

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 establishes standards for relief when state regulation imposes an inordinate burden on an individual property owner, as well as efficient mechanisms for pursuit of such relief.

The bill provides that, if a property owner's right to use, divide, sell, occupy or possess real property is reduced by the enactment or application of a government regulation, the property owner may seek and obtain relief.

Under the provisions of the bill, prior to filing an action, the property owner must pursue relief under a land use mediation program.

Committee Amendment "A" (S-280)

This amendment is the minority report of the Joint Standing Committee on Judiciary. It deletes from the bill the chapter on regulatory fairness review and removes provisions related to that chapter.

This amendment was not adopted.

LD 1469

An Act To Ensure Ethical Standards for Court Reporters

PUBLIC 298

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL BERRY	OTP-AM	S-176

This bill establishes ethical standards and requirements for the provision of court reporting services, including prohibitions against providers of court reporting services:

1. Providing services if the court reporter is a party to or has a financial interest in the proceeding;
2. Entering into contracts for more than one case, action or legal proceeding with an attorney, party to an action, insurance company, third-party administrator or any other person or entity that has a financial interest in the case, action or legal proceeding; and
3. Providing additional advocacy or litigation support services, including, but not limited to, trial preparation assistance, deposition summaries and nonpublished transcript databases.

Committee Amendment "A" (S-176)

This amendment:

1. Clarifies that the legislation does not apply to the Judicial Branch;
2. Allows contracts for more than one case;
3. Deletes restrictions on preferred provider lists;
4. Provides that only a party may file a motion in a pending action;
5. Clarifies that this legislation does not limit authority of courts;
6. Eliminates the requirement of periodic reports; and
7. Eliminates the private cause of action.

Joint Standing Committee on Judiciary

Enacted Law Summary

Public Law 2013, chapter 298 establishes ethical standards and requirements for the provision of court reporting services, including prohibitions against providers of court reporting services for specific activities including: providing services if the court reporter is a party to or has a financial interest in the proceeding; entering into contracts with an attorney, party to an action, insurance company, third-party administrator or any other person or entity that has a financial interest in the case, action or legal proceeding other than a contract to provide court reporting, litigation and trial support services; and entering into contracts that allow an attorney, party to an action, insurance company, third-party administrator or any other person or entity to interfere with a court reporter's right to deal directly with all parties. Only a party may file a motion alleging a violation of the restrictions in a pending action.

LD 1475 An Act To Improve Citizen Access to Legal Representation

ONTP

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

This bill allows an attorney who practices law in a jurisdiction other than this State to be admitted to the general practice of law in this State without complying with the qualifications for admission to practice law specified in the Maine Revised Statutes, Title 4, section 805-A.

This bill provides that an attorney from another jurisdiction admitted to the general practice of law in this State who has not met the qualifications for admission to practice law specified in Title 4, section 805-A must disclose in writing to a client in this State represented by that attorney that the attorney has not met these qualifications for admission and must obtain from that client written consent to the representation.

LD 1511 An Act Regarding Coordinated Access to Public Records of State Agencies

PUBLIC 229

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

This bill directs the Public Access Ombudsman within the Department of the Attorney General to coordinate state agency compliance with the Freedom of Access Act. It directs the Department of the Attorney General to review the feasibility of developing a centralized system that includes a single website address and a single e-mail address for the public to use to make requests for public records of all state agencies. The report must be submitted to the Joint Standing Committee on Judiciary by January 5, 2014 and the committee is authorized to report out a bill relating to the subject matter of the report.

Enacted Law Summary

Public Law 2013, chapter 229 directs the Public Access Ombudsman within the Department of the Attorney General to coordinate state agency compliance with the Freedom of Access Act. It directs the Department of the Attorney General to review the feasibility of developing a centralized system that includes a single website address and a single e-mail address for the public to use to make requests for public records of all state agencies. The report must be submitted to the Joint Standing Committee on Judiciary by January 5, 2014 and the committee is authorized to report out a bill relating to the subject matter of the report.