

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

STAFF:

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

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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 1332

An Act To Amend the Maine Condominium Act

PUBLIC 368

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOULTON COLLINS	OTP-AM MAJ OTP-AM MIN	H-454

This bill amends the Maine Condominium Act.

The bill allows the condominium owners' association to assign its right to future income, including the right to receive assessments, but only if a majority of the unit owners have approved.

The bill revises the law governing the record requirements of condominium owners' associations to list specific records that must be retained. The records must be available for examination and copying by a unit owner or the owner's authorized agent, with certain exceptions.

The bill provides that assessments for common expenses accrue, free from a lien of a foreclosing first mortgagee, from and after the initial date set for public sale of a condominium unit.

The bill defines the term "priority amounts" to mean the amount of the association's regular assessments that would have become due during the 6-month period immediately prior to initiating a lawsuit to enforce a lien. It establishes that a lien securing priority amounts is prior to a first mortgage. The association's failure to notify a first mortgagee that the owner of the unit is delinquent by 60 days in the payment of common expenses or that the association intends to file an action to enforce the lien does not affect the priority of the lien, but failure to send at least one notice means that the association is not entitled to receive any costs or attorney's fees. A lien for unpaid assessments is extinguished unless proceedings to enforce the lien are instituted with 5 years after the full amount of assessments becomes due. Current law extinguishes the lien after 3 years.

The bill gives an association the power to suspend any right or privilege of a unit owner that fails to pay an assessment, but the association may not deny access or withhold services if it would endanger the health, safety or property of any person.

The bill amends the law concerning the executive board to require the board to provide notice of meetings. Unit owners have the right to attend meetings, subject to reasonable rules. The board may prohibit attendance by unit owners and others during executive session, which may be held for only specific reasons.

Committee Amendment "A" (H-453)

This amendment is the majority report of the Joint Standing Committee on Judiciary.

This amendment revises the definition in the bill of "priority amounts" that can be collected through a priority lien on a condominium by deleting the inclusion of the condominium association's costs and reasonable attorney's fees in enforcing the lien. As does the bill, this amendment provides that a lien securing priority amounts is prior to a first mortgage, but the amendment limits the lien to those entered into on or after the effective date of this legislation. The amendment corrects a cross-reference in the language providing that full payment of the priority amounts discharges the priority lien.

This amendment provides that assessments for common expenses accrue, free from the lien of a foreclosing first mortgagee, from and after the date of sale of the condominium unit. The bill states the starting time is the initial date set for public sale.

Joint Standing Committee on Judiciary

This amendment was not adopted.

Committee Amendment "B" (H-454)

This amendment is the minority report of the Joint Standing Committee on Judiciary.

This amendment deletes the proposed priority lien for condominium assessments that would take priority over a first mortgage.

This amendment provides that assessments for common expenses accrue, free from the lien of a foreclosing first mortgagee, from and after the date of sale of the condominium unit. The bill states the starting time is the initial date set for public sale.

Enacted Law Summary

Public Law 2011, chapter 368 amends the Maine Condominium Act.

Chapter 368 allows the condominium owners' association to assign its right to future income, including the right to receive assessments, but only if a majority of the unit owners have approved.

Chapter 368 revises the law governing the record requirements of condominium owners' associations to list specific records that must be retained. The records must be available for examination and copying by a unit owner or the owner's authorized agent, with certain exceptions.

Chapter 368 provides that assessments for common expenses accrue, free from a lien of a foreclosing first mortgagee, from and after the date of sale of the condominium unit.

Chapter 368 gives an association the power to suspend any right or privilege of a unit owner that fails to pay an assessment, but the association may not deny access or withhold services if it would endanger the health, safety or property of any person.

Chapter 368 amends the law concerning the executive board to require the board to provide notice of meetings. Unit owners have the right to attend meetings, subject to reasonable rules. The board may prohibit attendance by unit owners and others during executive session, which may be held for only specific reasons.

LD 1349 An Act To Amend the Laws Governing the Handling of Medical Examiner Cases

PUBLIC 182

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

Current law requires that the medical examiner or the person expressly authorized by the Chief Medical Examiner conduct a thorough examination of a body in a medical examiner case. This bill provides an exception for a case in which the Chief Medical Examiner or the Deputy Chief Medical Examiner determines, after review of available records and known circumstances, that the report of the death of the decedent may be certified and completed without examining the body.

Enacted Law Summary

Current law requires that the medical examiner or the person expressly authorized by the Chief Medical Examiner conduct a thorough examination of a body in a medical examiner case. Public Law 2011, chapter 182 provides an