

# MAINE STATE LEGISLATURE

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



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

**JOINT STANDING COMMITTEE ON JUDICIARY**

August 2015

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# STATE OF MAINE

127<sup>TH</sup> 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 127<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. 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 &amp; 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&amp;S XXX</i> .....	<i>chapter # of enacted private &amp; 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 127<sup>th</sup> 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*

**LD 776      An Act To Update the Validation of Miscellaneous Defects and Defective Acknowledgments in the Conveyance of Real Estate      PUBLIC 157**

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

This bill updates the laws that validate real estate titles despite the presence of certain technical defects in related documents to cure defects occurring between January 1, 2000 and December 31, 2012.

**Enacted Law Summary**

Public Law 2015, chapter 157 updates the laws that validate real estate titles despite the presence of certain technical defects in related documents to cure defects occurring between January 1, 2000 and December 31, 2012.

**LD 778      Resolve, Regarding Legislative Review of Portions of Chapter 3: Eligibility Requirements for Specialized Case Types, a Late-filed Major Substantive Rule of the Maine Commission on Indigent Legal Services      CARRIED OVER**

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

This resolve provides for legislative review of portions of Chapter 3: Eligibility Requirements for Specialized Case Types, a major substantive rule of the Maine Commission on Indigent Legal Services that was filed outside the legislative rule acceptance period.

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

**LD 820      An Act To Amend and Clarify Certain Notice and Assessment Provisions of the Maine Condominium Act      PUBLIC 122**

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

This bill amends the Maine Condominium Act in the following ways.

1. It allows notice of the annual meeting of a unit owners' association to be sent to a unit owner by electronic means to any electronic address designated by the unit owner.
2. It changes from 14 to 10 the minimum number of days for notice of a budget meeting of a unit owners' association.
3. It authorizes the executive board of a unit owners' association to make special assessments and specifies the procedure for approving special assessments with certain limitations.

**Enacted Law Summary**

Public Law 2015, chapter 122 amends the Maine Condominium Act in the following ways.

1. It allows notice of the annual meeting of a unit owners' association to be sent to a unit owner by electronic means

**Joint Standing Committee on Judiciary**

to any electronic address designated by the unit owner.

2. It changes from 14 to 10 the minimum number of days for notice of a budget meeting of a unit owners' association.
3. It authorizes the executive board of a unit owners' association to make special assessments and specifies the procedure for approving special assessments with certain limitations.

**LD 829      An Act To Amend the Trespass Laws Pertaining to Railroad Property**

**PUBLIC 204  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHAW	OTP-AM	H-203

This bill establishes within each division of the District Court a railroad bureau and a violations clerk to accept written appearances, waivers of trial, pleas of guilty and payments of fines and costs for civil violations of railroad trespass laws. This bill designates as a Class E crime trespassing on railroad property after three convictions for civil violations of the railroad trespass laws. This bill increases the minimum fines for civil violations of railroad trespass laws.

**Committee Amendment "A" (H-203)**

This amendment adds an emergency preamble and clause. It removes the provisions of the bill that require the creation of a railroad bureau within the District Court, but keeps the provisions that create a Class E crime for four or more trespassing violations and that increase the minimum fines for trespassing violations. The Chief Judge of the District Court has authority to designate which offenses are waivable offenses, allowing the writing of a Violation Summons and Complaint, an example of which is a traffic ticket, to allow a violator to waive a court appearance and pay the fine for the violation through the violations bureau.

**Enacted Law Summary**

Public Law 2015, chapter 204 creates a Class E crime for four or more railroad track trespassing violations and increases the minimum fines for trespassing violations.

Public Law 2015, chapter 204 was enacted as an emergency measure effective June 16, 2015.

**LD 846      An Act To Expedite Final Hearings in Certain Foreclosure Cases**

**PUBLIC 243**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS	OTP-AM	H-356

This bill permits an authorized employee of a financial institution or credit union instead of an attorney to attend a foreclosure mediation on behalf of the financial institution or credit union, allows a defendant to affirmatively decline attending the mediation, grants authority to the mediator to determine the location of the mediation and clarifies that the financial institution or credit union is required to appear only at a required mediation scheduled by the court.

**Committee Amendment "A" (H-356)**

This amendment replaces the bill. This amendment provides a process for a plaintiff in a judicial foreclosure to seek an expedited final hearing.