

# 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

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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.

*CARRIED OVER* ..... carried over to a subsequent session of the Legislature  
*CON RES XXX*..... chapter # of constitutional resolution passed by both houses  
*CONF CMTE UNABLE TO AGREE*..... Committee of Conference unable to agree; legislation died  
*DIED BETWEEN HOUSES*..... House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE*..... defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT*..... action incomplete when session ended; legislation died  
*EMERGENCY*..... enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE* ..... emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT* ..... legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*..... sponsor's request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY* ..... ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX*..... chapter # of enacted public law  
*RESOLVE XXX*..... chapter # of finally passed resolve  
*VETO SUSTAINED*..... Legislature failed to override Governor's veto

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*

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.

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

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

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capped at the value of the predecessor corporation at the time of merger adjusted for inflation, but only for successor corporations that did not continue in the business of mining, selling, distributing, manufacturing, removing or installing asbestos-containing products.

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

**LD 1186     An Act To Promote Professional Training and Security in Maine Courts**

**PUBLIC 238  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREY KATZ	OTP-AM	H-358

This bill authorizes the State Court Administrator to establish fees on lawyers, guardians ad litem, interpreters, mediators and other professionals who routinely participate in court proceedings to cover the costs of training, orientation, continuing education, background investigations, entry screening and security provided to these professionals. The State Court Administrator also may establish fees on third parties to cover the costs of the use of court facilities for purposes not related to court functions by those third parties. All fees collected must be deposited in a nonlapsing Other Special Revenue Funds account to be used for these purposes only. This account may receive money from grants, gifts, bequests and donations.

**Committee Amendment "A" (H-358)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2015, chapter 238 authorizes the State Court Administrator to establish fees on lawyers, guardians ad litem, interpreters, mediators and other professionals who routinely participate in court proceedings to cover the costs of training, orientation, continuing education, background investigations, entry screening and security provided to these professionals. The State Court Administrator also may establish fees on third parties to cover the costs of the use of court facilities for purposes not related to court functions by those third parties. All fees collected must be deposited in a nonlapsing Other Special Revenue Funds account to be used for these purposes only. This account may receive money from grants, gifts, bequests and donations.

Public Law 2015, chapter 238 was enacted as an emergency measure effective June 23, 2015.

**LD 1203     An Act To Address the Detrimental Effects of Abandoned Property**

**PUBLIC 276**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY LAJOIE	OTP-AM	S-260

This bill authorizes municipalities, through the adoption of an appropriate ordinance, to provide for the care, maintenance and security of abandoned properties.

**Committee Amendment "A" (S-260)**

This amendment authorizes municipalities to provide for the care, maintenance and security of abandoned properties without adoption of an ordinance as proposed in the bill. The amendment retains the provisions of the bill regarding how abandonment is determined and allowing municipalities to recover their cost of maintaining abandoned properties through the application of a supplemental tax on the property. The amendment gives