

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
FIRST REGULAR SESSION



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

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.

Joint Standing Committee on Judiciary

After that date, the law currently in effect will go back into effect.

LD 612 An Act To Protect Owners of Property in Foreclosure from Accumulation of Debts When Mortgagees Refuse To Complete the Foreclosure Process ONTP

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

This bill requires owners of foreclosed property who vacate their homes after receiving notice of a foreclosure judgment to notify the attorney representing the mortgagee in the foreclosure and the municipal tax assessor of the municipality where the mortgaged premises are located that they have vacated the property within 30 days of vacating the mortgaged premises and to also provide their contact information. If, within six months following a foreclosure judgment, the mortgagee has not completed the foreclosure process, the bill requires the mortgagee to notify the mortgagor using the contact information provided and to notify the municipal tax assessor.

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

LD 619 An Act To Prohibit the Sharing of Certain Personal Information by the Department of the Secretary of State PUBLIC 283

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GUERIN VALENTINO	OTP-AM	H-319

This bill requires all public entities to treat an individual's personal information as confidential if requested by the individual. "Personal information" includes but is not limited to the home address, home telephone number, home facsimile number, personal e-mail address, personal cellular telephone number and personal pager number of an individual.

Committee Amendment "A" (H-319)

This amendment, which replaces the bill, narrows the scope and requires e-mail addresses provided by applicants for licenses and motor vehicle registrations to the Department of the Secretary of State to be kept confidential. The e-mail addresses may not be disclosed outside the department except to law enforcement officers or for court proceedings.

Enacted Law Summary

Public Law 2013, chapter 283 requires e-mail addresses provided by applicants for licenses and motor vehicle registrations to the Department of the Secretary of State to be kept confidential. The e-mail addresses may not be disclosed outside the department except to law enforcement officers or for court proceedings.

LD 640 An Act Regarding Legal Representation in Certain Eviction Actions PUBLIC 134

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHITTEMORE DUNPHY	OTP-AM	S-56

This bill allows a person who is the sole member of a limited liability company or is a member of a limited liability