

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
127TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

JOINT STANDING COMMITTEE ON JUDICIARY

August 2015

STAFF:

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

MEMBERS:

SEN. DAVID C. BURNS, CHAIR
SEN. AMY F. VOLK
SEN. CHRISTOPHER K. JOHNSON

REP. BARRY J. HOBBS, CHAIR
REP. KIMBERLY J. MONAGHAN
REP. MATTHEW W. MOONEN
REP. JOYCE MCCREIGHT
REP. CHARLOTTE WARREN
REP. STACEY K. GUERIN
REP. ROGER L. SHERMAN
REP. PHYLLIS A. GINZLER
REP. LLOYD C. HERRICK
REP. JEFFREY EVANGELOS
REP. WAYNE T. MITCHELL

STATE OF MAINE

127TH 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 127th 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. An appendix provides a summary of relevant session statistics.

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 127th Legislature is October 15, 2015. 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

Committee Amendment "A" (H-257)

This amendment replaces the bill but still requires proof of the owner of the mortgage note to be included in the foreclosure complaint.

The Maine Rules of Civil Procedure, Rule 12(b)(6) provides that a complaint must be dismissed if it fails to state a claim upon which relief can be granted. This amendment makes a foreclosure case subject to dismissal if it does not include a certification of proof of the owner of the mortgage note. The purpose of this amendment is to remove the ambiguity left by the Law Court in *Bank of America v. Cloutier*, 2013 ME 17, 61 A.3d. 1242, in which it held that the plaintiffs must identify the owner of a loan but did not say when and how that identification must occur. This amendment requires the identification at the beginning of the lawsuit when the parties most need that information as they engage in mediation and loan modification efforts.

Enacted Law Summary

Public Law 2013, chapter 229 makes a foreclosure case subject to dismissal if it does not include a certification of proof of the owner of the mortgage note. Chapter 229 removes the ambiguity left by the Maine Law Court in *Bank of America v. Cloutier*, 2013 ME 17, 61 A.3d. 1242, in which the Law Court held that the plaintiffs must identify the owner of a loan but did not say when and how that identification must occur. The identification must be made at the beginning of the lawsuit when the parties most need that information as they engage in mediation and loan modification efforts.

LD 416

An Act To Provide for Direct Appeals under the Maine Juvenile Code to the Supreme Judicial Court

PUBLIC 100

Sponsor(s)

DION

Committee Report

OTP-AM

Amendments Adopted

H-92

The purpose of this bill is to eliminate duplicative appeals from the juvenile court. Under current law, all appeals from adjudications in juvenile court go first to the Superior Court, with a second appeal available at the Supreme Judicial Court. This bill provides instead that appeals are brought directly to the Supreme Judicial Court.

Committee Amendment "A" (H-92)

This amendment lengthens the amount of time for an appeal from the juvenile court from 7 days to 21 days from the date of the entry of an order of disposition or other appealed order. The Supreme Judicial Court retains its authority to expand the time limit pursuant to a rule of the court.

Enacted Law Summary

Public Law 2015, chapter 100 provides that all appeals from adjudications in juvenile court go directly to the Supreme Judicial Court. The appeal must be filed within 21 days from the date of the entry of an order of disposition or other appealed order. The Supreme Judicial Court retains its authority to expand the time limit pursuant to a rule of the court.

LD 434

An Act To Promote Equity in the Joint and Several Liability Law in Maine

Accepted Majority (ONTP) Report

Sponsor(s)

CUSHING
GUERIN

Committee Report

ONTP
OTP-AM

Amendments Adopted