

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

MEMBERS:

SEN. LINDA M. VALENTINO, CHAIR
SEN. JOHN L. TUTTLE
SEN. DAVID C. BURNS

REP. CHARLES R. PRIEST, CHAIR
REP. KIM J. MONAGHAN-DERRIG
REP. JENNIFER DECHANT
REP. MATTHEW W. MOONEN
REP. STEPHEN W. MORIARTY
REP. LISA RENEE VILLA
REP. JARROD S. CROCKETT
REP. MICHAEL G. BEAULIEU
REP. ANITA PEAVEY HASKELL
REP. STACEY K. GUERIN
REP. WAYNE T. MITCHELL

STAFF:

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

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 1024 An Act To Enhance Enforcement of the Mandatory Reporting of Abuse and Neglect

PUBLIC 293

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN FREDETTE	OTP-AM	S-177

This bill requires the Department of Health and Human Services to make a report, which may include confidential child protection information, to the licensing board of a professional who appears to have violated the mandatory reporting law. The licensing board and licensee are required to keep the information confidential, and its use in a disciplinary proceeding would be governed by the existing procedures in the Maine Revised Statutes, Title 5, section 9057, subsection 6.

Committee Amendment "A" (S-177)

This amendment clarifies that the Department of Health and Human Services is required to share confidential records about a child protection case with the appropriate licensing board when it appears from the record or relevant circumstances that a mandated reporter failed to make a required report concerning child abuse or neglect.

Enacted Law Summary

Public Law 2013, chapter 293 requires the Department of Health and Human Services to make a report, which may include confidential child protection information, to the licensing board of a professional who appears from the record or relevant circumstances to have failed to make a mandated report concerning child abuse or neglect. The licensing board and licensee are required to keep the information confidential, and its use in a disciplinary proceeding are governed by the existing procedures in the Maine Revised Statutes, Title 5, section 9057, subsection 6.

LD 1025 An Act To Amend the Law Pertaining to Staff in the Office of the Attorney General

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO PRIEST	OTP-AM ONTP	S-90

This bill eliminates the requirement that salaries set by the Attorney General for the assistant attorneys general, staff attorneys and secretary to the Attorney General be approved by the Governor and that the aggregate amount of such compensation not exceed the amount appropriated or result in an increased request to future Legislatures.

Committee Amendment "A" (S-90)

This amendment, which is the majority report of the committee, retains the provision in current law that the aggregate amount of compensation of certain staff in the Office of the Attorney General may not exceed the amount appropriated or result in an increased request to future Legislatures.

LD 1034 An Act To Increase Child Support Collections by Requiring the Interception of Certain Gambling Winnings

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GUERIN HAMPER	ONTP	

Joint Standing Committee on Judiciary

This bill requires that licensees that conduct pari-mutuel wagering on horse racing in this State and licensees that operate slot machines and table games intercept the gambling winnings of individuals with outstanding child support debt and requires that those amounts be forwarded to the Department of Health and Human Services.

See LD 982.

LD 1038 An Act To Make the State's Uniform Commercial Code Compatible with the Federal Electronic Fund Transfer Act

**PUBLIC 151
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO	OTP	

In anticipation of the effective date of the amendments to federal law governing electronic fund transfers, this bill replaces the existing exemption in the State's Uniform Commercial Code governing fund transfers by making the Uniform Commercial Code applicable to the remittance transfers that are not electronic funds transfers under the federal Electronic Fund Transfer Act. The bill also specifically acknowledges that the federal statute will control in the case of any conflict between the Uniform Commercial Code and the federal Electronic Fund Transfer Act.

Enacted Law Summary

Public Law 2013, chapter 151 replaces the existing exemption in the State's Uniform Commercial Code governing fund transfers by making the Uniform Commercial Code applicable to the remittance transfers that are not electronic funds transfers under the federal Electronic Fund Transfer Act. The federal statute will control in the case of any conflict between the Uniform Commercial Code and the federal Electronic Fund Transfer Act.

Public Law 2013, chapter 151 was enacted as an emergency measure effective May 24, 2013.

LD 1039 An Act To Promote Regulatory Fairness

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS LOCKMAN	ONTP	

This bill establishes standards for relief when state regulation takes value from an individual property owner, as well as efficient mechanisms for pursuit of such relief. To eliminate any fiscal impact from the establishment of these new standards and mechanisms, they will apply only to burdens from regulations enacted in the future.

The bill provides mechanisms designed to achieve fair results and to resolve disputes efficiently, including the ability to grant variances, which is an option consistent with general land use principles.

LD 1040 An Act To Prohibit the Placement of Cameras and Electronic Surveillance Equipment on Private Property without the Written Permission of the Landowner

PUBLIC 382

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS WILLETTE	OTP-AM OTP-AM	S-261