

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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127TH 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 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.

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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

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needed to implement or promote the system.

LD 199 An Act To Improve the Reporting of Child Abuse

PUBLIC 117

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	S-93

This bill amends the law regarding mandated reporters of suspected child abuse and neglect and of the suspicious death of a child by striking language allowing those reporters to cause someone else to make a report. Individual mandated reporters are still required to report suspected child abuse and neglect and suspicious death of a child.

Committee Amendment "A" (S-93)

The bill eliminates language allowing mandated reporters of child abuse and neglect to report to an institution, facility or agency rather than directly to the Department of Health and Human Services. This amendment retains the current language and instead requires a mandated reporter, described as the "notifying person," to acknowledge in writing that the mandated reporter has received confirmation that the report has been made by the institution, facility or agency to the department. If the mandated reporter does not receive that confirmation within 24 hours of notifying the institution, facility or agency, the mandated reporter is required to report directly to the department. The amendment also prohibits an employer from taking any action to prevent or discourage an employee from making a report. The amendment adds similar requirements for reports that must be made to the appropriate district attorney's office.

Enacted Law Summary

Public Law 2015, chapter 117 requires a mandated reporter of child abuse and neglect, to acknowledge in writing that the mandated reporter has received confirmation that the report has been made by the institution, facility or agency to the department. If the mandated reporter does not receive that confirmation within 24 hours of notifying the institution, facility or agency, the mandated reporter is required to report directly to the department. An employer is prohibited from taking any action to prevent or discourage an employee from making a report. Chapter 117 adds similar requirements for reports that must be made to the appropriate district attorney's office.

LD 206 An Act To Clarify Restrictions on Disclosure of E-9-1-1 System Information

PUBLIC 153

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-165

This bill amends the confidentiality provisions regarding the E-9-1-1 system as follows:

1. It replaces reference to a law enforcement officer with reference to a criminal justice agency;
2. It replaces reference to a criminal investigation with reference to the administration of criminal justice and the administration of juvenile justice; and
3. It allows release of audio recordings of E-9-1-1 calls to a person accused of a crime or that person's agent or attorney for the purposes of trial and sentencing if authorized by the prosecutor or prosecutorial office or a rule or order of a court of competent jurisdiction.

Committee Amendment "A" (H-165)