Justice of the Supreme  
Judicial Court and Providing for Its Publication and Distribution**

**RESOLVE 75  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

This resolve was acted upon without reference to committee.

Passage of this resolve by the Legislature constitutes approval of the Constitution of Maine as arranged by the Chief Justice of the Supreme Judicial Court pursuant to the Constitution of Maine, Article X, Section 6. The text of the Constitution of Maine as recodified by the Chief Justice is appended to the resolve as Appendix "A."

### **Enacted Law Summary**

Resolve 2013, chapter 75 provides the Legislature's approval of the 2013 draft and arrangement of the Constitution of Maine by the Chief Justice of the Supreme Judicial Court pursuant to the Constitution of Maine, Article X, Section 6.

Resolve 2013, chapter 75 was finally passed as an emergency measure effective June 18, 2013 and deposited in the Office of the Secretary of State pursuant to the Constitution of Maine, Article X, Section 6. (Governor's signature not required.)

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## SUBJECT INDEX

### *Abortion Issues*

#### Not Enacted

LD 463	An Act To Prohibit the Sale and Purchase of Human Fetal Tissue	LEAVE TO WITHDRAW
LD 760	An Act Regarding Informed Consent to an Abortion	MAJORITY (ONTP) REPORT
LD 972	An Act To Educate Women on the Medical Risks Associated with Abortion	LEAVE TO WITHDRAW
LD 1193	An Act To Allow a Wrongful Death Cause of Action for the Death of an Unborn Child	MAJORITY (ONTP) REPORT
LD 1339	An Act To Strengthen the Consent Laws for Abortions Performed on Minors and Incapacitated Persons	MAJORITY (ONTP) REPORT

### *Adoption*

#### Enacted

LD 147	An Act Regarding Adoption	PUBLIC 137
LD 1068	An Act To Prevent the Reduction in Adoption Subsidy after an Agreement Has Been Signed by the Prospective Adoptive Parents and the Department of Health and Human Services	PUBLIC 411 EMERGENCY

#### Not Enacted

LD 376	An Act To Amend the Laws Concerning the Adoption of Siblings	ONTP
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### *Attorney General*

#### Enacted

LD 884	An Act To Improve Death Investigations	PUBLIC 113
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#### Not Enacted

LD 1025	An Act To Amend the Law Pertaining to Staff in the Office of the Attorney General	VETO SUSTAINED
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### *Business & Nonprofit Organizations*

#### Enacted

LD 46	An Act To Protect Maine Business Names	PUBLIC 99
LD 208	An Act To Amend the Charter of St. Mark's Home for Women in Augusta	P & S 6
LD 503	An Act To Amend the Limited Liability Company Laws	PUBLIC 58 EMERGENCY

## *Business & Nonprofit Organizations*

### Enacted

LD 849 An Act To Validate Certain Real Estate Transactions Entered into by a Corporation while Its Charter Was Suspended P & S 7

### Not Enacted

LD 974 An Act To Prevent Fraudulent Trademark Registration ONTP

## *Child Protection*

### Enacted

LD 1024 An Act To Enhance Enforcement of the Mandatory Reporting of Abuse and Neglect PUBLIC 293

LD 1107 An Act To Provide a Uniform Process for the Use of Orders Awarding Parental Rights and Responsibilities To Dispose of a Child Protective Case PUBLIC 294

LD 1114 An Act To Amend the Laws Concerning Parental Rights in Child Abandonment Cases PUBLIC 343

LD 1523 An Act To Strengthen the Laws Governing Mandatory Reporting of Child Abuse or Neglect PUBLIC 268

## *Commercial Code*

### Enacted

LD 1038 An Act To Make the State's Uniform Commercial Code Compatible with the Federal Electronic Fund Transfer Act PUBLIC 151  
EMERGENCY

LD 1384 An Act To Amend Article 9-A of the Uniform Commercial Code PUBLIC 317  
EMERGENCY

## *Constitutional Issues*

### Enacted

LD 415 An Act To Require a Warrant To Obtain the Location Information of a Cell Phone or Other Electronic Device PUBLIC 409

LD 1040 An Act To Prohibit the Placement of Cameras and Electronic Surveillance Equipment on Private Property without the Written Permission of the Landowner PUBLIC 382

LD 1377 An Act To Protect Cellular Telephone Privacy PUBLIC 402

### Not Enacted

LD 236 An Act To Protect the Privacy of Citizens from Domestic Unmanned Aerial Vehicle Use VETO  
SUSTAINED

LD 680 An Act To Nullify the Federal Patient Protection and Affordable Care Act of 2010 MAJORITY  
(ONTP) REPORT

## *Courts and Court Procedure*

### Enacted

LD 206 An Act To Protect Title to Real and Personal Property of Public Employees and Public Officials PUBLIC 160  
EMERGENCY

