

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, amendments and laws enacted or finally passed

JOINT STANDING COMMITTEE ON JUDICIARY

July 2013

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STATE OF MAINE

126TH LEGISLATURE
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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 126th 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 126th Legislature is October 9, 2013. 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 375 Resolve, To Establish the Study Committee on Alternative Methods of Enforcement of Spousal Support INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE RUSSELL	OTP-AM	S-294

This bill directs the Department of Health and Human Services to use the remedies currently available for the collection and enforcement of child support to collect spousal support even when the recipient of the spousal support is not owed any child support. The department may charge the same fees that the department charges for child support collection assistance.

Committee Amendment "A" (S-294)

This amendment replaces the bill with a resolve that establishes the Study Committee on Alternative Methods of Enforcement of Spousal Support to examine how other states provide for enforcement of spousal support. The study committee consists of 5 Legislators, and must report by November 6, 2013 to the Joint Standing Committee on Judiciary on spousal support enforcement methods used in other states and whether any of these methods should be implemented in this State. This amendment adds an emergency preamble and emergency clause to the bill.

LD 376 An Act To Amend the Laws Concerning the Adoption of Siblings ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON C BEAULIEU	ONTP	

This bill provides that minor siblings who are separated by adoption, whether through child welfare actions or otherwise, may have contact with each other unless it is not in their best interests. Current law requires the Department of Health and Human Services in child welfare cases to make reasonable efforts to establish agreements with adoptive parents of children that provide for reasonable contact with the child's siblings when the department believes the contact is in the child's best interests. This bill requires the agreements unless the contact will not be in the best interests of the child. The bill also provides for contact between siblings who are adopted into different families in cases that are not child welfare cases.

LD 392 An Act To Protect Homeowners and Reduce Foreclosure Fraud ONTP

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

This bill requires that a plaintiff seeking to foreclose on a mortgage is required, upon request of the defendant within 90 days of service of the foreclosure summons and complaint, to produce the original mortgage note, evidencing that the plaintiff has the right to foreclose. The bill provides procedures for lost, stolen or destroyed original promissory notes, and for promissory notes that are electronic transferable records.

Foreclosure issues have been consolidated for consideration under LD 1389, which is carried over.