

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**STATE OF MAINE**  
126<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON JUDICIARY**

July 2013

**MEMBERS:**

SEN. LINDA M. VALENTINO, CHAIR  
SEN. JOHN L. TUTTLE  
SEN. DAVID C. BURNS

REP. CHARLES R. PRIEST, CHAIR  
REP. KIM J. MONAGHAN-DERRIG  
REP. JENNIFER DECHANT  
REP. MATTHEW W. MOONEN  
REP. STEPHEN W. MORIARTY  
REP. LISA RENEE VILLA  
REP. JARROD S. CROCKETT  
REP. MICHAEL G. BEAULIEU  
REP. ANITA PEAVEY HASKELL  
REP. STACEY K. GUERIN  
REP. WAYNE T. MITCHELL

**STAFF:**

MARGARET J. REINSCH, SENIOR ANALYST  
SUSAN Z. JOHANNESMAN, ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670

# STATE OF MAINE

126<sup>TH</sup> 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 126<sup>th</sup> 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 126<sup>th</sup> 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*

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.