

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 amendment clarifies the language concerning access to portable electronic communication device content. The amendment provides that a warrant is required when a government entity seeks portable electronic device content information directly from the provider of the portable electronic communication service.

This amendment also provides that the consent of the owner or user is not required if the content information is disclosed in a publicly accessible domain.

Enacted Law Summary

Public Law 2013, chapter 402 prohibits a government entity from obtaining content information concerning the substance, purport or meaning of the communication conveyed using a cellular telephone or other portable electronic device directly from the provider of the portable electronic communication service without a valid warrant, except that a government entity may obtain such information with the consent of the owner or user of the portable electronic device or in an emergency. Consent of the owner or user is not required if the content information is disclosed in a publicly accessible domain.

A government entity must inform the owner or user of a portable electronic device that content information was obtained from that person's device within three days of obtaining the information, unless the court determines there is good cause to waive the notification requirement.

A person damaged as a result of a violation of these provisions has a cause of action in court against a government entity that fails to comply with these provisions, and the court may award injunctive relief.

LD 1384

An Act To Amend Article 9-A of the Uniform Commercial Code

**PUBLIC 317
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| FREY | OTP-AM | H-333 |

This bill enacts the 2010 amendments to the Uniform Commercial Code, Article 9-A, which were adopted by the National Conference of Commissioners on Uniform State Laws. The changes take effect July 1, 2013.

This bill includes in the Maine Revised Statutes, Title 11, section 9-1503 Alternative B, as proposed by the National Conference of Commissioners on Uniform State Laws, concerning acceptable names of individual debtors as part of financing statements. Maine issues driver's licenses and non-driver identification cards, and those are specifically referenced as acceptable sources of a debtor's name to be included in a financing statement.

The bill modifies the National Conference of Commissioners on Uniform State Laws proposal with regard to written financing statements and amendments by providing that a filing office may not reject filings that are made on forms approved by the International Association of Commercial Administrators or a successor organization or approved by the Secretary of State by rule.

Committee Amendment "A" (H-333)

This amendment changes the standard for filing the debtor name in a secured transaction when the debtor is an individual. The National Conference of Commissioners on Uniform State Laws provided two alternatives from which state legislatures were to choose when adopting the 2010 Amendments to Revised Article 9 of the Uniform Commercial Code. The bill was printed with Alternative B. This amendment instead adopts Alternative A, which provides that if the debtor is an individual to whom this State has issued a driver's license or a non-driver identification card and it has not expired, then the correct debtor name for the financing statement is the name on the driver's license or nondriver identification card. This change is made in the Maine Revised Statutes, Title 11, section 9-1503. A corresponding change is added in Title 11, section 9-1502.

Joint Standing Committee on Judiciary

This amendment corrects a reference to a personal representative.

This amendment corrects a clerical error in describing the Secretary of State's responsibility as the filing office to accept a written amendment or information statement in the form or format approved by the International Association of Commercial Administrators or adopted by rule by the Secretary of State.

Enacted Law Summary

Public Law 2013, chapter 317 enacts the 2010 amendments to the Uniform Commercial Code, Article 9-A, which were adopted by the National Conference of Commissioners on Uniform State Laws. The changes take effect July 1, 2013.

The changes include Alternative A, as proposed by the National Conference of Commissioners on Uniform State Laws, which provides that if the debtor is an individual to whom this State has issued a driver's license or a non-driver identification card and it has not expired, then the correct debtor name for the financing statement is the name on the driver's license or nondriver identification card.

Public Law 2013, chapter 317 modifies the National Conference of Commissioners on Uniform State Laws proposal with regard to written financing statements and amendments by providing that a filing office may not reject filings that are made on forms approved by the International Association of Commercial Administrators or a successor organization or approved by the Secretary of State by rule.

Public Law 2013, chapter 317 was adopted as an emergency measure effective July 1, 2013.

LD 1389 An Act To Expedite the Foreclosure Process

CARRIED OVER

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| CROCKETT | | |

This bill:

1. 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; and
2. Clarifies the standards for foreclosure mediation and allows for an expedited foreclosure of abandoned property.

This bill was 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 1400 Resolve, Directing the Attorney General To Report on the Status of Discussions on Domestic Violence on Tribal Lands

**RESOLVE 51
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| SOCTOMAH BURNS | OTP-AM | H-275 |

This resolve directs the Attorney General to consult with federally recognized tribes in the State that have tribal domestic violence programs to establish procedures and coordinate with the State concerning the newly enacted