

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

MEMBERS:

SEN. BARRY J. HOBBS, CHAIR
SEN. JOHN M. NUTTING
SEN. DAVID R. HASTINGS III

REP. DEBORAH L. SIMPSON, CHAIR
REP. JANET T. MILLS
REP. MARK E. BRYANT
REP. MICHAEL EDWARD DUNN
REP. ALAN M. CASAVANT
REP. CYNTHIA A. DILL
REP. BONNIE S. GOULD*
REP. JOAN M. NASS
REP. ROBERT A. BERUBE
REP. LAWRENCE E. JACOBSEN
REP. DONNA M. LORING

STAFF:

MARGARET J. REINSCH, SENIOR ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

*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 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

Joint Standing Committee on Judiciary

Public Law 2007, chapter 391 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.

LD 1629 An Act Regarding Jury Service

PUBLIC 241

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN R	OTP-AM	S-164

LD 1629 increases the mileage reimbursement rate for jurors from 15¢ per mile to 50¢ per mile. This bill also limits to three the number of times that a person may be required to serve as a juror or called to service as a juror.

Committee Amendment "A" (S-164)

This amendment deletes from the bill the proposed increases in mileage reimbursement to jurors. This amendment revises the limitations on required jury service. Current law provides that a person may not be required to serve as a grand juror or traverse juror more than once every five years. The bill proposes to limit required service to a total of three times over a person's lifetime. This amendment limits required service to three times in a person's lifetime and no more than once in any five-year period. It also retains the current law limitation of traverse jury service to 15 court days, except if necessary to complete service in a particular case.

Enacted Law Summary

Public Law 2007, chapter 241 limits required jury service service to three times in a person's lifetime and no more than once in any five-year period. It also retains the current law limitation of traverse jury service to 15 court days, except if necessary to complete service in a particular case.

LD 1630 An Act To Address an Inequity in the Judicial Retirement System

PUBLIC 449

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-295
		S-377 ROTUNDO

LD 1630 implements the recommendation of the Judicial Compensation Commission that members of Maine's judiciary with retirement contributions earned in the Maine Legislative Retirement System be allowed to fully transfer these contributions to the Maine Judicial Retirement System.

Committee Amendment "A" (S-295)

This amendment replaces the bill. This amendment addresses the fact that cost-of-living adjustments were not provided to judges in fiscal year 2003-04 and fiscal year 2004-05. This amendment requires the calculation of compensation for retirement benefits to consider the judges' compensation as including the cost-of-living adjustments. The unfunded liability costs associated with this legislation will be paid from the surplus in the Maine Judicial Retirement System. The employee contribution is based on the compensation actually paid and not on the imputed cost-of-living adjustments. This amendment applies to judges who retire on or after the effective date of this Act. This amendment also adds an appropriations and allocations section to the bill.

Senate Amendment "A" (S-377)

This amendment provides clarifying language regarding eligible judges, authorizes Personal Services funds to carry forward into fiscal year 2007-08 and offsets the General Fund costs in the 2008-2009 biennium with one-time deappropriations from the Judicial Department.