

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 852

An Act To Amend Certain Provisions of Law Affecting the Judicial Branch

PUBLIC 159

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRIEST VALENTINO	OTP-AM	H-176

This bill does the following.

1. It authorizes the State Court Administrator to use the fees generated from the sale of publications or forms to fund publications, forms and information technology.
2. It combines the judicial divisions of Northern Penobscot and Central Penobscot into Northern and Central Penobscot and authorizes the Chief Judge to determine the level of service at the sites of the district courts for that judicial division.
3. It permits the Chief Judge of the District Court to employ retired family law magistrates.
4. It changes certain reporting dates for the Judicial Department and the State Court Administrator from January 15th to February 15th.
5. It requires the Maine Criminal Justice Sentencing Institute to meet only when sufficient funding has been allocated for that purpose, instead of every 3 years as in current law.
6. It requires attorney's fees for the defense of appeals by the State to be paid by the Maine Commission on Indigent Legal Services.

Committee Amendment "A" (H-176)

The bill requires attorney's fees for the defense of appeals by the State to be paid by the Maine Commission on Indigent Legal Services. This amendment provides that the compensation paid by the commission may not exceed the rates established by the commission for the payment of counsel providing indigent legal services.

Enacted Law Summary

Public Law 2013, chapter 159 does the following.

1. It authorizes the State Court Administrator to use the fees generated from the sale of publications or forms to fund publications, forms and information technology.
2. It combines the judicial divisions of Northern Penobscot and Central Penobscot into Northern and Central Penobscot and authorizes the Chief Judge to determine the level of service at the sites of the district courts for that judicial division.
3. It permits the Chief Judge of the District Court to employ retired family law magistrates.
4. It changes certain reporting dates for the Judicial Department and the State Court Administrator from January 15th to February 15th.
5. It requires the Maine Criminal Justice Sentencing Institute to meet only when sufficient funding has been allocated for that purpose, instead of every three as in current law.

Joint Standing Committee on Judiciary

6. It requires attorney's fees for the defense of appeals by the State to be paid by the Maine Commission on Indigent Legal Services and provides that the compensation paid by the commission may not exceed the rates established by the commission for the payment of counsel providing indigent legal services.

LD 854 An Act To Clarify When a Manufactured Home Becomes Residential Real Property

PUBLIC 125

Sponsor(s)

PRIEST

Committee Report

OTP

Amendments Adopted

This bill amends the laws governing manufactured housing.

1. It adds language to the declaration of purpose in the manufactured housing law to state that manufactured housing for which no certificate of title has been issued is considered real property when it has been permanently affixed to real property that is owned by the owner of the manufactured housing.
2. Current law governing title to vehicles specifies that a certificate of title or salvage is not required for manufactured housing that is permanently affixed to real property within 30 days of the date of sale. This bill specifies that a certificate is not required if the real property is owned by the owner of the manufactured housing.
3. Current law governing the perfection of security interests in vehicles specifies that it does not apply to manufactured housing that is permanently affixed to real property. This bill specifies that the real property must be owned by the owner of the manufactured housing.

Enacted Law Summary

Public Law 2013, chapter 125 amends the laws governing manufactured housing.

1. It adds language to the declaration of purpose in the manufactured housing law to state that manufactured housing for which no certificate of title has been issued is considered real property when it has been permanently affixed to real property that is owned by the owner of the manufactured housing.
2. Current law governing title to vehicles specifies that a certificate of title or salvage is not required for manufactured housing that is permanently affixed to real property within 30 days of the date of sale; Chapter 125 specifies that a certificate is not required if the real property is owned by the owner of the manufactured housing.
3. Current law governing the perfection of security interests in vehicles specifies that it does not apply to manufactured housing that is permanently affixed to real property; Chapter 125 specifies that the real property must be owned by the owner of the manufactured housing.

LD 861 Resolve, Regarding Legislative Review of Portions of Chapter 2: Rules Concerning the Processing of Applications and Other Administrative Matters, a Major Substantive Rule of the Department of Environmental Protection

**RESOLVE 65
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP
OTP-AM

This resolve provides for legislative review of portions of Chapter 2: Rules Concerning the Processing of Applications and Other Administrative Matters, a major substantive rule of the Department of Environmental