

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

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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

LD 344 An Act To Amend the Laws Governing the Confidentiality of Library Records

PUBLIC 81

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

Current law designates as confidential library records that identify the books or materials a patron uses at a public library, the Maine State Library, the Law and Legislative Reference Library and the libraries of the University of Maine System, the Maine Community College System and the Maine Maritime Academy.

This bill retains that designation of confidentiality and also designates as confidential personally identifying information about the library patron. The bill also retains the provision that the confidential information may be released with the written permission of the library patron or pursuant to a court order but adds language permitting the confidential information to be released to officers, employees, volunteers and agents of the library for administrative purposes. The bill clarifies that a library may publish and release as a public record aggregated and statistical information about library use if the confidentiality of a library patron's personally identifying information is not jeopardized.

Enacted Law Summary

Public Law 2015, chapter 81 designates as confidential personally identifying information about a library patron and permits the confidential information to be released to officers, employees, volunteers and agents of the library for administrative purposes. It clarifies that a library may publish and release as a public record aggregated and statistical information about library use if the confidentiality of a library patron's personally identifying information is not jeopardized.

LD 346 An Act To Require Shared Parenting of Minor Children When the Parents Separate

ONTP

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

This bill requires the court to order shared parenting when parents of minor children separate unless the court finds proof of domestic abuse, drug use or neglect in the family. It requires the court to start with the presumption of shared parenting when determining the best interest of the child and to incorporate into the order the sharing of parental rights and responsibilities agreed to by the parents unless there is proof of domestic abuse, drug use or neglect in the family.

LD 349 An Act To Ensure Accountability of Guardians Ad Litem

ONTP

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

This bill:

1. Removes the quasi-judicial immunity provided to guardians ad litem by statute;

Joint Standing Committee on Judiciary

2. Allows a cause of action and the award of punitive damages against guardians ad litem who falsely accuse parties of abuse or neglect or who intentionally exclude relevant information from reports to the parties or the court;
3. Requires the court to impose limits on the extent of investigations to be undertaken by a guardian ad litem;
4. Requires all guardians ad litem to have a minimum amount of completed course work in social work; and
5. Requires the court to set expenditure limits on guardian ad litem fees and any other costs incurred in investigations or the completion of the duties of the appointment.

LD 351 An Act To Reinstate as a Nonprofit Corporation the Orchard Hills Umbrella Association ONTP

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

This bill reinstates the Orchard Hills Umbrella Association, a nonprofit corporation with the purpose of maintaining the Orchard Hills Parkway in the City of Bangor that was administratively dissolved by the Secretary of State in 1989. See LD 1425, Public Law 2015, chapter 254.

LD 360 An Act To Clarify That the Information Gathered during Investigations of Attorneys by the Maine Commission on Indigent Legal Services Is Confidential PUBLIC 290

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

This bill clarifies that information obtained or gathered by the Maine Commission on Indigent Legal Services when the commission is performing an investigation of an attorney is confidential. The bill retains the provision of current law that provides that information obtained or gathered by the commission when performing an evaluation of an attorney is confidential.

Enacted Law Summary

Public Law 2015, chapter 290 clarifies that information obtained or gathered by the Maine Commission on Indigent Legal Services when the commission is performing an investigation of an attorney is confidential.

LD 401 An Act To Create Transparency in the Mortgage Foreclosure Process PUBLIC 229

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAVERS JOHNSON	OTP-AM	H-257

This bill requires a mortgage loan owner to conduct a foreclosure in the name of the mortgage loan owner, instead of a mortgage loan servicer, to ensure that courts and parties know that the foreclosing plaintiff is the mortgage loan owner and the entity whose loan modification programs affect the ability of homeowners to obtain loan modifications.