

MAINE STATE LEGISLATURE

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STATE OF MAINE
127TH 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

127TH 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 127th 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 & 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&S XXX</i> | <i>chapter # of enacted private & 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 127th 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

parent's consenting, except that the amendment permits a physician to perform an abortion without the required consent if the physician determines that a medical emergency exists. The amendment retains the judicial bypass in current law that allows a minor or next friend of the minor to petition the Probate Court or District Court for consent rather than obtaining parental consent. This amendment limits who may act as the next friend of the minor to adult family members and counselors. If a pregnant minor files a petition in the Probate Court or District Court for consent to an abortion without parental consent, the court may appoint a guardian ad litem for the minor, and the guardian ad litem is directed to act to maintain the confidentiality of the proceedings.

LD 111 An Act To Ensure That Defendants Receive Proper Notification in Foreclosure Proceedings Veto Sustained

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| DAUGHTRY MILLETT | OTP-AM | H-391 |

This bill requires that the notice of right to cure and all other notices and correspondence sent by a mortgagee to the mortgagor in a foreclosure action must be sent by certified mail.

Committee Amendment "A" (H-391)

This amendment replaces the bill. It requires the mortgagee to send the right to cure notice by both certified mail, return receipt requested, and ordinary mail.

The time the notice is given to the mortgagor or cosigner is the sooner of:

1. The date the mortgagor or cosigner signs the receipt or, if the notice is undeliverable, the date the post office last attempts to deliver it, under the Maine Revised Statutes, Title 14, section 6111, subsection 3, paragraph A; and
2. The date the mortgagor or cosigner receives the notice under Title 14, section 6111, subsection 3, paragraph B. A post office department certificate of mailing to the mortgagor or cosigner is conclusive proof of receipt on the 7th calendar day after mailing when notice is provided under Title 14, section 6111, subsection 3, paragraph B.

LD 136 An Act To Clarify That the Medical Records of Applicants for Disability Variances Submitted to Municipal Boards of Appeal Are Not Public Records PUBLIC 152

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MONAGHAN | OTP-AM | H-163 |

This bill provides that documents submitted to a municipal board of appeals or a municipal code enforcement officer that describe or verify the disability of a person who is seeking a variance from municipal zoning ordinances in order to accommodate the disability are not public records pursuant to the Freedom of Access Act.

Committee Amendment "A" (H-163)

This amendment clarifies that all medical records submitted to a municipal board of appeals or a code enforcement officer and any other documents submitted for the purpose of describing or verifying a person's disability are confidential. The amendment addresses a concern that under the language in the bill, medical records submitted to the board or code enforcement officer that do not actually describe or verify a person's disability but nonetheless contain private information would become public records.

Enacted Law Summary

Joint Standing Committee on Judiciary

Public Law 2015, chapter 152 provides that all medical records submitted to a municipal board of appeals or a code enforcement officer and any other documents submitted for the purpose of describing or verifying a person's disability are confidential.

LD 159 An Act To Prevent Bad Faith Assertions of Patent Infringement

**Accepted Majority
(ONTP) Report**

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

Current law prohibits a person from making a bad faith assertion of patent infringement against another person. A person who does make a bad faith assertion may have to pay remedies awarded by the court, including equitable relief, damages, costs and fees and punitive damages; however, the law exempts persons seeking relief pursuant to 35 United States Code, Section 271(e)(2) or 42 United States Code, Section 262 from the law prohibiting bad faith assertions of patent infringement, which may include businesses such as pharmaceutical companies. This bill removes the exemption.

LD 160 An Act To Provide Reasonable Compensation to Jurors

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| THERIAULT BURNS | ONTP | |

This bill increases the mileage reimbursement for citizens who serve as jurors from 15¢ per mile to 44¢ per mile and the per diem compensation to \$32 per day, the amount paid to Legislators for meals.

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

LD 161 An Act To Ban the United Nations Agenda 21 in Maine

**Died Between
Houses**

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

This bill prohibits the State or any political subdivision of the State from adopting or implementing policies originating in the United Nations Agenda 21 or other international laws that restrict private property rights without due process. Because the United Nations has accredited and enlisted numerous nongovernmental and intergovernmental organizations to assist in the implementation of its policies related to Agenda 21 around the world, the bill prohibits the State or any political subdivision from entering into agreements or financial arrangements with those organizations.

Committee Amendment "A" (H-463)

This amendment, which is the minority report of the committee, replaces the bill to eliminate references to United Nations Agenda 21 and any international law or ancillary plan of action that contravenes the United States Constitution or the Constitution of Maine, but still focuses on the protection of private property rights. The