

MAINE STATE LEGISLATURE

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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

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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

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

Joint Standing Committee on Judiciary

This bill prohibits a person from placing a camera or electronic surveillance equipment that records images or data of any kind while unattended outside on the private property of another without the written consent of the landowner. A person who violates this provision commits a civil violation for which a fine of \$100 for every day that a camera or electronic surveillance equipment is in place may be adjudged.

Committee Amendment "B" (S-261)

This amendment is the minority report of the Joint Standing Committee on Judiciary. This amendment provides that a camera or electronic surveillance equipment may be placed pursuant to a warrant. The amendment requires a person who places a camera or electronic surveillance equipment on the private property of another with either the landowner's permission or pursuant to a warrant to label the camera with the person's name and contact information. It allows a landowner to remove or disable a camera or electronic surveillance equipment placed without written consent or pursuant to a warrant or that is not labeled.

This amendment creates exceptions for the use of cameras to deter theft or vandalism of a motor vehicle when the motor vehicle is temporarily parked and for electronic devices that are implanted or attached to animals to identify, monitor and track them.

The bill makes a violation of the prohibition a civil violation for which a fine of \$100 for each day of the violation may be adjudged. This amendment limits the fine to \$500 for a violation.

Committee Amendment "A" (S-260)

This amendment is the majority report of the Joint Standing Committee on Judiciary. It allows the placement of a camera or electronic surveillance equipment on the private property of another person only if the landowner has given written consent, the placement is pursuant to a warrant or, while operating under the open fields doctrine as developed through Fourth Amendment case law, a law enforcement officer has a reasonable and articulable suspicion that a crime or a civil violation related to littering has occurred, is occurring or is about to occur. When a camera or electronic surveillance equipment is placed based on a reasonable and articulable suspicion, the law enforcement officer must document the facts giving rise to the reasonable and articulable suspicion as well as the time, date and location of the placement of the camera or electronic surveillance equipment. It requires that a person who places a camera or electronic surveillance equipment must label the camera or electronic surveillance equipment with the person's name and contact information.

The landowner may remove or disable a camera or electronic surveillance equipment that was placed without written consent, without a warrant or without a documented reasonable and articulable suspicion or that is not labeled.

This amendment creates exceptions for the use of cameras to deter theft or vandalism of motor vehicles when the motor vehicles are temporarily parked and electronic devices that are implanted or attached to animals to identify, monitor and track them.

The bill establishes a civil violation for which a fine of \$100 a day for each day of the violation may be adjudged. This amendment keeps the civil violation, but limits the total fine to not more than \$500 for a violation.

This amendment was not adopted.

Enacted Law Summary

Public Law 2013, chapter 382 prohibits a person from placing a camera or electronic surveillance equipment that records images or data of any kind while unattended outside on the private property of another without the written consent of the landowner or without a warrant. A person who places a camera or electronic surveillance equipment on the private property of another with either the landowner's permission or pursuant to a warrant must label the camera with the person's name and contact information. A landowner may remove or disable a camera or electronic surveillance equipment placed without written consent or not pursuant to a warrant or that is not labeled. Cameras

Joint Standing Committee on Judiciary

to deter theft or vandalism of a motor vehicle when the motor vehicle is temporarily parked and for electronic devices that are implanted or attached to animals to identify, monitor and track them are excepted from the prohibition. Violation of the prohibition is a civil violation for which a fine of \$500 may be adjudged.

LD 1046 An Act To Provide Immunity for Prescribing and Dispensing Intranasal Naloxone Kits VETO SUSTAINED

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DORNEY	OTP-AM ONTP	H-436 S-266 VALENTINO

This bill provides immunity for health care professionals and other persons who assist a person who is experiencing or likely to experience an opiate-related drug overdose with intranasal naloxone.

Committee Amendment "A" (H-436)

This amendment is the majority report of the committee and replaces the bill. The amendment authorizes a health care professional to prescribe and dispense naloxone to a person at risk of experiencing an opioid-related overdose and a person who may be in a position to assist an individual during an opioid-related overdose. The amendment also authorizes a person who has received opioid overdose information to receive a prescription for and possess naloxone and administer naloxone to an individual who the person believes in good faith is experiencing an opioid-related overdose.

Senate Amendment "A" To Committee Amendment "A" (S-266)

This amendment removes the requirement that a health care professional who prescribes naloxone to a person provide that person opioid overdose information.

LD 1068 An Act To Prevent the Reduction in Adoption Subsidy after an Agreement Has Been Signed by the Prospective Adoptive Parents and the Department of Health and Human Services PUBLIC 411 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAVERS GRATWICK	OTP-AM ONTP	H-276

This bill prohibits the Department of Health and Human Services from reducing its adoption assistance payments to adoptive parents once an adoption assistance payment is agreed upon.

Committee Amendment "A" (H-276)

This amendment is the majority report of the Joint Standing Committee on Judiciary. It incorporates a fiscal note.

Enacted Law Summary

Public Law 2013, chapter 411 prohibits the Department of Health and Human Services from reducing its adoption assistance payments to adoptive parents once an adoption assistance payment is agreed upon.

Public Law 2013, chapter 411 was enacted as an emergency measure effective July 10, 2013.