LD 581 An Act To Amend the Laws Governing Service of Process in Eviction Actions PUBLIC 135

LD 912 An Act To Provide Another Alternative to the Civil Order of Arrest Process PUBLIC 150

LD 1204 An Act To Clarify the Appeal Process of Code Enforcement Officers and Boards of Appeal PUBLIC 144

### Not Enacted

### *Courts and Court Procedure*

#### Not Enacted

LD 352	An Act To Prohibit Prisoners from Filing Protection from Harassment Complaints against Corrections Personnel	ONTP
LD 458	An Act Regarding Comparative Negligence	MAJORITY (ONTP) REPORT
LD 512	An Act To Allow Licensed Foresters To Use Mechanics Liens	MAJORITY (ONTP) REPORT
LD 864	An Act Regarding Service of Small Claims Notices	CARRIED OVER
LD 1081	An Act To Establish Legislative Standing in Judicial Proceedings	ONTP
LD 1119	An Act To Establish Superior Court as the Forum in Which Appeals of Agency Decisions Must Be Taken	DIED BETWEEN HOUSES
LD 1445	An Act To Facilitate Children's Testimony	CARRIED OVER

### *Courts, Jury Duty*

#### Enacted

LD 310	An Act To Exempt Persons 80 Years of Age and Older from Jury Duty at Their Discretion	PUBLIC 74
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#### Not Enacted

LD 1424	An Act To Increase Mileage Reimbursement and Compensation for Jurors	CARRIED OVER
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### *Courts, Justices and Judges*

#### Enacted

LD 852	An Act To Amend Certain Provisions of Law Affecting the Judicial Branch	PUBLIC 159
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#### Not Enacted

LD 550	An Act To Require Probate Judges, Registers of Probate and Registers of Deeds To Be Appointed	ONTP
LD 552	An Act To Expedite Court Proceedings by Providing Funds for Additional District Court Personnel	MAJORITY (ONTP) REPORT
LD 725	An Act To Implement the Recommendations of the Judicial Compensation Commission	CARRIED OVER

### *Criminal Law and Procedure*

#### Enacted

LD 900	An Act Regarding the Disclosure of Certain Records in Criminal Matters	PUBLIC 201
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#### Not Enacted

LD 549	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	CARRIED OVER
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### *Domestic Violence/Protection from Abuse*

#### Enacted

LD 687	An Act To Amend the Law Concerning Protection from Abuse Orders To Include Pets	PUBLIC 109
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## *Domestic Violence/Protection from Abuse*

### Not Enacted

LD 869      An Act To Relax Divorce Requirements for Victims of Domestic Violence      ONTP

## *Family Law, General*

### Enacted

LD 419      Resolve, Directing the Family Law Advisory Commission To Study and Report on the Uniform Parentage Act and Other Similar Laws and Proposals      RESOLVE 12

LD 548      An Act To Amend the Laws Governing the Award of Spousal Support in Divorce Actions      PUBLIC 327

### Not Enacted

LD 47      An Act To Retain the Position of Parent Coordinator in the Judicial Branch      MAJORITY (ONTP) REPORT

LD 207      An Act Regarding the Factors Considered in Determining the Best Interest of a Child in a Court Award of Parental Rights and Responsibilities      ONTP

LD 209      An Act To Strengthen the Rights of Grandparents under the Grandparents Visitation Act      MAJORITY (ONTP) REPORT

LD 375      Resolve, To Establish the Study Committee on Alternative Methods of Enforcement of Spousal Support      INDEF PP

LD 425      An Act To Change the Membership of the Family Law Advisory Commission      ONTP

LD 726      An Act To Adopt the Uniform Parentage Act      ONTP

LD 871      An Act To Protect Victims of Domestic Violence by Waiving Their Filing Fees in Divorce Actions      ONTP

## *Family Law, Child Support*

### Enacted

LD 982      An Act To Create a Gambling Offset To Enhance the Collection of Child Support      PUBLIC 255

### Not Enacted

LD 733      An Act To Improve the Child Support Collection Process      ONTP

LD 1034      An Act To Increase Child Support Collections by Requiring the Interception of Certain Gambling Winnings      ONTP

## *Family Law, Guardians ad litem*

### Enacted

LD 872      An Act To Improve the Quality of Guardian ad Litem Services for the Children and Families of Maine      PUBLIC 406

### Not Enacted

LD 522      An Act To Amend the Guardian Ad Litem Laws      ONTP

LD 551      An Act To Establish Certification Standards for Guardians Ad Litem      ONTP

LD 975      An Act To Ensure Accountability of Guardians Ad Litem and Parenting Coordinators      MAJORITY (ONTP) REPORT

