

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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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 686 An Act To Promote Privacy in Social Media

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIERCE T BREEN	OTP-AM ONTP	H-440

The bill prohibits an employer from requiring or coercing an employee or applicant to disclose passwords or provide access to a personal social media account, to change settings or contacts associated with a social media account or to provide social media account information, except when the employer reasonably believes it to be relevant to an investigation of allegations of employee misconduct or workplace-related violations. The employer cannot take any adverse action against an employee or applicant for refusing to provide information or access. The prohibitions do not apply when an employer has a duty to screen employees or applicants or to monitor or retain employee communications required under specified federal laws.

Committee Amendment "A" (H-440)

This amendment is the majority report of the committee. It makes clear that, although generally an employer cannot request or coerce an employee or applicant to disclose any personal social media account information, there is an exception: an employer may require an employee to disclose personal social media account information reasonably believed to be relevant to an investigation of allegations of employee misconduct or a workplace violation of applicable laws, rules or regulations and when requiring the disclosure is not otherwise prohibited by law, as long as the information disclosed is accessed and used solely to the extent necessary for the purposes of that investigation or a related proceeding.

This amendment makes clear that an employer retains the right to promulgate and maintain lawful workplace policies governing the use of the employer's electronic equipment, including a requirement for an employee to disclose to the employer the employee's user name, password or other information necessary to access employer-issued electronic devices, including but not limited to cellular telephones and computers, or to access employer-provided software or e-mail accounts.

This amendment deletes the private right of action in the bill and instead imposes graduated fines to be imposed by the Department of Labor. The amendment also adds an appropriations and allocations section.

The bill as amended is included in Senate Amendment A to Committee Amendment B (S-323) to LD 921 and is Part B of Public Law 2015, chapter 343.

LD 731 An Act To Increase Compensation for Active Retired Judges

ONTP

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

This bill raises the per diem compensation for active retired judges and justices from \$300 per day to \$500 per day. It fixes the per diem compensation for active retired family law magistrates at 75% of the per diem compensation paid to active retired judges. It also limits per diem compensation received by an active retired judge, justice or family law magistrate in any calendar year to 75% of the annual salary of a full-time judge, justice or family law magistrate, respectively, and provides that an active retired judge, justice or family law magistrate does not accrue additional creditable service for benefit calculation purposes and is not entitled to any other employee benefit,

Joint Standing Committee on Judiciary

including health, dental and life insurance. The same proposed increases were included in the Governor's original Biennial Budget.

LD 735 An Act To Establish a Voluntary Preforeclosure Mediation Program

ONTP

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

This bill provides Maine consumers with an opportunity to avoid home mortgage foreclosure by participating in mediation at an early stage of default before foreclosure has commenced. A mortgagee may request a mortgagor to participate in preforeclosure mediation if the property subject to the mortgage is owner-occupied residential property of four or fewer units, and the mortgage payment is at least 35 days late. A mortgagor who participates or who fails or refuses to participate in the preforeclosure mediation program when requested to do so is not entitled to participate in the existing foreclosure mediation program. Current law provides for foreclosure mediation only after a foreclosure has been filed in court.

LD 756 An Act To Enhance the Address Confidentiality Program Regarding Property Records

PUBLIC 313

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNPHY M JOHNSON	OTP-AM	H-472

This bill amends the Address Confidentiality Program statute to make clear that the protected address of a certified program participant in the possession of a state or local government agency or court that has been authorized to use it for bona fide statutory, administrative or law enforcement purposes otherwise remains confidential and must be kept under seal and excluded from inspection by the public.

The bill amends the laws governing the registry of deeds and assessment of property taxes to provide address confidentiality protection to participants in the program upon request. In the registry of deeds, a program participant's Address Confidentiality Program identification number rather than name must be used in the record on the registry's publicly accessible website. A municipal assessor must include the identification number rather than the program participant's name in the assessment.

Committee Amendment "A" (H-472)

This amendment removes a provision in the bill regarding the obligations of all government agencies and courts with regard to participants in the Address Confidentiality Program.

This amendment removes a provision in the bill authorizing the use of an Address Confidentiality Program participant's identification number in lieu of the participant's name on documents filed with the register of deeds.

The amendment adds a provision to the tax laws allowing an Address Confidentiality Program participant to request that the municipal assessor redact the participant's name on the declaration of value form on file at the municipal office prior to disclosure.

Enacted Law Summary

Public Law 2015, chapter 313 amends the Address Confidentiality Program to clarify when the address or mailing address may be released to law enforcement or other governmental entities. It also adds a provision to the tax laws allowing an Address Confidentiality Program participant to request that the municipal assessor redact the