

MAINE STATE LEGISLATURE

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*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

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Maine State Legislature

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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

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

Joint Standing Committee on Judiciary

Enacted law summary

Public Law 2005, chapter 60 exempts from jury duty veterinarians who are employed in or have an active veterinary medicine practice.

LD 537

An Act Relating to Animals in Food Stores and Restaurants

PUBLIC 318

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
S-245

LD 537 proposed to repeal the Maine Revised Statutes, Title 17, section 3966 because it is inconsistent with the requirements of the Maine Human Rights Act dealing with reasonable accommodation of people with disabilities and access to places of public accommodation.

Committee Amendment "A" (S-245) proposed to replace the bill, and retain the current criminal provision of bringing an animal into a store where food is sold for human consumption or into a restaurant where food is prepared and served on the premises, but update the exception to cover all service animals, not just seeing-eye dogs.

Enacted law summary

Public Law 2005, chapter 318 updates the current criminal provision of bringing an animal into a store where food is sold for human consumption or into a restaurant where food is prepared and served on the premises to cover all service animals, not just seeing-eye dogs. The definition of "service animal" is consistent with the rules adopted by the Maine Human Rights Commission.