

# 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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SUSAN Z. JOHANNESMAN, ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670

# 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*

**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)**