

MAINE STATE LEGISLATURE

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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

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127TH 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 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.

<i>CARRIED OVER</i>	<i>carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i>	<i>chapter # of constitutional resolution passed by both houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; legislation died</i>
<i>DIED BETWEEN HOUSES</i>	<i>House & Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i>	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i>	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i>	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i>	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i>	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i>	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i>	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i>	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i>	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i>	<i>ought-not-to-pass report accepted; legislation died</i>
<i>P&S XXX</i>	<i>chapter # of enacted private & special law</i>
<i>PUBLIC XXX</i>	<i>chapter # of enacted public law</i>
<i>RESOLVE XXX</i>	<i>chapter # of finally passed resolve</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's veto</i>

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

including health, dental and life insurance. The same proposed increases were included in the Governor's original Biennial Budget.

LD 735 An Act To Establish a Voluntary Preforeclosure Mediation Program

ONTP

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

This bill provides Maine consumers with an opportunity to avoid home mortgage foreclosure by participating in mediation at an early stage of default before foreclosure has commenced. A mortgagee may request a mortgagor to participate in preforeclosure mediation if the property subject to the mortgage is owner-occupied residential property of four or fewer units, and the mortgage payment is at least 35 days late. A mortgagor who participates or who fails or refuses to participate in the preforeclosure mediation program when requested to do so is not entitled to participate in the existing foreclosure mediation program. Current law provides for foreclosure mediation only after a foreclosure has been filed in court.

LD 756 An Act To Enhance the Address Confidentiality Program Regarding Property Records

PUBLIC 313

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNPHY M JOHNSON	OTP-AM	H-472

This bill amends the Address Confidentiality Program statute to make clear that the protected address of a certified program participant in the possession of a state or local government agency or court that has been authorized to use it for bona fide statutory, administrative or law enforcement purposes otherwise remains confidential and must be kept under seal and excluded from inspection by the public.

The bill amends the laws governing the registry of deeds and assessment of property taxes to provide address confidentiality protection to participants in the program upon request. In the registry of deeds, a program participant's Address Confidentiality Program identification number rather than name must be used in the record on the registry's publicly accessible website. A municipal assessor must include the identification number rather than the program participant's name in the assessment.

Committee Amendment "A" (H-472)

This amendment removes a provision in the bill regarding the obligations of all government agencies and courts with regard to participants in the Address Confidentiality Program.

This amendment removes a provision in the bill authorizing the use of an Address Confidentiality Program participant's identification number in lieu of the participant's name on documents filed with the register of deeds.

The amendment adds a provision to the tax laws allowing an Address Confidentiality Program participant to request that the municipal assessor redact the participant's name on the declaration of value form on file at the municipal office prior to disclosure.

Enacted Law Summary

Public Law 2015, chapter 313 amends the Address Confidentiality Program to clarify when the address or mailing address may be released to law enforcement or other governmental entities. It also adds a provision to the tax laws allowing an Address Confidentiality Program participant to request that the municipal assessor redact the

Joint Standing Committee on Judiciary

participant's name on the declaration of value form on file at the municipal office prior to disclosure.

LD 774 An Act To Assist Victims of Crime To Obtain Restitution

PUBLIC 109

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBS	OTP-AM	H-135

This bill provides a civil remedy for victims of crime when restitution has not been paid as ordered. The bill deems an order to make restitution a money judgement and sets requirements for the enforcement. Specifically, the bill requires that prior to entry of the order to pay restitution, the court informed the defendant of the right to a judicial determination of the amount of restitution and the restitution hearing was held, or the defendant waived the hearing or stipulated the amount of restitution and that after the court ordered payment of restitution, the clerk of the court entered the order to pay restitution in the same manner as a judgment in a civil action is entered.

Committee Amendment "A" (H-135)

This amendment replaces the bill and provides a civil remedy for victims of crime when restitution has not been paid as ordered. The amendment requires that an order to make restitution be entered by the clerk in the same manner as a judgment in a civil action at the request of the attorney for the State or a person entitled to restitution under the order. The amendment provides that after the order is entered in the same manner as a judgment in a civil action, the order is deemed a money judgment enforceable in accordance with the Maine Revised Statutes, Title 14, chapter 502.

Enacted Law Summary

Public Law 2015, chapter 109 provides a civil remedy for victims of crime when restitution has not been paid as ordered. Chapter 109 requires that an order to make restitution be entered by the clerk in the same manner as a judgment in a civil action at the request of the attorney for the State or a person entitled to restitution under the order. After the order is entered in the same manner as a judgment in a civil action, the order is deemed a money judgment enforceable in accordance with the Maine Revised Statutes, Title 14, chapter 502.

LD 775 An Act To Streamline Judicial Review of Certain Land Use Decisions

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBS		

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to establish a streamlined judicial review process of major land use permitting decisions in order to facilitate economic development and reduce overall costs and the time associated with issuing permits for new developments. A proposed committee amendment was provided before the public hearing.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.