

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, amendments and laws enacted or finally passed

JOINT STANDING COMMITTEE ON JUDICIARY

May 2014

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STATE OF MAINE
126TH LEGISLATURE
SECOND REGULAR SESSION
LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

The *Digest* is arranged 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.

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 HOUSESHouse & 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
EMERGENCYenacted 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 Second Regular Session of the 126th Legislature is August 1, 2014. 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 725 An Act To Implement the Recommendations of the Judicial Compensation Commission

**PUBLIC 563
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-383 S-551 HILL

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill implements the recommendations of the Judicial Compensation Commission. It increases the salary of justices and judges in the Supreme Judicial Court, Superior Court and District Court to provide a cost-of-living increase equal to the amount that would have been awarded had statutory increases been granted in fiscal year 2003-04, fiscal year 2004-05, fiscal year 2010-11, fiscal year 2011-12 and fiscal year 2012-13. It also changes the reporting deadline for the Judicial Compensation Commission from December 1st to December 15th.

Committee Amendment "A" (S-383)

This amendment replaces the Judicial Compensation Commission’s recommended statutory salary increases for the justices and judges of the Supreme Judicial Court, Superior Court and District Court with a 2% adjustment for fiscal year 2014-15. The 2% increase is in addition to the 3% adjustments for each fiscal year 2013-14 and 2014-15 directed by Public Law 2013, chapter 368, Part BB.

Senate Amendment "A" To Committee Amendment "A" (S-551)

This amendment reduces the statutory maximum annual percentage cost-of-living increase for judicial salaries from 4% to 3%.

Enacted Law Summary

Public Law 2013, chapter 563 reduces the statutory maximum annual percentage cost-of-living increase for judicial salaries from 4% to 3%. In unallocated language, it provides a salary adjustment of 2% for fiscal year 2014-15. The 2% increase is in addition to the 3% adjustments for each fiscal year 2013-14 and 2014-15 directed by Public Law 2013, chapter 368, Part BB. It also changes the reporting date for the Judicial Compensation Commission to December 15th of each even numbered year.

Public Law 2013, chapter 563 was enacted as an emergency measure effective April 24, 2014.

LD 1194 Resolve, Directing a Study of Social Media Privacy in School and in the Workplace

**RESOLVE 112
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCLELLAN	OTP-AM	H-640 S-447 KATZ

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill prohibits an employer or educational institution, whether public or private, from requiring or requesting an employee or a student, or a prospective employee or student, to disclose the username or account password for a personal social media account or e-mail account or to otherwise provide the employer or institution with access to those accounts.

Committee Amendment "A" (H-640)

Joint Standing Committee on Judiciary

This amendment replaces the bill with a resolve directing the Joint Standing Committee on Judiciary to study issues about social media and personal e-mail privacy in school and in the workplace. It requires the committee to meet up to four times and to submit a report by November 5, 2014 for presentation to the First Regular Session of the 127th Legislature. This amendment also adds an emergency preamble and clause.

Senate Amendment "A" To Committee Amendment "A" (S-447)

This amendment amends Committee Amendment "A" by directing the Joint Standing Committee on Judiciary to include in its study concerns about cloud computing services that process and store student data. The amendment also requires the committee to seek funding contributions to fully fund the cost of the study.

Enacted Law Summary

Resolve 2013, chapter 112 directs the Joint Standing Committee on Judiciary to study issues about social media and personal e-mail privacy in school and in the workplace, including concerns about cloud computing services that process and store student data. The committee may meet up to four times and must submit a report by November 5, 2014 for presentation to the First Regular Session of the 127th Legislature. The committee is required to seek funding contributions to fully fund the cost of the study.

Resolve 2013, chapter 112 was finally passed as an emergency measure effective May 1, 2014.

LD 1389 An Act To Expedite the Foreclosure Process

PUBLIC 521

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT	OTP-AM	H-734

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill allows an employee of a financial institution or credit union who is not an attorney to appear for that institution in connection with a foreclosure action. The bill also clarifies the standards for foreclosure mediation and allows for an expedited foreclosure of abandoned property.

Committee Amendment "A" (H-734)

This amendment replaces the bill. It is based on the recommendations the Attorney General developed through the Attorney General's working group on residential foreclosures.

Part A amends the laws regarding the real estate transfer tax to ensure that the tax is paid on property transferred when there is a foreclosure sale, regardless of whether the transfer is done by deed, assignment or other method of transfer. Part A specifically includes assignments by the plaintiff in a foreclosure action of the rights as high bidder or the foreclosure judgment itself.

Part B establishes an expedited procedure for properties that are abandoned in uncontested foreclosure cases.

Part C provides that there may be only one adjournment in a foreclosure action if the court determined the property to be abandoned. The court may permit additional adjournments if the bank or servicer can demonstrate good cause for the adjournment or in accordance with regulations concerning loss mitigation procedures in Title 12 of the Code of Federal Regulations, Section 1024.41.

Current law provides that, when property is acquired by a municipality for unpaid taxes, the new owner does not obtain marketable title until 15 years has passed from the time of the foreclosure. Part D shortens the challenge period from the current 15 years to five years for property subject to tax liens recorded after October 13, 2014. For property subject to a tax lien recorded after October 13, 1993 and on or before October 13, 2014, the challenge