

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
115TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
JUDICIARY

MAY 1992

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**ONE HUNDRED AND FIFTEENTH LEGISLATURE  
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE  
BILL SUMMARIES**

**MAY 1992**

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

All adopted amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action on each bill is listed to the far right of the title. Various types of final action are abbreviated as follows:

PUBLIC XXX	Chapter # of enacted Public Law
P&S XXX	Chapter # of enacted Private & Special Law
RESOLVE XXX	Chapter # of enacted Resolve
CON RES XXX	Chapter # of Constitutional Resolution passed by both Houses
EMERGENCY	Enacted law takes effect sooner than 90 days
CARRIED OVER	Bill carried over to Special Session
ONTP	Ought Not to Pass report accepted
LVWD	Leave to Withdraw report accepted
INDEF PP	Bill Indefinitely Postponed
FAILED EMERGENCY ENACTMENT	Emergency bill failed to get 2/3 vote
DIED BETWEEN BODIES	House and Senate disagree; bill died
CONF CMTE UNABLE TO AGREE	Committee of Conference formed but unable to agree
VETO SUSTAINED	Legislature filed to override Governor's Veto
UNSIGNED	Not signed by Governor within 10 days
DIED ON ADJOURNMENT	Action incomplete when session ended; bill died

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin, especially Laurette Knox who coordinated preparation of the overall document.

If you have any suggestions or comments on these summaries, please let us know.

The amendment also adds a fiscal note to the bill.

**LD 2045**      **An Act Concerning Funding of Indian Schools under the Act to  
Implement the Maine Indian Claims Settlement**

PUBLIC 705

**SPONSOR(S)**

PARADIS P  
ESTES  
POULIOT

**COMMITTEE REPORT**

OTP-AM

**AMENDMENTS ADOPTED**

H-1022

**SUMMARY**

The bill fixes a flat rate of 25% by which the state subsidy for education may be reduced as a result of the receipt of federal funds for school operations by the Penobscot Nation and the Passamaquoddy Tribe. It would not apply to funds otherwise governed by federal law, such as impact aid funds. The bill would not become effective unless approved by the Penobscot Nation and the Passamaquoddy Tribe under the terms of the federal Maine Indian Claims Settlement Act, 25 United States Code, Section 1725(e).

Committee Amendment "A" (H-1022): The amendment changes the percentage of federal funds that will be offset against state education funds from 25% to 15%, to reflect the understanding reached by the Department of Education and Maine Indian Education relative to which funds are subject to offset under the law as enacted in the amendment. This understanding must be reduced to writing in a memorandum of understanding between the Department of Education and representatives of the affected Indian schools.

The amendment also provides for a repeal of the 15% offset provision on June 30, 1998 and reenacts the offset law as it existed before enactment of the amendment. The amendment requires the tribal schools to submit a report to the Department of Education and the Joint Standing Committee on Education by February 1, 1997, explaining the financial implications of the law change. The Department of Education shall also submit a report to the committee giving its findings on the operation of the law.

The amendment adds an appropriation section and a fiscal note to the bill.

**LD 2078**      **An Act to Require a Right-to-cure Notice in Residential  
Mortgages**

PUBLIC 707

**SPONSOR(S)**

FARNSWORTH  
RICHARDS  
GAUVREAU

**COMMITTEE REPORT**

OTP-AM

**AMENDMENTS ADOPTED**

H-1024  
H-1042    PARADIS P

**SUMMARY**

The bill provides that no mortgage may be accelerated or foreclosed by any method until the mortgagor has given to the mortgagee a notice of at least 30 days of the mortgagee's right to cure any default by full payment of amounts due to date without acceleration by the expiration date of the notice.

Committee Amendment "A" (H-1024): The amendment replaces the bill. It includes the following changes.

1. The amendment makes the right to cure applicable only to financial defaults, which include monthly mortgage payments, tax bills and insurance premiums.
2. The amendment clarifies that the right to cure applies only to residential mortgages where the borrower is in possession of the real estate.