

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
126<sup>TH</sup> 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**  
126<sup>TH</sup> 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 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 Second Regular Session of the 126<sup>th</sup> 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*

items upon written request of the resident.

Part F adds standards to those required of mediators in the foreclosure mediation program under the Maine Revised Statutes, Title 14, section 6321-A. Part F requires mediators to ensure the parties appropriately determine net present value by using either the Federal Deposit Insurance Corporation Loan Modification Program Guide worksheet or other way of determining net present value that is as reasonable as the worksheet. Part F also requires that the mediator's report contain greater detail regarding the agreements made among the parties and the time frames within which the parties are required to provide information and reach determinations of loss mitigation eligibility.

**LD 1428 An Act To Protect Religious Freedom**

**Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS TIMBERLAKE	ONTP OTP-AM	

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

This bill creates the Preservation of Religious Freedom Act, which allows a person whose right to exercise the person's religion is burdened by a government law or exercise of authority to bring an action in court seeking equitable or monetary damages unless the government remedies the burden or shows that the law or exercise of authority is the least restrictive means of furthering a compelling governmental interest.

**Committee Amendment "A" (S-390)**

This amendment, which is the minority report of the committee, replaces the bill. This amendment provides that the government may not directly or indirectly burden a person's exercise of religion unless the application of the burden to the person is in furtherance of a compelling governmental interest and is accomplished through the least restrictive means. This amendment allows a person whose exercise of religion has been or is substantially likely to be burdened in violation of this legislation to assert the violation as a claim or defense in a court action.

**LD 1601 An Act To Increase the Amount of Funds Available to Counties for Witness Fees, Extradition Expenses and Prosecution Costs**

**PUBLIC 566**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WILLETTE JACKSON T	OTP-AM	H-648

Current law requires forfeited bail to be paid into an account maintained by each prosecutorial district for the purpose of paying expenses related to the extradition of fugitives from justice. The maximum amount that may be retained in that account is \$20,000. This bill increases the amount that may be retained in that account to \$40,000 and expands the uses of the funds in the account to allow it to be used to pay for fees or expenses, including witness fees, incurred by the district attorney in a criminal prosecution.

**Committee Amendment "A" (H-648)**

This amendment provides for a \$10,000 increase in the amount that may be retained in a district attorney's Extradition and Prosecution Expenses Account from the current cap of \$20,000 to \$30,000, instead of to \$40,000 as proposed in the bill.

**Enacted Law Summary**

## *Joint Standing Committee on Judiciary*

Public Law 2013, chapter 566 increases the amount that may be retained in district attorneys' extradition accounts from \$20,000 to \$30,000 and expands the uses of the funds in the accounts to allow it to be used to pay for fees or expenses, including witness fees, incurred by the district attorney in a criminal prosecution.

### **LD 1660     An Act Regarding Bad Faith Assertions of Patent Infringement**

**PUBLIC 543**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL DECHANT	OTP-AM OTP-AM	S-442

This bill authorizes a person against whom a bad faith assertion of patent infringement has been made to bring a civil action in Superior Court for equitable relief, damages, court costs and fees and punitive damages. It authorizes the Attorney General to bring an action and it provides that a bad faith assertion of patent infringement is a violation of the Maine Unfair Trade Practices Act.

#### **Committee Amendment "B" (S-443)**

This amendment is the minority report of the committee and incorporates a fiscal note.

#### **Committee Amendment "A" (S-442)**

This amendment is the majority report of the committee and adds an exemption for demand letters and assertions of patent infringement that include a claim for relief arising under Title 35 of the United States Code, Section 271(e) (2) or Title 42 of the United States Code, Section 262.

#### **Enacted Law Summary**

Public Law 2013, chapter 543 authorizes a person against whom a bad faith assertion of patent infringement has been made to bring a civil action in Superior Court for equitable relief, damages, court costs and fees and punitive damages. It authorizes the Attorney General to bring an action and it provides that a bad faith assertion of patent infringement is a violation of the Maine Unfair Trade Practices Act. Chapter 543 exempts demand letters and assertions of patent infringement that include a claim for relief arising under Title 35 of the United States Code, Section 271(e)(2) or Title 42 of the United States Code, Section 262.

### **LD 1688     An Act To Streamline Enforcement of Child Support Orders Issued by                   the Penobscot Nation**

**PUBLIC 479  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL VALENTINO	OTP-AM	H-639

This bill authorizes the Secretary of State to suspend the operator's license of a person who is in violation of an order issued by the Penobscot Nation for the support and maintenance of a child or a child and the parent with whom the child is living.

#### **Committee Amendment "A" (H-639)**

This amendment provides that an appeal of the Secretary of State's suspension of an operator's license must be filed in Superior Court, not the Penobscot Nation Tribal Court.

#### **Enacted Law Summary**

Public Law 2013, chapter 479 authorizes the Secretary of State to suspend the operator's license of a person who is in violation of an order issued by the Penobscot Nation for the support and maintenance of a child or a child and the