## *Foreclosure*

## Foreclosure

### Not Enacted

LD 125	An Act To Preserve Lender Equity in the Foreclosure Process	ONTP
LD 392	An Act To Protect Homeowners and Reduce Foreclosure Fraud	ONTP
LD 450	An Act To Permit Real Estate Agents To Assist Property Owners in Obtaining Relief in the Mortgage Foreclosure Process	LEAVE TO WITHDRAW
LD 612	An Act To Protect Owners of Property in Foreclosure from Accumulation of Debts When Mortgagees Refuse To Complete the Foreclosure Process	ONTP
LD 784	An Act To Impose Penalties for Residential Mortgage Loan Fraud and False Representation Concerning Title	ONTP
LD 807	An Act To Provide Protection to a Condominium Association When a Condominium Is Foreclosed On	ONTP
LD 851	An Act To Allow the Return of Excess Funds by a Municipality That Forecloses on Real Estate	VETO SUSTAINED
LD 1116	An Act To Amend the Attorney's Fees Provision in Foreclosure Actions	ONTP
LD 1389	An Act To Expedite the Foreclosure Process	CARRIED OVER

## Freedom of Access/Confidentiality/Privacy

### Enacted

LD 104	An Act To Amend the Laws Governing Public Records	PUBLIC 339
LD 345	An Act To Ensure the Confidentiality of Concealed Handgun Permit Holder Personal Information	PUBLIC 54 EMERGENCY
LD 619	An Act To Prohibit the Sharing of Certain Personal Information by the Department of the Secretary of State	PUBLIC 283
LD 973	An Act To Make Veterans' Property Tax Exemption Applications Confidential	PUBLIC 222 EMERGENCY
LD 1216	An Act To Amend the Freedom of Access Act	PUBLIC 350
LD 1511	An Act Regarding Coordinated Access to Public Records of State Agencies	PUBLIC 229

### Not Enacted

LD 19	An Act To Facilitate Access to Information by Legislators	ONTP
LD 135	An Act To Require All Government Documents To Be Posted on the Internet	ONTP
LD 217	An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Access to Records Relating to Public-private Partnerships	ONTP
LD 258	An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Meetings of Public Bodies	ONTP
LD 309	Resolve, Directing the Attorney General To Implement a Child Identity Protection Program To Safeguard the Personal Information of Minors and Prevent Identity Theft	ONTP
LD 313	An Act To Create the Maine Online Privacy Protection Act	MAJORITY (ONTP) REPORT

## *Freedom of Access/Confidentiality/Privacy*

### Not Enacted

LD 420	An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions	ONTP
LD 495	An Act Regarding the Law Pertaining to the Confidentiality of Enhanced 9-1-1 System Information and Records	MAJORITY (ONTP) REPORT
LD 684	An Act To Make Bylaws and Minutes of Board Meetings of Publicly Funded Hospitals Subject to the Freedom of Access Act	ONTP
LD 1091	An Act To Require Nonprofit Corporations To Disclose the Salaries of Their Employees	ONTP
LD 1118	An Act To Amend Public Access Laws To Improve Accountability for Public Funds by Making Public the Board Meetings of Hospitals Receiving Significant State Funding	MAJORITY (ONTP) REPORT
LD 1194	An Act To Protect Social Media Privacy in School and the Workplace	CARRIED OVER
LD 1401	An Act To Amend the Laws Governing the Issuance of and Access to Birth Certificates and Certain Medical Information	ONTP

## *Human Rights and Medical Rights*

### Not Enacted

LD 777	An Act To Protect Working Mothers Who Breast-feed	VETO SUSTAINED
LD 830	An Act To Further Protect Pregnant Women under the Maine Human Rights Act	MAJORITY (ONTP) REPORT
LD 1428	An Act To Protect Religious Freedom	CARRIED OVER

## *Legal Services*

### Enacted

LD 640	An Act Regarding Legal Representation in Certain Eviction Actions	PUBLIC 134
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### Not Enacted

LD 396	An Act To Appropriate Sufficient Funds for Indigent Legal Services	CARRIED OVER
LD 1475	An Act To Improve Citizen Access to Legal Representation	ONTP

## *Miscellaneous*

### Enacted

LD 37	Resolve, Regarding Legislative Review of Portions of Chapter 4: Rules of Practice, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry	RESOLVE 33 EMERGENCY
LD 861	Resolve, Regarding Legislative Review of Portions of Chapter 2: Rules Concerning the Processing of Applications and Other Administrative Matters, a Major Substantive Rule of the Department of Environmental Protection	RESOLVE 65 EMERGENCY
LD 1249	An Act To Make Statutory Changes To Address Certain Conflicting Requirements of the Maine Rules of Professional Conduct and the Federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 Regarding Maine's Protection and Advocacy Agency	PUBLIC 310

