

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

STAFF:

MARGARET J. REINSCH, SENIOR LEGISLATIVE ANALYST
HENRY FOUTS, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

MEMBERS:

SEN. DAVID C. BURNS, CHAIR
SEN. AMY F. VOLK
SEN. CHRISTOPHER K. JOHNSON

REP. BARRY J. HOBBS, CHAIR
REP. KIMBERLY J. MONAGHAN
REP. MATTHEW W. MOONEN
REP. JOYCE MCCREIGHT
REP. CHARLOTTE WARREN
REP. STACEY K. GUERIN
REP. ROGER L. SHERMAN
REP. PHYLLIS A. GINZLER
REP. LLOYD C. HERRICK
REP. JEFFREY EVANGELOS
REP. WAYNE T. MITCHELL

STATE OF MAINE

127TH LEGISLATURE

FIRST REGULAR SESSION



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 1163 An Act To Amend the Garnishment Laws of the State

CARRIED OVER

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

This bill establishes a process for the garnishment of state income tax refunds for the satisfaction of money judgments.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

LD 1168 An Act To Prohibit the Use of Eminent Domain in Certain Public-private Partnerships and To Prohibit the Use of Eminent Domain by a Private Business Entity in a Public-private Partnership

PUBLIC 263

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS CRAFTS	OTP-AM	S-249

This bill prohibits the use of the power of eminent domain for the development, operation, management, ownership, leasing or maintenance of a transportation facility as a public-private partnership project. It also prohibits the use of the power of eminent domain by a private business entity when the entity is involved in a public-private partnership.

Committee Amendment "A" (S-249)

This amendment replaces the bill. It amends the law governing public-private partnerships for transportation projects to clarify that all projects must comply with the Sensible Transportation Policy Act, to explicitly state that the Department of Transportation may not confer its power of eminent domain on a private entity and to require the Department of Transportation to report by February 1st of every year on the status of any projects and any substantive changes.

Enacted Law Summary

Public Law 2015, chapter 263 amends the law governing public-private partnerships for transportation projects to clarify that all projects must comply with the Sensible Transportation Policy Act, to explicitly state that the Department of Transportation may not confer its power of eminent domain on a private entity and to require the Department of Transportation to report by February 1st of every year on the status of any projects and any substantive changes.

LD 1171 An Act To Protect Certain Information under the Maine Human Rights Act

Died Between Houses

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

This bill protects from public disclosure information in the records of the Maine Human Rights Commission that identifies minors. It also designates as confidential medical records, medical diagnoses, medical information and information regarding an individual's disability contained in the commission's records. The bill specifies that medical records, medical diagnoses, medical information and information regarding an individual's disability may

Joint Standing Committee on Judiciary

not be disclosed without the written authorization of the individual who is the subject of the medical records or medical diagnoses and provides specific exceptions designed to authorize disclosure necessary to further investigation of and deliberation on complaints.

Committee Amendment "A" (H-476)

This amendment is the majority report of the committee. It replaces section 2 of the bill but, like the bill, it revises the confidentiality provisions of the Maine Human Rights Act.

This amendment protects from public disclosure information in the records of the Maine Human Rights Commission that identifies a minor, a person's medical condition or disability, the identity of a person not a party to a complaint at the commission, personnel records, social security numbers, residential addresses and personal phone numbers, banking and financial information, criminal history information not otherwise made public by law and the identity of a person who has established a compelling and immediate need to proceed with or participate in a commission investigation with anonymity.

LD 1177 An Act To Enact the Recommendations of the Probate and Trust Law CARRIED OVER
Advisory Commission Regarding the Maine Uniform Fiduciary Access
to Digital Assets Act

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

This bill enacts the Uniform Fiduciary Access to Digital Assets Act as the Maine Uniform Fiduciary Access to Digital Assets Act as a new Article 10 in the Maine Revised Statutes, Title 18-A. The Probate and Trust Law Advisory Commission recommended enactment in the report submitted to the Joint Standing Committee on Judiciary pursuant to Resolve 2013, chapter 27 as amended by Resolve 2013, chapter 81. The Uniform Fiduciary Access to Digital Assets Act ensures account holders retain control of their digital property and can plan for its ultimate disposition after their death. Unless the account holder instructs otherwise, legally appointed fiduciaries will have the same access to digital assets as they have always had to tangible assets and the same duty to comply with the account holder's instructions.

This bill modifies the Uniform Fiduciary Access to Digital Assets Act to be consistent with existing Maine law with regard to conservators. Part B amends Maine's Uniform Power of Attorney Act to specifically allow a power of attorney to grant authority to enable the agent to access the content of an electronic communication to be consistent with the grant of express authority required by Section 6 of the Uniform Fiduciary Access to Digital Assets Act, included in this bill as Title 18-A, section 10-106.

Part C provides that this bill takes effect January 1, 2016.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

LD 1181 An Act To Limit Liability for Certain Successor Corporations under CARRIED OVER
Specific Circumstances

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J HASKELL		

This bill limits the liability of successor corporations that, before the dangers of asbestos were known publicly in 1972, acquired or merged with a predecessor corporation that engaged in asbestos-related activities. Liability is