

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

LD 1542 An Act To Limit the Liability of Organized Clubs

PUBLIC 366

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP-AM	H-377

LD 1542 amends the definition of "charitable organization," to which immunity from civil liability applies, to include nonprofit organizations that qualify as charitable organizations under Section 501(c)(7), which applies to social and recreational clubs, of the United States Internal Revenue Code.

Committee Amendment "A" (H-377)

This amendment deletes from the bill the addition of a reference to nonprofit organizations qualified under the Internal Revenue Code, Section 501(c)(7) and adds a reference to veterans' posts organizations qualified under Section 501(c)(19).

Enacted Law Summary

Public Law 2007, chapter 366 amends the definition of "charitable organization," to which immunity from civil liability applies, to include nonprofit organizations that are veterans' posts organizations qualified under the Internal Revenue Code, Section 501(c)(19).

LD 1576 An Act To Establish the Leaseholders' Bill of Rights

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK	ONTP	

LD 1576 amends the laws governing the relationships between lessees and lessors. It expands the application of the Maine Revised Statutes, Title 14, chapter 710-D to all leases other than those covering trailer parks, apartment buildings, condominiums, time shares or townhouses. LD 1576 provides that a lessee can assign or transfer the lease. LD 1576 provides that the annual lease fee may not exceed 2.5% of the fair market value of the real property leased, not including the value of the buildings, fixtures and improvements. LD 1576 prohibits a lessor from mortgaging or otherwise encumbering the buildings, fixtures and improvements owned by the lessee. If a lessor terminates a lease without cause, the lessor shall reimburse the lessee for the fair market value of all buildings, fixtures and improvements on the real estate. The fair market value is established by a licensed appraiser. If the lessor disputes the appraisal, the appraisal must be submitted to binding arbitration. Violation of these provisions makes the lessor ineligible for tree growth tax benefits. If title to the land on which a lease exists is transferred to a different owner after the effective date of this bill, the lessee at the time of the transfer has the right of first refusal with regard to subsequent leases of the land.

LD 1576 has an effective date of January 1, 2008.

LD 1606 Resolve, To Direct Fines Collected on Tribal Lands to the Passamaquoddy Tribe and the Penobscot Nation

RESOLVE 92

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SOCTOMAH	OTP-AM	H-491

Joint Standing Committee on Judiciary

LD 1606 provides that any civil penalties or fines or criminal fines imposed for a violation of any tribal or state law within the Indian territory of the Passamaquoddy Tribe or the Penobscot Nation must be remitted by the court imposing the penalty or fine to the Passamaquoddy Tribe or the Penobscot Nation, respectively.

Committee Amendment "A" (H-491)

This amendment replaces the bill with a resolve that directs the chief executive officer of the Passamaquoddy Tribe law enforcement agency and the chief executive officer of the Penobscot Nation law enforcement agency to work with the Chief Judge of the District Court to:

1. Develop Violation Summons and Complaint forms for tribal traffic violations;
2. Develop a process to ensure payment is made to the Passamaquoddy Tribe or the Penobscot Nation, as required; and
3. Report to the Joint Standing Committee on Judiciary about the forms, the process and any recommended legislation.

The Joint Standing Committee on Judiciary may submit legislation relating to the report to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Resolve 2007, chapter 92 directs the chief executive officer of the Passamaquoddy Tribe law enforcement agency and the chief executive officer of the Penobscot Nation law enforcement agency to work with the Chief Judge of the District Court to:

1. Develop Violation Summons and Complaint forms for tribal traffic violations;
2. Develop a process to ensure payment is made to the Passamaquoddy Tribe or the Penobscot Nation, as required; and
3. Report to the Joint Standing Committee on Judiciary about the forms, the process and any recommended legislation.

The Joint Standing Committee on Judiciary may submit legislation relating to the report to the Second Regular Session of the 123rd Legislature.

LD 1617 An Act To Repeal Strict Foreclosure

PUBLIC 391

Sponsor(s)

WESTON

Committee Report

OTP-AM

Amendments Adopted

S-255

LD 1617 repeals the laws that permit foreclosure of a mortgage on real property by possession and by sale of the property.

Committee Amendment "A" (S-255)

This amendment replaces the bill. It repeals the provisions for strict foreclosure but leaves in place the provisions for power of sale foreclosures that are used by financial institutions for commercial loans.

Enacted Law Summary