

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

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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 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

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

Joint Standing Committee on Judiciary

amendment requires the State and political subdivisions to identify the effect of planning and zoning policies on private property rights. It requires the State and political subdivisions to ensure participation of private property owners in the process of developing planning and zoning policies. It provides that the State and political subdivisions may provide an estimate of the effect of planning and zoning policies on the fair market value of private property.

LD 162 An Act To Protect the Rights of Property Owners

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'CONNOR COLLINS	ONTP OTP-AM	

This bill requires that any entity enacting or enforcing a land use regulation that creates a taking of privately owned land, defined as a reduction in fair market value of the land, provide compensation in the amount of the reduction in fair market value to the owner of the land or repeal or not enforce the regulation against that owner. The bill provides a remedy and cause of action for owners of privately owned land who are subject to a taking by a land use regulation, with a statute of limitations of three years after the effective date of this legislation or when a land use regulation creating a taking is used as a criterion for approval of a land use permit application by an owner of privately owned land, whichever comes later. Exceptions to the compensation requirements include common law nuisances, public health and safety protections, regulations enacted prior to the date of acquisition of the property by the owner or a family member of the owner and regulations consistent with the original intent of the United States Constitution and the Constitution of Maine.

Committee Amendment "A" (H-48)

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

LD 181 An Act To Create Efficiencies in Court Process

PUBLIC 78

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MONAGHAN BURNS	OTP-AM	H-91

This bill authorizes the Supreme Judicial Court to adopt any rules or issue any orders necessary to implement its electronic case management and filing system. The bill requires the court to notify the Legislature of any such rules or orders and to recommend any changes in law needed to implement or promote the system.

Committee Amendment "A" (H-91)

This amendment replaces the bill but retains the provision of the bill that provides the Supreme Judicial Court the authority to adopt rules governing the use of electronic forms and filing processes. The amendment authorizes the Judicial Branch to accept electronic signatures, which is already authorized for executive branch agencies under the Maine Digital Signature Act.

Enacted Law Summary

Public Law 2015, chapter 78 authorizes the Supreme Judicial Court to adopt any rules or issue any orders necessary to implement its electronic case management and filing system. It authorizes the Judicial Branch to accept electronic signatures, which is already authorized for executive branch agencies under the Maine Digital Signature Act. The court must notify the Legislature of any such rules or orders and must recommend any changes in law