

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.

Joint Standing Committee on Judiciary

LD 1121 An Act To Fund the Cold Case Homicide Unit in the Department of the Attorney General

Died On Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO HOBBINS	OTP-AM	S-92

This bill follows up on legislation last year that created a cold case homicide unit without providing any funding. It repeals the requirement that the Commissioner of Public Safety and the Attorney General pursue federal funding to establish a cold case homicide unit. The bill also repeals the provision of law that makes establishment of a cold case homicide unit contingent upon availability of federal funding, and instead provides funding for the fiscal year 2016-17.

The provisions of the bill repealing the requirement of federal funding and repealing the effective date contingent on federal funding are incorporated into the Biennial Budget; see Public Law 2015, chapter 267, Part D. Chapter 267 and the Highway Budget, Public Law 2015, chapter 268 provide funding.

Committee Amendment "A" (S-92)

This amendment replaces the appropriations and allocations section included in the bill with a corrected appropriations and allocations section. It also adds a fiscal note.

LD 1130 An Act To Clarify the Use of Lawyer's Trust Account Funds When the Owner Is Not Known or Cannot Be Located

Accepted Majority (ONTP) Report

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

This bill amends the Uniform Unclaimed Property Act by directing the Treasurer of State to deliver unclaimed lawyer's trust account funds to the lawyer's trust account program manager designated by the Maine Supreme Judicial Court. The bill requires the lawyer's trust account program manager to return funds to the Treasurer of State if an owner of funds is identified.

Committee Amendment "A" (S-180)

This amendment, which is the minority report of the committee, replaces the bill with a provision that requires that funds presumed abandoned under the Uniform Unclaimed Property Act in a lawyer's pooled trust account for which no identifying client information can be found must be transferred to the lawyer's pooled trust accounts manager to be used to provide funding to organizations whose primary purpose is to provide civil legal aid to low-income Maine residents. The bill requires the lawyer's trust account program manager to return funds to the Treasurer of State if an owner of funds is identified.

LD 1136 An Act To Amend the Maine Business Corporation Act

PUBLIC 259

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ	OTP-AM	S-233

Joint Standing Committee on Judiciary

This is a periodic update of the Maine Business Corporations Act to reflect recently adopted changes to the Model Business Corporations Act.

Committee Amendment "A" (S-233)

This amendment makes no substantive change to the bill but adjusts language in the section of the bill relating to grounds for judicial dissolution of a corporation to fit that language into the structure of the current law.

Enacted Law Summary

Public Law 2015, chapter 259 is a periodic update of the Maine Business Corporations Act to reflect recently adopted changes to the Model Business Corporations Act. It makes the following changes.

1. It extends the existing ability of a corporation to reduce or eliminate certain fiduciary duties owed by directors to Maine corporations and their shareholders by means of provisions in the corporation's articles of incorporation to situations involving business opportunities that could be of interest to the corporation.
2. It makes minor clarifying changes to existing provisions relating to the signatures on share certificates, the right of shareholders to call special shareholders' meetings and the permitted duration of voting trusts, prospectively eliminating a restriction limiting such trusts to 21 years.
3. It clarifies existing provisions relating to the duration of proxies to vote shares in Maine corporations and the effectiveness of irrevocable proxies.
4. It clarifies and expands upon existing provisions relating to inspectors of elections, including provisions regarding the appointment, roles, duties and procedures of inspectors and judicial review of their actions and decisions.
5. It contains detailed provisions relating to judicial review of disputes concerning elections and appointments of directors and officers of Maine corporations, including the matters as to which the judiciary may issue rulings, the persons who may commence such proceedings, the persons who must be named as defendants in such proceedings, service of process and the scope and types of remedies that may be granted in such actions.
6. It clarifies when and in what manner qualifications for service as a director of a Maine corporation, or to be nominated as such, may become applicable relative to the time of nomination or time of election or during such person's tenure as a director.
7. It provides that Maine's existing statutory provision allowing judicially mandated dissolution of a Maine corporation in cases involving "oppression" of one or more shareholders is applicable to corporations whose securities are publicly traded.

LD 1145 An Act To Improve Maine's Involuntary Commitment Processes

**PUBLIC 309
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY	OTP-AM	H-464 H-471 MALABY

This bill is based on certain recommendations in the report "Recommendations for Improving the Involuntary Commitment Process," by the Judicial Branch Mental Health Working Group dated December 15, 2014. It amends the laws governing involuntary hospitalization by:

1. Authorizing a health care practitioner to administer involuntary treatment to a person being involuntarily held or