

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
123<sup>RD</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123<sup>rd</sup> 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

123<sup>RD</sup> 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 123<sup>rd</sup> 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

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.

## *Joint Standing Committee on Judiciary*

### Enacted Law Summary

Public Law 2007, chapter 449 requires the calculation of compensation for retirement benefits to consider the judges' compensation as including the cost-of-living adjustments that were not funded in fiscal years 03-04 and 04-05. 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. Chapter 449 applies to judges who were sitting as of June 30, 2005 and who retire on or after the effective date of this Act. Chapter 449 also authorizes Personal Services funds to carry forward into fiscal year 2007-2008 and offsets the General Fund costs in the 2008-2009 biennium with one-time deappropriations from the Judicial Department.

**LD 1689      An Act To Amend the Child and Family Services and Child Protection Act**

**PUBLIC 371**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLOWMAN	OTP-AM	S-247

LD 1689 amends the Child and Family Services and Child Protection Act by expanding the status of relatives in the determination of placement of a child.

**Committee Amendment "A" (S-247)**

This amendment strikes from the bill provisions that propose to change the standard for determining the appropriateness of the placement of a child when in the custody of the State in a child protection proceeding. Retained are provisions expanding the status of relatives in the determination of placement of a child by the Department of Health and Human Services. It also retains the change to mandatory disclosure of information to a relative or other person whom the department is investigating for possible custody or placement of the child.

### Enacted Law Summary

Public Law 2007, chapter 371 expands the status of relatives in the determination of placement of a child by the Department of Health and Human Services. It provides for mandatory disclosure of information to a relative or other person whom the department is investigating for possible custody or placement of the child.

**LD 1695      An Act To Amend the Laws Regarding the Conveyance of Manufactured Housing**

**ACCEPTED ONTP  
REPORT**

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

LD 1695 affects new HUD-code manufactured housing, providing for the conveyance of the manufactured housing by deed to the consumer, and the recording of the deeds in the applicable county registry of deeds. LD 1695 also provides for deeds of relocation where there is no change of ownership and statements of relocation of the manufactured housing out of state. Forms for deeds and statements are included. LD 1695 makes it clear that title passes to the new owner upon the installation of the manufactured housing and connection of the manufactured housing to the required utilities.

**Committee Amendment "A" (S-310)**

This amendment is the minority report of the Joint Standing Committee on Judiciary. This amendment removes the provision for the creation of a security interest in HUD-code manufactured housing under the Uniform Commercial