

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.

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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.

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Part C corrects cross-references pursuant to Public Law 2013, chapter 228, section 3. Public Law 2013, chapter 228 repealed Title 10, chapter 210, the Fair Credit Reporting Act, and enacted a new Fair Credit Reporting Act as Title 10, chapter 209-B. Public Law 2013, chapter 228, section 3 directs the Revisor of Statutes to include in the errors and inconsistencies bill any sections necessary to correct and update any cross-references in the statutes to provisions of law repealed by the chapter.

Committee Amendment "A" (H-841)

This amendment makes additional corrections to the laws of Maine.

Part D further amends sections contained in the original bill.

Part E contains corrections not included in the bill.

Section E-1 amends the scheduling of reviews under the State Government Evaluation Act to make the reviews of the Department of Professional and Financial Regulation be conducted by two different joint standing committees of the Legislature in 2015. Public Law 2013, chapter 505 enacted different years for review. Section E-2 makes the changes in section 1 take effect the same time as chapter 505 will take effect, which is 90 days after the adjournment of the Second Regular Session of the 126th Legislature. Sections E-1 and E-2 make a substantive change that is supported by the Joint Standing Committee on State and Local Government.

Section E-3 corrects a clerical error in Public Law 2013, chapter 391 by deleting the word "retirement" and inserting the word "retired" to maintain consistency with other retirement statutes. This is a technical change.

Section E-4 corrects the wording to clearly state that the different scenarios under which a member qualifies for a service retirement benefit apply when the member is first covered under the participating local district consolidated plan under the Maine Revised 10 Statutes, Title 5, chapter 427 after June 30, 2014. This is a technical change.

Section E-5 amends the language proposed in the bill as Part A, section 16 pertaining to the issuance of elver licenses by the Penobscot Nation. Public Law 2013, chapter 604 provided for eight licenses to authorize the use of two pieces of gear, specifically an elver fyke net and a dip net. Section E-5 codifies the current practice of allowing the holders of the licenses to use two fyke nets. This is a substantive change supported by the Joint Standing Committee on Marine Resources.

Section E-6 corrects an error that occurred when an existing sunset repealed the Maine Revised Statutes, Title 12, section 13104, subsection 15 on October 1, 2013, before Public Law 2013, chapter 386, enacted during the First Regular Session of the 126th Legislature, which repealed the sunset provision regarding weekend snowmobile registration reciprocity, took effect on October 9, 2013. Section E-6 restores, in accordance with the intent of the Legislature, the reciprocal agreement between Maine and other states regarding a snowmobile weekend registration and to make that provision permanent as intended in chapter 386. Section E-7 makes section E-6 take effect retroactively to the date the sunset took effect. Sections E-6 and E-7 make a substantive change that is supported by the Joint Standing Committee on Inland Fisheries and Wildlife.

Sections E-8 and E-9 correct inadvertent omissions in the Committee Amendment of the Joint Standing Committee on Criminal Justice and Public Safety to LD 1656, An Act to Increase Safety for Victims of Domestic Violence, which is now Public Law 2013, chapter 478. LD 1656 allowed law enforcement agencies to share confidential criminal history record information with family violence advocates for the sole purpose of planning for the safety of a victim of domestic violence. The committee amended the bill to also authorize the sharing of that information with sexual assault counselors for the sole purpose of planning for the safety of a victim of sexual assault. Sections E-8 and E-9 enact the language that was inadvertently omitted. Section E-10 deletes from the family violence advocates' statute the unnecessary reference to sexual assault victims. These changes are substantive changes, supported by the Joint Standing Committee on Criminal Justice and Public Safety.

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Section E-11 corrects a conflict in the sales tax laws when Part M and Part N of Public Law 2013, chapter 368 amended the same section without reference to each other. Part M increased the general sales tax temporarily. Part N clarified that the general sales tax applies to products transferred electronically. Section 11 corrects the conflict and expressly clarifies that the general sales tax applies to products transferred electronically. This is a technical change.

Enacted Law Summary

Public Law 2013, chapter 588 corrects errors and inconsistencies in the laws of Maine. It also makes a few substantive corrections as requested by the committees of jurisdiction.

Public Law 2013, chapter 588 was enacted as an emergency measure effective April 30, 2014.

LD 1863 An Act To Correct an Error in the Laws To Assist Victims of Human Trafficking

**PUBLIC 607
EMERGENCY**

Sponsor(s)

DION
BOYLE

Committee Report

Amendments Adopted

This bill was acted upon without reference to committee.

This bill corrects an inadvertent error made in the committee amendment to LD 1730, which was enacted as Public Law 2013, chapter 537. The intent was to impose an additional assessment to be paid to the Victims' Compensation Fund on persons convicted of engaging a prostitute, which is described in the Maine Revised Statutes, Title 17-A, section 853-B. The committee amendment was erroneously printed and adopted with the assessment being imposed on persons convicted of a violation of Title 17-A, section 853-A, which is engaging in prostitution. This bill corrects who is subject to the additional Victims' Compensation Fund assessment.

Enacted Law Summary

Public Law 2013, chapter 607 corrects an inadvertent error made in Public Law 2013, chapter 537 concerning Victims' Compensation Fund assessments imposed on crimes related to prostitution. Public Law 2013, chapter 607 corrects who is subject to the additional Victims' Compensation Fund assessment by deleting the crime of engaging in prostitution and including the crime of engaging a prostitute.

Public Law 2013, Chapter 607 was enacted as an emergency measure effective May 12, 2014.