

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
127<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON JUDICIARY**

August 2015

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# STATE OF MAINE

127<sup>TH</sup> LEGISLATURE

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## 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 127<sup>th</sup> 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. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

<i>CARRIED OVER</i> .....	<i>carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i> .....	<i>chapter # of constitutional resolution passed by both houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; legislation died</i>
<i>DIED BETWEEN HOUSES</i> .....	<i>House &amp; Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i> .....	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i> .....	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i> .....	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i> .....	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i> .....	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i> .....	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i> .....	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i> ....	<i>ought-not-to-pass report accepted; legislation died</i>
<i>P&amp;S XXX</i> .....	<i>chapter # of enacted private &amp; special law</i>
<i>PUBLIC XXX</i> .....	<i>chapter # of enacted public law</i>
<i>RESOLVE XXX</i> .....	<i>chapter # of finally passed resolve</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's veto</i>

The effective date for non-emergency legislation enacted in the First Regular Session of the 127<sup>th</sup> Legislature is October 15, 2015. 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 8**      **Resolve, Regarding Legislative Review of Portions of Chapter 301: Fee Schedule and Administrative Procedures for Payment of Commission Assigned Counsel, a Major Substantive Rule of the Maine Commission on Indigent Legal Services**      **CARRIED OVER**

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

This resolve provides for legislative review of portions of Chapter 301: Fee Schedule and Administrative Procedures for Payment of Commission Assigned Counsel, a major substantive rule of the Maine Commission on Indigent Legal Services.

This resolve was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 12**      **An Act To Limit the Liability of Landowners Who Allow Recreational Climbing on Their Land**      **PUBLIC 20**

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

Current law limits the liability of landowners who allow certain recreational or harvesting activities on their land. This bill provides that recreational climbing is included in these activities.

**Enacted Law Summary**

Public Law 2015, chapter 20 provides that recreational climbing is included in the recreational and harvesting activities for which landowners' liability is limited when they permit such activities to take place on their land.

**LD 25**      **An Act To Regulate Domestic Unmanned Aerial Vehicle Use**      **PUBLIC 307**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RUSSELL	OTP-AM	H-469

This bill regulates unmanned aerial vehicles, including their acquisition and lawful operation by law enforcement agencies. The bill requires approval of the acquisition of an unmanned aerial vehicle by the governing body overseeing the law enforcement agency. It prohibits a law enforcement agency from operating an unmanned aerial vehicle or collecting, disclosing or receiving information acquired through the operation of an unmanned aerial vehicle except pursuant to an emergency enforcement or administrative investigation exception, with the written consent of the person or property owner, pursuant to a warrant or pursuant to a court order. It permits the deployment of an unmanned aerial vehicle or any component parts by a manufacturer, subcontractor of a manufacturer, testing company or educational institution for the purposes of research, testing, training and manufacture of such vehicles. The bill also creates a private right of action against a law enforcement agency for violations of the provisions of the bill.

The bill includes a moratorium on all unmanned aerial vehicle use, with the exception of emergency enforcement situations, until July 1, 2017.

## *Joint Standing Committee on Judiciary*

### **Committee Amendment "A" (H-469)**

This amendment replaces the bill with various provisions regulating the use of unmanned aerial vehicles, also known as drones, by law enforcement agencies. This amendment includes a legislative findings provision to recognize the potential benefits and risks of the evolving technology of unmanned aerial vehicles and narrows the definition of "unmanned aerial vehicle" to include only vehicles with the capability of performing audio or visual surveillance.

It requires the governing body of the governmental unit overseeing a law enforcement agency to approve the acquisition of an unmanned aerial vehicle by the law enforcement agency. It requires that a law enforcement agency must comply with Federal Aviation Administration requirements when operating an unmanned aerial vehicle.

Under this amendment, a law enforcement agency may operate an unmanned aerial vehicle only after it has adopted the standards established by the Board of Trustees of the Maine Criminal Justice Academy. The amendment provides exceptions for the use of an unmanned aerial vehicle in search and rescue operations when the law enforcement agency determines that the use is necessary to alleviate immediate danger to any person or for training exercises to prepare for such uses and for an emergency use approved by the chief administrative officer of the agency or the Governor. In addition, a law enforcement agency may use unmanned aerial vehicles for purposes other than the investigation of crimes, such as aerial photography for the assessment of accidents, forest fires and other fire scenes, flood stages and storm damage.

