

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH 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

128TH 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 128th 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 128th 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 698 An Act To Allow Persons 70 Years of Age and Older To Opt Out of Jury Duty ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY S LIBBY N	ONTP	

This bill allows persons 70 years of age and older to opt out of jury service.

LD 731 An Act To Require Mortgage Servicers To Act in Good Faith in Dealings with Homeowners Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M	OTP-AM	S-229

This bill requires servicers of residential mortgage loans to act in good faith when dealing with homeowners who are borrowers under those loans. The bill also makes changes in the foreclosure mediation process providing that, if courts have previously sanctioned the conduct of a mortgage servicer in a foreclosure process, the courts are authorized to directly sanction the mortgage servicer if the mortgage servicer's conduct evidences a failure to mediate in good faith. The bill requires the collection of data on sanctions imposed to provide that, when a mortgage servicer is found to have failed to act in good faith, the court may take into account previous conduct in determining a sanction sufficient to deter such conduct in the same case or future cases.

Committee Amendment "A" (S-229)

This amendment replaces the bill. It imposes the duty to act in good faith and with fair dealing and consistently with specified standards of care on any person who services a consumer credit transaction that is made to finance or refinance the acquisition of real estate or the initial construction of a dwelling or that is secured by a first-lien mortgage on real estate. This amendment specifies that the duties and standards of care may not be waived or modified.

This amendment allows an aggrieved consumer to recover all damages or an amount determined by the court not less than \$250 nor more than \$2,000. Under current law, an aggrieved consumer may recover no more than \$1,000. The amendment provides that the court may, in addition to awarding actual damages, award a homeowner or borrower under the Maine Consumer Credit Code statutory damages not to exceed \$15,000 if the creditor, assignee or servicer engaged in a pattern or practice of violating the duties and standards of care.

LD 771 An Act To Protect Political Speech and Prevent Climate Change Policy Profiling Accepted Majority (ONTP) Report

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

This bill reinforces the recognition that political speech is deserving of the greatest protection from abridgment by the government. The United States Supreme Court in *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010), continued the protection of protected political speech, no matter the source or message. This bill provides explicit legislative findings to reinforce the United States Supreme Court decision and to clearly state the