

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 807 An Act To Provide Protection to a Condominium Association When a ONTP
Condominium Is Foreclosed On

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

This bill amends the Maine Condominium Act to create a definition of "priority amounts," which includes heat and utility expenses and regular condominium association assessments for a six-month period before filing a lawsuit to enforce a lien and the costs and attorney's fees to enforce the lien. This bill gives a lien based upon priority amounts priority over a first mortgage and establishes that, if the association fails to send the first mortgagee notice of a lien action, the association may not collect costs or attorney's fees.

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

LD 830 An Act To Further Protect Pregnant Women under the Maine Human ACCEPTED
Rights Act MAJORITY
(ONTP) REPORT

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

This bill provides that it is unlawful employment discrimination under the Maine Human Rights Act for a covered entity to fail to provide an employee who is pregnant the same reasonable accommodations applicable to a qualified individual with a disability.

Committee Amendment "A" (H-294)

This amendment is the minority report of the Joint Standing Committee on Judiciary. It clarifies that the provisions defining and limiting the scope of unlawful employment discrimination on the basis of pregnancy and medical conditions that result from pregnancy do not limit the new language included in the bill, which requires an employer to provide a pregnant employee with the same reasonable accommodations applicable to a qualified individual with a disability.

This amendment was not adopted.

LD 849 An Act To Validate Certain Real Estate Transactions Entered into by a P & S 7
Corporation while Its Charter Was Suspended

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

This bill validates certain real estate transactions and corporate actions that were made by a corporation during a period when its corporate status was suspended.

Enacted Law Summary

Private and Special Law, chapter 7 validates certain real estate transactions and corporate actions that were made by

Joint Standing Committee on Judiciary

a specific corporation during a period when its corporate status was suspended.

LD 850 Resolve, To Study the Issue of Inheritance of Digital Assets

RESOLVE 27

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

This resolve directs the Probate and Trust Law Advisory Commission to conduct a review related to the disposition of digital assets upon an individual's death or incapacity and to develop legislative recommendations for submittal to the Joint Standing Committee on Judiciary. The recommendations must be submitted no later than December 1, 2013.

Enacted Law Summary

Resolve 2013, chapter 27 directs the Probate and Trust Law Advisory Commission to conduct a review related to the disposition of digital assets upon an individual's death or incapacity and to develop legislative recommendations for submittal to the Joint Standing Committee on Judiciary. The recommendations must be submitted no later than December 1, 2013.

LD 851 An Act To Allow the Return of Excess Funds by a Municipality That Forecloses on Real Estate

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DICKERSON MAZUREK	OTP-AM ONTP	H-293

Under current law, if a municipality, or the State Tax Assessor for real estate located in the unorganized territory, forecloses on a parcel of real estate for failure to pay taxes owed on that real estate, the municipality is under no obligation to return any funds that exceed the amount owed in taxes after the sale of the real estate.

This bill requires the municipality, which includes the State Tax Assessor for real estate located in the unorganized territory, to provide notice of the availability of the excess funds, after subtracting the tax lien, interest, fees for recording the lien, costs of mailing notice, court costs and any other expenses incurred in disposing of the real estate, to the former owner within 30 days of sale of the real estate or 180 days of the foreclosure, whichever is sooner. The municipality is required to keep the excess funds in a segregated escrow account. If the former owner fails to claim the excess funds in person within 90 days of the notice, the municipality is allowed to retain the excess funds. If the former owner or the former owner's representative notifies the municipality within 90 days of the notice, the municipality must negotiate with the former owner over the return of the excess funds. If the former owner is dissatisfied with the municipality's offer, the former owner may seek binding arbitration for resolution of the matter.

Committee Amendment "A" (H-293)

This amendment is the majority report of the Joint Standing Committee on Judiciary. It allows a municipality to adopt an ordinance that allows the municipality to return proceeds from the sale and final disposition of tax-acquired property to the former owner. Proceeds must first be used to cover all back taxes, interest, costs and other unpaid municipal expenses either associated with the disposition of the tax-acquired property or assessed or charged against the property prior to disposition. The ordinance must provide for standards governing the return of the proceeds and the procedures to ensure that the interests of the taxpayers of the municipality are protected.