

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.

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) GEAN	COMMITTEE REPORT ONTP	AMENDMENTS ADOPTED
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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) BAILEY H	COMMITTEE REPORT OTP	AMENDMENTS ADOPTED
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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) CASHMAN PEARSON	COMMITTEE REPORT OTP	AMENDMENTS ADOPTED
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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.