

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

JOINT STANDING COMMITTEE ON JUDICIARY

July 2007

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*Representative Bonnie S. Gould replaced former Representative Abigail Holman on the Judiciary Committee.

STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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:

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 (or Accepted ONTP report).....	Ought Not To Pass report accepted
OTP-ND.....	Committee report Ought To Pass In New Draft
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
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 that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Judiciary

Committee Amendment "A" (H-344)

This amendment sets the cap on noneconomic damages for wrongful death at \$500,000, a reduction of \$100,000 from the cap contained in the bill. This amendment deletes the proposed language relating to indexing the cap on wrongful death damages and informing the jury of the damage cap.

Enacted Law Summary

Public Law 2007, chapter 280 increases the cap on wrongful death noneconomic damages from \$400,000 to \$500,000.

LD 867 An Act To Implement the Recommendations of a Joint Task Force on PUBLIC 228
Fraudulent Uniform Commercial Code Filings as Adopted by the
National Association of Secretaries of State and the International
Association of Commercial Administrators

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP-AM	H-242

LD 867 implements the recommendations of the Joint Task Force on Fraudulent UCC Filings as adopted by the National Association of Secretaries of State and the International Association of Commercial Administrators to provide a remedy to a person who has been adversely affected by the filing of a lien against the person's personal property by an unauthorized filer.

Committee Amendment "A" (H-242)

This amendment establishes a separate crime in the Maine Criminal Code of falsely filing a recordable instrument as a Class D crime. This new crime addresses the problem of persons filing false or spurious documents in public registries, such as those maintained by the registries of deeds or probate and the Office of the Secretary of State, with the intent to defraud, harass or intimidate. This amendment amends the bill to cross-reference the new crime, rather than establishing the crime in the Maine Revised Statutes, Title 5.

Enacted Law Summary

Public Law 2007, chapter 228 implements the recommendations of the Joint Task Force on Fraudulent UCC Filings as adopted by the National Association of Secretaries of State and the International Association of Commercial Administrators to provide a remedy to a person who has been adversely affected by the filing of a lien against the person's personal property by an unauthorized filer. A separate crime is established in the Maine Criminal Code of falsely filing a recordable instrument as a Class D crime. This new crime addresses the problem of persons filing false or spurious documents in public registries, such as those maintained by the registries of deeds or probate and the Office of the Secretary of State, with the intent to defraud, harass or intimidate.

LD 868 An Act To Amend the Civil Foreclosure Laws PUBLIC 103

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP	

LD 868 amends the laws governing civil action foreclosure to require that the judgment of foreclosure entered by the court and evidence of compliance with the notice and public sale requirements be attached to or included within the deed, or both, or otherwise be recorded in the registry of deeds.

Joint Standing Committee on Judiciary

Enacted Law Summary

Public Law 2007, chapter 103 amends the laws governing civil action foreclosure to require that the judgment of foreclosure entered by the court and evidence of compliance with the notice and public sale requirements be attached to or included within the deed, or both, or otherwise be recorded in the registry of deeds.

LD 882 An Act To Create a 10-year Statute of Limitations for Certain Environmental Violations

PUBLIC 337

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO	OTP-AM	S-202

LD 882 requires enforcement actions for violations of environmental laws to be brought by the Department of Environmental Protection or the Attorney General within five years of the date of knowledge by the department or the Attorney General of the violation.

Committee Amendment "A" (S-202)

This amendment replaces the bill. It requires certain enforcement actions related to air emissions and wastewater discharges to be initiated by the Department of Environmental Protection or the Attorney General's Office within 10 years of the date that the licensee reported the violation to the department.

Enacted Law Summary

Public Law 2007, chapter 337 requires certain enforcement actions related to air emissions and wastewater discharges to be initiated by the Department of Environmental Protection or the Attorney General's Office within 10 years of the date that the licensee reported the violation to the department.

LD 889 An Act To Allow Apartment Building Owners To Prevent Damage to Property in the Installation of Over-the-air Reception Devices

PUBLIC 57

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS J	OTP	

LD 889 adds the installation of over-the-air reception devices such as satellite dishes, television antennae and wireless cable antennae to the laws governing the installation of cable television equipment in apartment buildings.

Enacted Law Summary

Public Law 2007, chapter 57 includes the installation of over-the-air reception devices such as satellite dishes, television antennae and wireless cable antennae in the laws governing the installation of cable television equipment in apartment buildings.

LD 960 An Act To Base Value in Eminent Domain Takings of Businesses on Going Concern Value

DIED IN
CONCURRENCE

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GILES	OTP-AM MAJ ONTP MIN	H-434