

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION



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

JOINT STANDING COMMITTEE ON JUDICIARY

August 2019

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STATE OF MAINE

129TH 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 129th 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 129th Legislature is Thursday, September 19, 2019. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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17. It enacts as new Article 10 the Maine Revised Uniform Fiduciary Access to Digital Assets Act, originally enacted by Public Law 2017, chapter 359, which was enacted as Article 10 of former Title 18-A.

Public Law 2019, chapter 417, was enacted as an emergency measure effective June 20, 2019.

LD 1544 An Act To Enact the Maine Revised Unclaimed Property Act

PUBLIC 498

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| KEIM L | OTP-AM OTP-AM | S-351 |

This bill repeals Maine's Uniform Unclaimed Property Act and enacts the Maine Revised Unclaimed Property Act. The bill also corrects cross-references.

Committee Amendment "A" (S-351)

This amendment includes the definition of "game-related digital content" from the Revised Uniform Unclaimed Property Act, or Uniform Act, and, consistent with the Uniform Act, exempts it from the definition of property that is subject to the Maine Revised Unclaimed Property Act and excludes it from the definition of "stored-value obligation."

This amendment revises the definition of "owner" to include a creditor.

This amendment amends the provision governing the presumption of abandonment for a payroll card or demand, savings or time deposit to track the language of the Uniform Act to provide that the property is presumed abandoned three years after the maturity of the deposit, deleting the reference to the last indication of interest by the owner.

This amendment provides that the date on which the dormancy period begins to run is the date an insurance company has knowledge of the death of an insured, rather than the date of death as provided in the bill.

The bill provides that a stored-value card is presumed abandoned two years after key events have occurred; this amendment changes that time period to three years.

This amendment removes from the bill language providing that a security is presumed abandoned two years after the date of death of the owner.

This amendment revises the bill to provide that automatic withdrawals previously authorized and automatic reinvestments of dividends and interest are included as an indication of an apparent owner's interest in the property.

This amendment provides that interest on interest-bearing property that has been delivered to the administrator is not payable to the owner for any period before the effective date of the Maine Revised Unclaimed Property Act, unless the prior law authorized such payments. This provision is included in the Uniform Act.

This amendment provides that the administrator may not commence an action or proceeding to enforce the Maine Revised Unclaimed Property Act with respect to the reporting, payment or delivery of property more than five years after the holder filed a nonfraudulent report with the administrator. The parties may agree in a record to extend the limitation. In addition, the administrator may not commence an action, proceeding or examination with respect to a duty of a holder under the Maine Revised Unclaimed Property Act more than 10 years after the duty arose.

This amendment strikes out subchapter 13 in the bill and replaces it with the language of the current Maine Revised Statutes, Title 33, section 1976 with regard to agreements to locate property. This amendment provides that if a

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person with a claim held by the administrator enters into an agreement with a professional investigator licensed in the State, when the administrator has determined that a payment or property should be delivered to the claimant, the administrator is required to deliver the payment or property directly to the professional investigator. When such an agreement is in effect, the administrator is required to provide the claimant or the professional investigator with notice about the approval or denial of a claim.

The bill includes transitional provisions from the Uniform Act that require that when an initial report is filed under the Maine Revised Unclaimed Property Act, it must include all property reportable under the Maine Revised Unclaimed Property Act for the prior 10 years. It also requires that a duty that arose under the existing law to report, pay or deliver property is not relieved by the enactment of the Maine Revised Unclaimed Property Act. This amendment strikes the transition provision from the bill relating to reportable property for the prior 10 years.

Committee Amendment "B" (S-352)

This amendment is the minority report of the committee. It differs from the majority report in two ways.

First, it provides that before the administrator requires a person who is required to file a report with the administrator to be subject to an examination of records by the administrator's contractor to determine compliance, the administrator is required to demand in a record that the person submit a report and deliver property that is previously unreported. The demand must be made at least 60 days before assigning the contractor to conduct the examination. This language is part of the Revised Uniform Unclaimed Property Act.

Second, this amendment prohibits the administrator or an employee of the administrator from being employed or compensated by any entity that is contracted to conduct examinations for two years after the latest participation in, recommendation of or approval of the award or conclusion of the contract. This language is part of the Revised Uniform Unclaimed Property Act.

This amendment was not adopted.

Enacted Law Summary

Public Law 2019, chapter 498, repeals Maine's Uniform Unclaimed Property Act and enacts the Maine Revised Unclaimed Property Act. The changes to current law include the following:

1. Defining "game-related digital content" and exempting it from the definition of property that is subject to the Maine Revised Unclaimed Property Act.
2. Amending the law to provide that the date on which the dormancy period begins to run is the date an insurance company has knowledge of the death of an insured;
3. Providing that a stored-value card is presumed abandoned three years after key events have occurred;
4. Including automatic withdrawals previously authorized and automatic reinvestments of dividends and interest as an indication of an apparent owner's interest in the property;
5. Providing that the administrator may not commence an action or proceeding to enforce the Maine Revised Unclaimed Property Act with respect to the reporting, payment or delivery of property more than five years after the holder filed a nonfraudulent report with the administrator. The parties may agree in a record to extend the limitation. In addition, the administrator may not commence an action, proceeding or examination with respect to a duty of a holder under the Maine Revised Unclaimed Property Act more than 10 years after the duty arose;
6. Retaining current law with regard to agreements to locate property, but providing that if a person with a claim for property held by the administrator enters into an agreement with a professional investigator licensed in the State, when the administrator has determined that a payment or property should be delivered to the claimant, the

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administrator is required to deliver the payment or property directly to the professional investigator. When such an agreement is in effect, the administrator is required to provide the claimant or the professional investigator with notice about the approval or denial of a claim; and

7. Deleting the usual transition provisions that require that when an initial report is filed under the Maine Revised Unclaimed Property Act, it must include all property reportable under the Maine Revised Unclaimed Property Act for the prior 10 years. It still requires that a duty that arose under the existing law to report, pay or deliver property is not relieved by the enactment of the Maine Revised Unclaimed Property Act.

LD 1554 Resolve, Establishing a Commission To Reform Child Protective Services

CARRIED OVER

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| DIAMOND B | | |

This resolve establishes the Commission To Reform Child Protective Services. The commission is required to submit a report, including suggested legislation, for presentation to the Second Regular Session of the 129th Legislature.

This resolve was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1573 An Act To Clarify Provisions of the Maine Juvenile Code Regarding Inspection, Disclosure and Dissemination of Juvenile Case Records and To Change Gender-specific Terms

PUBLIC 525

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| CARDONE B | OTP-AM | H-651 |

This bill amends provisions in the Maine Juvenile Code, including:

1. Changing gender-specific terms to gender-neutral terms;
2. Creating definitions, including a definition for "juvenile case records" to include all information, records or documents that may be contained in the court records of a juvenile for an individual case; and
3. Requiring that juvenile case records be kept confidential and only disclosed, disseminated, inspected or obtained by certain parties or certain agencies or by court order.

Committee Amendment "A" (H-651)

The bill requires juvenile case records to be kept confidential and only disclosed, disseminated, inspected or obtained by certain parties or certain agencies or by court order. This amendment clarifies the disclosure, dissemination and inspection of juvenile case records.

The amendment provides that when juvenile case records are inspected by or disseminated to anyone other than parties to the juvenile's case or victims, the court may impose reasonable limitations to protect the identity and safety of third parties, including, but not limited to, victims and other accused or adjudicated juveniles, and the interests of justice.

The amendment provides that the dissemination of juvenile intelligence and investigative record information is