

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
128<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON JUDICIARY**

August 2017

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# STATE OF MAINE

128<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 128<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 128<sup>th</sup> Legislature is Wednesday, November 1, 2017. 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 821 An Act To Enact the Revised Uniform Unclaimed Property Act**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION M TALBOT ROSS R		

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to adopt the Revised Uniform Unclaimed Property Act as adopted by the Uniform Law Commission.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

**LD 845 An Act To Clarify That Petitions for Certiorari to the Supreme Court of the United States Are Included within the Definition of Indigent Legal Services**

**Died Between Houses**

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

This bill includes in the definition of "indigent legal services" the filing, on behalf of an indigent party, defendant or juvenile, of a petition for certiorari to the Supreme Court of the United States from an adverse decision of the Law Court on a case for which indigent legal services were provided.

**Committee Amendment "A" (H-205)**

This amendment is the majority report. The bill expands the definition of indigent legal services administered through the Maine Commission on Indigent Legal Services to include filing of a petition for certiorari to the United States Supreme Court. This amendment requires the commission to develop a procedure for approving requests by counsel for authorization to file a petition for certiorari. Compensation for the preparation and filing of the petition may not exceed \$1,500.

This amendment was not adopted.

**LD 846 An Act To Enact the Revised Uniform Fiduciary Access to Digital Assets Act**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARDONE B HILL D		

This bill enacts the Revised Uniform Fiduciary Access to Digital Assets Act as the Maine Revised Uniform Fiduciary Access to Digital Assets Act, Article 10 in the Maine Revised Statutes, Title 18-A. This bill modifies the Revised Uniform Fiduciary Access to Digital Assets Act to be consistent with existing Maine law with regard to conservators.

Part B amends the Maine Uniform Power of Attorney Act to specifically allow a power of attorney to grant

*Joint Standing Committee on Judiciary*

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 9 of the Revised Uniform Fiduciary Access to Digital Assets Act, included in this bill as the Maine Revised Statutes, Title 18-A, section 10-109.

Part C provides that the provisions of this bill take effect January 1, 2018.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

**LD 847      An Act To Hold Refugee Resettlement Agencies Accountable to Maine People** **Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOCKMAN L DAVIS P	ONTP OTP-AM	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to amend the laws governing the tax status of refugee resettlement agencies that refuse to consult with state and local governments or that otherwise disregard the concerns of state and local governments and to make refugee resettlement agencies liable for acts of terrorism committed by refugees placed by those agencies in this State.

**Committee Amendment "A" (H-413)**

This amendment is the minority report of the committee. It replaces the bill, which is a concept draft.

The amendment establishes the Responsible Refugee Resettlement Act.

The Act prohibits the State and local governments from participating in the federal refugee resettlement program as created by the United States Congress pursuant to the Refugee Act of 1980, Public Law 96-212.

Under the Act, any nongovernmental entity that provides refugee resettlement services after January 1, 2018 may be held liable in a civil action if it resettles a refugee who subsequently commits an act of terrorism in this State and the entity knew or should have known that the act of terrorism was likely or imminent.

Under the Act, a nongovernmental entity that provides refugee resettlement services must certify that certain requirements are met in order to maintain eligibility for state or local tax exemptions.

Under the Act, a nongovernmental entity that provides refugee resettlement services must submit an annual report to the Governor and the Legislature that includes specific information about the refugees, refugee demographics and plans for the following year.

The Commissioner of Health and Human Services must adopt routine technical rules to carry out the Act.

The Act takes effect January 1, 2018.

This amendment was not adopted.