## Miscellaneous

### Enacted

LD 1469 An Act To Ensure Ethical Standards for Court Reporters PUBLIC 298

### Not Enacted

LD 224 An Act To Streamline the Change of Name Process for Persons Getting Married ONTP

LD 913 An Act To Promote Excursion Passes by Amending the Law Governing Expiration Dates on Gift Obligations and Stored-value Cards Redeemable with Multiple Sellers ONTP

LD 1000 An Act To Protect Maine Consumers ONTP

## Probate Code and Trust Code

### Enacted

LD 321 Resolve, Directing the Probate and Trust Law Advisory Commission To Review Maine's Probate Code and the Uniform Probate Code RESOLVE 5

LD 850 Resolve, To Study the Issue of Inheritance of Digital Assets RESOLVE 27

## Real Property, Property Rights and Eminent Domain

### Enacted

LD 424 An Act To Amend the Short Form Deeds Act PUBLIC 90

LD 854 An Act To Clarify When a Manufactured Home Becomes Residential Real Property PUBLIC 125

### Not Enacted

LD 58 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict the Use of Eminent Domain MAJORITY (ONTP) REPORT

LD 165 An Act To Prohibit the Use of Eminent Domain in Certain Public-Private Partnerships MAJORITY (ONTP) REPORT

LD 220 An Act To Ban the United Nations Agenda 21 in Maine MAJORITY (ONTP) REPORT

LD 311 An Act To Protect Landowners from the Exercise of Eminent Domain in Energy Infrastructure Corridors ONTP

LD 688 An Act Concerning Adverse Possession ONTP

LD 1039 An Act To Promote Regulatory Fairness ONTP

LD 1450 An Act To Connect the Citizens of the State to the State's Natural Resources by Establishing Standards for Relief from Regulatory Burdens MAJORITY (ONTP) REPORT

## Statutes and the Constitution

### Enacted

LD 785 An Act To Ensure the Periodic Review and Revision of Statutory Provisions PUBLIC 110

LD 1536 An Act To Correct Errors and Inconsistencies in the Laws of Maine PUBLIC 424 EMERGENCY

*Statutes and the Constitution*

Enacted

LD 1564	Resolve, Approving the 2013 Draft and Arrangement of the Constitution of Maine Made by the Chief Justice of the Supreme Judicial Court and Providing for Its Publication and Distribution	RESOLVE 75 EMERGENCY
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*Torts and Immunity, General*

Enacted

LD 154	Resolve, Directing the Department of Transportation To Convene a Task Force To Study Issues Concerning Private Railroad Crossings	RESOLVE 59
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Not Enacted

LD 395	An Act To Allow a Pet Owner To Collect Noneconomic Damages for the Death of a Pet	ONTP
LD 759	An Act To Hold Harmless a Municipality For Volunteer or Unpaid Labor	MAJORITY (ONTP) REPORT
LD 1046	An Act To Provide Immunity for Prescribing and Dispensing Intranasal Naloxone Kits	VETO SUSTAINED
LD 1200	An Act To Impose a Duty To Warn and Protect on Mental Health Professionals	MAJORITY (ONTP) REPORT

*Torts and Immunity, Statutes of Limitation*

Enacted

LD 744	An Act To Extend the Statute of Limitations on Certain Civil Professional Negligence Suits	PUBLIC 329
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Not Enacted

LD 1331	An Act To Amend the Law Pertaining to Defective or Unreasonably Dangerous Implantable Medical Devices and Pharmaceuticals	VETO SUSTAINED
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*Tribal-State Relations*

Enacted

LD 64	An Act To Place Land in Centerville in Trust for the Passamaquoddy Tribe	PUBLIC 91
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LD 394	An Act To Add Members of the Aroostook Band of Micmacs to the Maine Indian Tribal-State Commission and Add Corresponding Members for the State	PUBLIC 81
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LD 1400	Resolve, Directing the Attorney General To Report on the Status of Discussions on Domestic Violence on Tribal Lands	RESOLVE 51 EMERGENCY
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Not Enacted

LD 45	An Act To Include a Representative of the Aroostook Band of Micmacs in the House of Representatives	DIED BETWEEN HOUSES
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LD 308	An Act To Require the Attorney General To Consult with Federally Recognized Indian Tribes before Issuing an Opinion on Federal Legislation Affecting the Maine Indian Claims Settlement Act of 1980	ONTP
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LD 686	Resolve, To Increase Funding for Indigent Legal Aid Provided to Wabanaki Tribal Members	ONTP
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LD 1136	An Act To Provide State Recognition for the Kineo Band of Maliseet Indians	ONTP
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LD 1253	An Act To Allow Tribal Members a Choice of Venue	ONTP
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