

# MAINE STATE LEGISLATURE

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**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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# STATE OF MAINE

126<sup>TH</sup> LEGISLATURE  
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## 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 126<sup>th</sup> 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 126<sup>th</sup> 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*

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.