

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

each of the sentencing alternatives imposed for the conviction of the Class E theft. The Class E theft conviction must be the only criminal conviction of the person in this State, the person may not have been adjudicated as having committed a juvenile crime for which the hearing was open to the general public under the Maine Revised Statutes, Title 15, section 3307 and the person may not have had a criminal charge dismissed as a result of a deferred disposition pursuant to Title 17-A, chapter 54-F. The person may have no criminal convictions from another jurisdiction, and no criminal charges may be pending in this State or in another jurisdiction.

Unlawfully releasing the restricted information is a violation of the release of confidential information under the criminal history record information laws under Title 16, chapter 3, subchapter 8.

The provisions establishing the process to apply special restrictions on the dissemination and use of criminal history record information about an eligible criminal conviction are repealed October 1, 2017.

This amendment also adds an appropriations and allocations section.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 550 An Act To Require Probate Judges, Registers of Probate and Registers of Deeds To Be Appointed ONTP

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to reform the probate court system to require probate judges to be appointed by the Governor and confirmed by the Senate. The Governor will appoint 16 probate judges, one to sit in each county, and each county will continue to pay the salary of the probate judge and the expenses of the probate court and probate registry in that county. The Maine Code of Judicial Conduct will apply to probate judges, therefore prohibiting them from practicing law and receiving compensation in addition to their salaries through fees or other payments. The Constitution of Maine, Article VI will apply to probate judges.

This bill proposes that registers of probate, rather than being elected as provided in the Probate Code, will be appointed by the probate judge in that county. This bill proposes that registers of deeds, rather than being elected, will be appointed by the county commissioners of the counties in which they serve.

This bill proposes that the probate courts, probate judges, registers of probate and registers of deeds in all other aspects will continue to function as in current law.

LD 551 An Act To Establish Certification Standards for Guardians Ad Litem ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to direct the Supreme Judicial Court to

Joint Standing Committee on Judiciary

establish certification standards for guardians ad litem. The certification standards must include, but not be limited to, criteria related to minimum educational achievement in relevant subject matter and minimum experience or background in relevant fields.

See LD 872, An Act To Improve the Quality of Guardian ad Litem Services for the Children and Families of Maine.

LD 552 An Act To Expedite Court Proceedings by Providing Funds for Additional District Court Personnel

**ACCEPTED
MAJORITY
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAVERS YOUNGBLOOD	ONTP OTP-AM	

This bill provides a General Fund appropriation of \$511,969 in fiscal year 2013-14 and \$678,324 in fiscal year 2014-15 for two Judge positions, two deputy Marshal positions, two assistant Clerk positions and one Law Clerk position and related costs in order to expedite District Court proceedings.

Committee Amendment "A" (H-78)

This amendment is the minority report of the committee. The amendment incorporates a fiscal note.

This amendment was not adopted.

LD 581 An Act To Amend the Laws Governing Service of Process in Eviction Actions

PUBLIC 135

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAYES	OTP-AM	H-140

This bill allows service of process in forcible entry and detainer actions to be made by mailing the complaint to the defendant's last known address and leaving the complaint at the defendant's last and usual place of abode if at least three good faith efforts on three different days have been made to serve the defendant.

Committee Amendment "A" (H-140)

This amendment requires the plaintiff in an eviction case to mail and post the summons as well as the complaint after three good faith attempts to serve the defendant in hand have been unsuccessful.

This amendment requires the plaintiff to file an affidavit that the service has occurred, which is currently required under Rule 4 of the Maine Rules of Civil Procedure when the court orders service by the mailing and posting of the summons and complaint. The changes are repealed September 1, 2016. After that date, the law currently in effect will go back into effect.

Enacted Law Summary

Public Law 2013, chapter 135 allows service of process in forcible entry and detainer actions to be made by mailing the summons and complaint to the defendant's last known address and leaving the summons and complaint at the defendant's last and usual place of abode if at least three good faith efforts on three different days have been made to serve the defendant and are unsuccessful. The plaintiff is required to file an affidavit that the service has occurred, which is currently required under Rule 4 of the Maine Rules of Civil Procedure when the court orders service by the mailing and posting of the summons and complaint. The changes are repealed September 1, 2016.