

# 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

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 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 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.

**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**

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.

**LD 420**      **An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions**      **ONTP**

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.

## *Joint Standing Committee on Judiciary*

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.