

# 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

This amendment clarifies that the exception to the definition of "public record" proposed in the bill is limited to records provided by a railroad company that describe hazardous materials that are transported by the railroad company, the routes of the hazardous materials shipments and the frequency of the hazardous materials operations on those routes when those records are in the possession of state or local emergency management entities or law enforcement agencies, fire departments or other first responders. The amendment also provides that "hazardous material" has the same definition as in 49 Code of Federal Regulations, Section 105.5.

### Enacted Law Summary

Public Law 2015, chapter 161 creates a new exception to the definition of "public record" limited to records provided by a railroad company that describe hazardous materials that are transported by the railroad company, the routes of the hazardous materials shipments and the frequency of the hazardous materials operations on those routes when those records are in the possession of state or local emergency management entities or law enforcement agencies, fire departments or other first responders. "Hazardous material" has the same definition as in 49 Code of Federal Regulations, Section 105.5.

### LD 485 An Act To Allow Licensed Foresters To Use Mechanics Liens

PUBLIC 56

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

This bill adds licensed foresters to the list of persons who can place a lien on the property of another for nonpayment of services.

### Enacted Law Summary

Public Law 2015, chapter 56 adds licensed foresters to the list of persons who can place a lien on the property of another for nonpayment of services.

### LD 513 An Act To Clarify the Protections of Court Appointed Special Advocate Workers under State Law

ONTP

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

This bill amends the laws applicable to individuals who volunteer to serve as court appointed special advocates. Current law provides quasi-judicial immunity for acts performed within the scope of the volunteer's duties as a guardian ad litem. The bill requires the State, with the consent of the volunteer, to assume the defense of the volunteer and indemnify the volunteer against a claim that arises out of the volunteer's work as a court appointed special advocate. In addition, this bill requires the State to reimburse out-of-pocket medical costs and costs to repair or replace personal property, such as broken eyeglasses, if the injury or damage occurs during the person's performance of services and within the person's scope of the duties of the court appointed special advocate.

### LD 531 An Act To Establish the Maine Fourth Amendment Protection Act

Died Between Houses

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

*Joint Standing Committee on Judiciary*

This bill prohibits the State and its political subdivisions from assisting, participating with or providing material support or resources to enable or facilitate a federal agency in the collection or use of a person's electronic data or metadata without the person's informed consent, without a warrant based upon probable cause that particularly describes the person, place or thing to be searched or seized or without acting in accordance with a legally recognized exception to the warrant requirements.

**Committee Amendment "A" (S-275)**

This amendment, which is the majority report of the committee, clarifies the language in the bill concerning the permitted activities of the State and its political subdivisions in participating with a federal agency in the collection and use of a person's electronic data and metadata. It also specifies that the prohibition applies to electronic data and metadata associated with a person's landline, cellular or satellite telephone, handheld electronic device, global positioning system device, personal computer, e-mail account, private messaging service or cloud database service.

**LD 553      An Act To Include a Representative of the Aroostook Band of Micmacs      ONTP**  
**in the House of Representatives**

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

This bill makes the statutory changes necessary to include a representative of the Aroostook Band of Micmacs in the Maine House of Representatives beginning with the 128th Legislature.

**LD 574      An Act To Amend the Laws Governing the Membership of the Maine      Veto Sustained**  
**Commission on Domestic and Sexual Abuse**

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

This bill allows the designee of a county sheriff appointed to the Maine Commission on Domestic and Sexual Abuse to serve on the commission and replaces one at-large member with the executive director of a tribal coalition against sexual assault and domestic violence. The current at-large member will serve until the expiration of that member's term.

**LD 583      An Act To Clarify the Law Governing Mortuary Trust Accounts as They      ONTP**  
**Relate to the Uniform Unclaimed Property Act**

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

This bill clarifies that presumptive abandonment of demand, savings and time deposit accounts does not apply to prearranged funeral and burial plans. Those plans are explicitly covered by the Maine Revised Statutes, Title 33, section 1953, subsection 1, paragraph P.