

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

JOINT STANDING COMMITTEE ON JUDICIARY

July 2011

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STATE OF MAINE
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LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 125th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD 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 LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY..... ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public Law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 125th Legislature is September 28, 2011. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Judiciary

LD 3 An Act To Clarify Joint Tenancy Reinstatement

PUBLIC 41

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASTINGS	OTP-AM	S-22

This bill clarifies that a deed held in joint tenancy taken by a taxing or assessing authority by foreclosure that is conveyed back to the owners reinstates the joint tenancy that existed at the time of the taking.

Committee Amendment "A" (S-22)

The amendment clarifies that the bill's language regarding conveyances applies to conveyances made on or after January 1, 2012.

Enacted Law Summary

Public Law 2011, chapter 41 clarifies that a deed held in joint tenancy taken by a taxing or assessing authority by foreclosure that is conveyed back to the owners reinstates the joint tenancy that existed at the time of the taking.

Chapter 41 applies to conveyances made on or after January 1, 2012.

LD 10 An Act To Clarify the Method of Creating or Severing Joint Tenancy

PUBLIC 4

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

This bill revises the joint tenancy statute to provide that the intent to create a joint tenancy may be stated by appropriate language anywhere in a deed. The bill also provides that a deed to an owner or an owner and another or others is effective and not a nullity. It also provides specific examples of deed language appropriate to create a joint tenancy and provides that a joint tenancy may be severed by a deed to an owner or to an owner and another or others.

Enacted Law Summary

Public Law 2011, chapter 4 revises the joint tenancy statute to provide that the intent to create a joint tenancy may be stated by appropriate language anywhere in a deed. It provides that a deed to an owner or an owner and another or others is effective and not a nullity. It also provides specific examples of deed language appropriate to create a joint tenancy and provides that a joint tenancy may be severed by a deed to an owner or to an owner and another or others.