

# 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  
122nd Legislature*

*First Regular Session and  
First Special Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Judiciary*

*August 2005*

**Members:**

*Sen. Barry J. Hobbins, Chair*

*Sen. Lynn Bromley*

*Sen. David R. Hastings III*

*Rep. Deborah L. Pelletier-Simpson,  
Chair*

*Rep. Sean Faircloth*

*Rep. Stan Gerzofsky*

*Rep. Marilyn E. Canavan*

*Rep. Mark E. Bryant*

*Rep. Michael Edward Dunn*

*Rep. Roger L. Sherman*

*Rep. Roderick W. Carr*

*Rep. Joan Bryant-Deschenes*

*Rep. Joan M. Nass*

*Rep. Donna M. Loring*

**Staff:**

*Margaret J. Reinsch, Senior Analyst*

*Office of Policy and Legal Analysis*

*13 State House Station*

*Augusta, ME 04333*

*(207) 287-1670*



Maine State Legislature

OFFICE OF POLICY & LEGAL ANALYSIS

13 State House Station, Room 215 Cross State Office Building
Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills considered by the committees. It is organized by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

- CARRIED OVER ..... Bill Carried Over to Second Regular Session
CON RES XXX..... Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES..... House & Senate disagree; bill died
DIED IN CONCURRENCE..... One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT..... Action incomplete when session ended; bill died
EMERGENCY..... Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE..... Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE..... Bill failed to get majority vote
FAILED MANDATE ENACTMENT..... Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died
INDEF PP..... Bill Indefinitely Postponed
ONTP..... Ought Not To Pass report accepted
OTP ND..... Committee report Ought To Pass In New Draft
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
PUBLIC XXX..... Chapter # of enacted Public Law
RESOLVE XXX..... Chapter # of finally passed Resolve
UNSIGNED..... Bill held by Governor
VETO SUSTAINED..... Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

## Joint Standing Committee on Judiciary

LD 432 proposed to extend the period of time from 90 days to 120 days during which a person may file a mechanics lien and avoid the dissolution of the lien.

**LD 466**                      **An Act To Implement the Recommendations of the Committee To Study Compliance with Maine's Freedom of Access Laws Concerning Attorney's Fees**                      **ONTP**

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

LD 466 is the recommendation of the majority of the Committee to Study Compliance with Maine's Freedom of Access Laws. It proposed to apply to actions filed in court to enforce access to public proceedings and records under the Maine freedom of access laws. It proposed to give the court discretion to award attorney's fees and litigation expenses to either party when certain circumstances exist.

**LD 467**                      **An Act To Implement the Recommendations of the Committee To Study Compliance with Maine's Freedom of Access Laws Concerning Personal Contact Information**                      **PUBLIC 381**

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

LD 467 is the recommendation of the majority of the Committee to Study Compliance with Maine's Freedom of Access Laws. It proposed to provide an exception to the definition of "public record" in Maine's freedom of access laws for the personal contact information of public employees.

The bill as amended was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to the Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

### *Enacted law summary*

Public Law 2005, chapter 381 is the recommendation of the majority of the Committee to Study Compliance with Maine's Freedom of Access Laws. It provides an exception to the definition of "public record" in Maine's freedom of access laws for the personal contact information of public employees.

**LD 469**                      **An Act To Simplify the Real Estate Foreclosure Process**                      **PUBLIC 291**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
CRESSEY DAMON		OTP-AM		H-466

LD 469 proposed to require a lender who sells a property at auction after foreclosure to deliver the writ of possession to the buyer along with the deed to the property.

## Joint Standing Committee on Judiciary

**Committee Amendment "A" (H-466)** proposed to limit the requirement that the mortgagee provide a writ of possession when delivering the deed for property sold at auction after foreclosure to situations in which the mortgagee actually obtained a writ of possession during the foreclosure process.

### *Enacted law summary*

Public Law 2005, chapter 291 requires a lender who sells a property at auction after foreclosure to deliver the writ of possession, if such a writ was obtained, to the buyer along with the deed to the property.

**LD 483**                      **An Act To Facilitate Real Estate Ownership**                      **ONTP**

<u>Sponsor(s)</u> BOWEN SAVAGE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
--------------------------------------	--	---------------------------------	--	---------------------------

LD 483 is a concept draft pursuant to Joint Rule 208. It proposed to amend real property law to allow a person who owns less than 100% of a parcel of property to gain clear title to that parcel if the person can prove that the parcel is in fact, if not in law, owned by the person. One method of proof, similar to the adverse possession laws, would be that the person made tax payments on the property for 20 years and that no one else made tax payments during this time.

**LD 491**                      **An Act To Cure an Inconsistency Regarding Judgment Liens**                      **PUBLIC 62**

<u>Sponsor(s)</u> DAVIS G		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
------------------------------	--	--------------------------------	--	---------------------------

LD 491 proposed to correct inconsistencies in the laws governing execution liens and writs of execution.

### *Enacted law summary*

Public Law 2005, chapter 62 extends the period during which an execution of a lien on real estate, personal property or motor vehicles may be filed from one year to three years. It also provides that any lien that conforms to the requirements regarding notice and duration is valid for three years if notice of execution was filed after September 19, 1995 and within three years of the issuance of the execution.

**LD 522**                      **An Act To Provide the Same Exemption from Jury Duty to Veterinarians as Granted to Medical Doctors**                      **PUBLIC 60**

<u>Sponsor(s)</u> PARADIS MARTIN		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
--	--	--------------------------------	--	---------------------------

LD 522 proposed to exempt from jury duty veterinarians who are employed in or have an active veterinary medicine practice.