

# 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*

**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**

<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  
Death of a Pet**

**ONTP**

<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

## *Joint Standing Committee on Judiciary*

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.