

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH 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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STATE OF MAINE

126TH LEGISLATURE
FIRST REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 126th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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

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

The effective date for non-emergency legislation enacted in the First Regular Session of the 126th Legislature is October 9, 2013. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Judiciary

LD 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	