

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 1818 An Act To Facilitate Public Records Requests to State Agencies

ONTP

Sponsor(s)

Committee Report

Amendments Adopted

ONTP

This bill implements recommendations of the Public Access Ombudsman pursuant to Public Law 2013, chapter 229, section 3 related to the feasibility of developing a centralized system for coordinating the receipt of and response to requests to state agencies for public records in accordance with the Freedom of Access Act.

The bill requires state agencies' public access officers to include their contact information on their agency websites. It also requires the Department of Administrative and Financial Services, Office of Information Technology, in consultation with state agencies, to develop a standardized link to Freedom of Access Act pages and requires state agencies to use executive branch resources to create a keyword match for "FOAA" in their websites.

The bill requires the Public Access Ombudsman and the Office of Information Technology to work with InforME to develop and implement a system of consistent tracking and reporting of public records requests under the Freedom of Access Act.

LD 1821 An Act To Implement Recommendations of the Right To Know Advisory Committee

Veto Sustained

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-811

This bill implements recommendations from the Right To Know Advisory Committee.

Part A implements the recommendations of the Right To Know Advisory Committee relating to existing public records exceptions in the Maine Revised Statutes, Titles 22, 26, 29-A, 35-A and 38.

Part B adds one additional member to the Right To Know Advisory Committee, appointed by the Governor. The new position will bring information technology expertise to the committee.

Current law requires the Public Access Ombudsman to submit an annual report to the Right To Know Advisory Committee and the Legislature by March 15th of each year. Part C changes the reporting date to January 15th of each year, which is the same date by which the Right To Know Advisory Committee is required to submit its annual report.

Part D amends the Freedom of Access Act to clarify that the date of receipt of a request to copy or inspect a public record is the date a sufficient description of the public record is received by the body, agency or official. Current law requires a body, agency or official to provide, within five days of the receipt of a request to inspect or copy a public record, a written notice that the request is denied. Part D clarifies that refusing to allow inspection or copying is considered a denial, as is the failure, within ten days of the receipt of a request, to provide a written notice that the request is denied.

Part D amends the Freedom of Access Act with regard to appeals of denials of requests to inspect or copy public records. Under current law, a person whose request has been denied may appeal the denial to any Superior Court within 30 calendar days of receipt of the written notice of denial. The bill provides that if no written notice of denial is provided, the requester may file an appeal within 40 calendar days of the request in the Superior Court for the

Joint Standing Committee on Judiciary

county where the requester resides or where the body, agency or official maintains an office to which the request was made. Current law requires the agency or official to file an answer within 14 calendar days. This bill clarifies that the body, agency or official must file an answer within 14 calendar days of service of the appeal. This bill provides that the court does not have to convene a trial, but must conduct a de novo review and take testimony and other evidence it determines necessary, and if it determines that the denial was not for just and proper cause, the court is required to enter an order for disclosure.

Committee Amendment "A" (H-811)

This amendment provides that the reports of the State Board of Arbitration and Conciliation in a labor dispute must be released 30 days after its receipt by the Governor and the Executive Director of the Maine Labor Relations Board if the conciliation process is not successful.

This amendment deletes changes proposed in the bill to identify when access to a record is denied and when an appeal of that denial may be made.

LD 1828 An Act To Limit Consent Regarding Land Transfers to the Federal Government **Accepted Majority (ONTP) Report**

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

This bill amends the blanket consent that is statutorily given by the State to the Federal Government to acquire lands required for various government purposes. The bill limits the consent to the acquisition of land not exceeding five square miles.

Committee Amendment "A" (S-496)

This amendment is the minority report. It changes the bill to state that the Legislature's consent is not provided when the Federal Government acquires a tract or contiguous tracts of land the total of which exceeds 40 acres for any purpose other than the specific purposes listed in the current law. An affirmative vote of a majority of the members of each house of the Legislature is required to consent to such an acquisition. The amendment provides that the changes do not limit the Legislature's consent to acquisition by the Federal Government of land to be held in trust for the benefit of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians, or the Aroostook Band of Micmacs pursuant to applicable state or federal law.

LD 1841 An Act To Correct Errors and Inconsistencies in the Laws of Maine **PUBLIC 588
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| | OTP-AM | H-841 |

This bill corrects errors and inconsistencies in the laws of Maine.

Part A makes technical corrections.

Part B makes technical changes to the law to reflect the reorganization of the administration of the liquor laws made by Public Law 2013, chapter 368, Part V.