

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.

3. The amendment exempts from these requirements transactions by supervised lenders and financial organizations that use standard forms that are required by governmental entities like Federal Home Loan Mortgage Corporation and Federal National Mortgage Association, for secondary market assignments, because these mortgage deeds currently contain a 30-day right to cure.
4. The amendment provides a specific procedure for giving the notice and calculating the notice period. It differs from the Maine Consumer Credit Code by requiring notice by certified mail, and then mailing by ordinary mail if the notice was undeliverable by certified mail.
5. The amendment makes the same changes applicable to bond for deed transactions.

House Amendment "A" to Committee Amendment "A" (H-1042): The amendment clarifies that the notice of right to cure applies only when the mortgagor actually occupies all or part of the property as the mortgagor's primary residence.

LD 2079 An Act to Amend the Laws Regarding Dismissal of Paternity Proceedings ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
GEAN	ONTP	

SUMMARY

The bill is meant to overrule the Law Court's decision in Department of Human Services v. Lowatchie, 569 A.2d 197 (Me. 1990). The bill established that dismissals of paternity actions must be without prejudice in all cases, except when the merits of the case have shown the alleged father to not be the biological father or when the Department of Human Services consents to dismissal with prejudice.

The Judiciary requested the Advisory Committee on Civil Rules to consider amending Rule 41(b).

LD 2081 An Act Concerning Passamaquoddy Indian Territory PUBLIC 720

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
BAILEY H	OTP	

SUMMARY

The bill allows the Passamaquoddy Tribe to place into trust a small farm that the Tribe acquired from a member of the Passamaquoddy Tribe in 1988. The tribal member and the member's family continue to live on the property, which is located in Albany Township, Oxford County.

LD 2084 An Act Concerning Penobscot Nation Trust Land Designation PUBLIC 721

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CASHMAN PEARSON	OTP	

SUMMARY

The Town of Lakeville and the Penobscot Nation have agreed to place in "trust status," land owned by the Penobscot Nation. This land is approximately 18,000 acres. Under the terms of the Act to Implement the Maine Indian Claims Settlement, the Maine Revised Statutes, Title 30, section 6205, subsection 5, this conversion needs the express consent of the Maine Legislature, the legislative body of the town and the Maine Indian Tribal/State Commission. These internal processes are now underway.