

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.

<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

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>
HOBBS	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.

Joint Standing Committee on Judiciary

Enacted Law Summary

Public Law 2015, chapter 243 provides a process for a plaintiff in a judicial foreclosure to seek an expedited final hearing.

The request for an expedited final hearing must indicate that mediation did not result in the settlement or dismissal of the action or indicate that the defendant has not filed an answer to the complaint and all parties that have filed an answer in the action have consented to the expedited hearing. The request must be accompanied by a consent form that informs defendants that they may consult with an attorney or a housing counselor before consenting to an expedited hearing, indicates that all of the defendants and all of the parties in interest that have appeared in the action have consented to an expedited final hearing and is signed by all of the defendants and all of the parties in interest that have appeared in the action.

Upon receiving a properly filed request for an expedited final hearing the court must, as the interests of justice permit, set an expedited final hearing not less than 45 days after the request is filed. In the expedited hearing, notwithstanding that a default may already have been entered against the defendant, the defendant may appear and defend. The burden of proof and legal requirements for entry of a judgment of foreclosure are the same as in other foreclosure actions. After the expedited final hearing, the court must issue a written judgment of foreclosure, dismissal with or without prejudice or judgment for the defendant as expeditiously as the interests of justice permit.

**LD 851 Resolve, Regarding Legislative Review of Portions of Chapter 2:
Standards for Qualifications of Assigned Counsel, a Late-filed Major
Substantive Rule of the Maine Commission on Indigent Legal Services**

**RESOLVE 38
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-412

This resolve provides for legislative review of portions of Chapter 2: Standards for Qualifications of Assigned Counsel, a major substantive rule of the Maine Commission on Indigent Legal Services that was filed outside the legislative rule acceptance period.

Committee Amendment "A" (H-412)

This amendment requires that the Maine Commission on Indigent Legal Services amend the proposed rule on standards for qualifications of assigned counsel to require that an attorney on the roster inform the commission in writing within five days of the filing of any criminal charge against the attorney. The provisionally adopted rule requires the report to be made promptly.

Enacted Law Summary

Resolve 2015, chapter 38 provides for legislative review of portions of Chapter 2: Standards for Qualifications of Assigned Counsel, a major substantive rule of the Maine Commission on Indigent Legal Services that was filed outside the legislative rule acceptance period. The provisionally adopted rule includes standards for qualifications of assigned counsel to require that an attorney on the roster inform the commission in writing if a criminal charge is filed against the attorney. The rule may be finally adopted if it is amended to require the report to be made within five days of the filing of the criminal charges.

Resolve 2015, chapter 38 was finally passed as an emergency measure effective June 30, 2015.