

# 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*

**LD 1116**

**An Act To Amend the Attorney's Fees Provision in Foreclosure Actions**

**ONTP**

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

This bill provides that if the mortgagee does not prevail in a foreclosure action or if the court finds the action was not brought in good faith, then the court must order the mortgagee to pay reasonable attorney's fees and court costs to the mortgagor, unless the court determines that making such an order would be unjust. If the court determines that the order would be unjust, the court must provide an explanation of that determination.

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

**LD 1118      An Act To Amend Public Access Laws To Improve Accountability for  
Public Funds by Making Public the Board Meetings of Hospitals  
Receiving Significant State Funding**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This bill requires that meetings of a general hospital's board of directors be public if that hospital receives more than 50% of its gross operating revenues in the form of payments and reimbursements from the State Government and Federal Government in its prior fiscal year.

### **Committee Amendment "A" (H-383)**

This amendment is the minority report of the Joint Standing Committee on Judiciary. It replaces the bill. This amendment requires a hospital to provide public notice and host a public meeting prior to closing its 24-hour emergency room. The notice must be published in the newspaper with the greatest daily circulation in the municipality in which the hospital is located no less than 6 months prior to the date 24-hour emergency room service will end. The hospital must notify in writing the municipal officers of the municipality in which the hospital is located no less than 6 months prior to the date 24-hour emergency room service will end. The governing body of the hospital is required to conduct a meeting in the municipality in which the hospital is located to which the public is invited to attend and speak. A majority of the governing body of the hospital must attend. The meeting must be scheduled no earlier than 30 days after the notice is provided and no later than 30 days before the 24-hour emergency room service will end.

This amendment was not adopted.

**LD 1119      An Act To Establish Superior Court as the Forum in Which Appeals of  
Agency Decisions Must Be Taken**

**DIED BETWEEN  
HOUSES**

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