This amendment prohibits a law enforcement agency from using a weaponized unmanned aerial vehicle. Additionally, a law enforcement agency may not use an unmanned aerial vehicle for criminal investigations without a warrant, except as permitted by a recognized exception to the requirement for a warrant under the Constitution of Maine or the United States Constitution. The amendment also prohibits law enforcement use of an unmanned aerial vehicle to conduct surveillance of private citizens peacefully exercising their rights of free speech and assembly.

This amendment requires the Board of Trustees of the Maine Criminal Justice Academy to establish minimum standards for written policies and protocols for use of unmanned aerial vehicles and the Commissioner of Public Safety to annually report to the Legislature.

### **Enacted Law Summary**

Public Law 2015, chapter 307 enacts provisions regulating the use of unmanned aerial vehicles, also known as "drones," by law enforcement agencies. It includes a legislative findings provision to recognize the potential benefits and risks of the evolving technology of unmanned aerial vehicles and narrows the definition of "unmanned aerial vehicle" to include only vehicles with the capability of performing audio or visual surveillance.

It requires the governing body of the governmental unit overseeing a law enforcement agency to approve the acquisition of an unmanned aerial vehicle by the law enforcement agency. It also requires that a law enforcement agency must comply with Federal Aviation Administration requirements when operating an unmanned aerial vehicle.

Under chapter 307, a law enforcement agency may operate an unmanned aerial vehicle only after it has adopted the standards established by the Board of Trustees of the Maine Criminal Justice Academy. It provides exceptions for the use of an unmanned aerial vehicle in search and rescue operations when the law enforcement agency determines that the use is necessary to alleviate immediate danger to any person or for training exercises to prepare for such uses and for an emergency use approved by the chief administrative officer of the agency or the Governor. In addition, a law enforcement agency may use unmanned aerial vehicles for purposes other than the investigation of crimes, such as aerial photography for the assessment of accidents, forest fires and other fire scenes, flood stages and storm damage.

## *Joint Standing Committee on Judiciary*

It prohibits a law enforcement agency from using a weaponized unmanned aerial vehicle. Additionally, a law enforcement agency may not use an unmanned aerial vehicle for criminal investigations without a warrant, except as permitted by a recognized exception to the requirement for a warrant under the Constitution of Maine or the United States Constitution. It also prohibits law enforcement use of an unmanned aerial vehicle to conduct surveillance of private citizens peacefully exercising their rights of free speech and assembly.

Chapter 307 requires the Board of Trustees of the Maine Criminal Justice Academy to establish minimum standards for written policies and protocols for use of unmanned aerial vehicles and the Commissioner of Public Safety to annually report to the Legislature.

**LD 57      An Act To Increase Mileage Reimbursement and Compensation for Jurors      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J BURNS	OTP-AM	H-90

This bill increases the mileage reimbursement for citizens who serve as jurors from 15¢ per mile to 44¢ per mile. It restores the per diem compensation to \$20 per day, the rate paid to jurors until 1991.

Juror daily compensation and mileage reimbursement are included in the Biennial Budget, LD 1019, Public Law 2015, chapter 267, part A, section A-43 and Part PPP.

### **Committee Amendment "A" (H-90)**

This amendment adds an appropriations and allocations section to the bill. It appropriates funds to pay increased mileage reimbursement and increased per diem compensation to jurors.

**LD 58      An Act To Require Transparency of the Ownership of All Companies Providing Funds To Build Infrastructure for Development Purposes      Accepted Majority (ONTP) Report**

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

This bill requires a private entity to provide complete information about the ownership of that entity before it enters into an agreement with a governmental entity to provide funding for the construction of infrastructure for development purposes. The information must be provided to the governmental entity, which shall immediately release that information to the public. Information about such private entities is a public record for the purpose of the Freedom of Access Act.

This bill applies to all construction of infrastructure for development purposes, including contracts that the Department of Transportation supervises.

### **Committee Amendment "A" (H-18)**

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