

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

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STATE OF MAINE

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

LD 861 An Act To Protect Victims of Domestic Violence, Sexual Assault or Stalking

PUBLIC 293

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

This bill amends the laws governing residential leases in instances where a tenant is a victim of domestic violence, sexual assault or stalking. The bill prohibits a landlord from evicting a tenant because of an instance of domestic violence, sexual assault or stalking. It also renders the perpetrator liable for certain damages.

Enacted Law Summary

Public Law 2015, chapter 293 amends the laws governing residential leases in instances where a tenant is a victim of domestic violence, sexual assault or stalking. It prohibits a landlord from evicting a tenant because of an instance of domestic violence, sexual assault or stalking. It also renders the perpetrator liable for certain damages.

LD 864 An Act To Require Parenting Plans To Be Timely Filed

ONTP

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

This bill establishes the requirement that courts incorporate a parenting plan into any order that addresses parental rights and responsibilities.

LD 890 An Act To Ensure a Continuing Home Court for Cases Involving Children

CARRIED OVER

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

This bill extends the jurisdiction of the District Court to be concurrent with the Probate of Courts over matters concerning custody or other parental rights of a child under the Maine Revised Statutes, Title 18-A, including, but not limited to, adoption, termination of parental rights, change of name and guardianship of a minor. The District Court has exclusive, continuing jurisdiction over a matter concerning custody or other parental rights of a child if an interim or final order concerning the child was entered in the District Court and remains in effect, proceedings seeking such an order are pending in the District Court or a matter has been removed to the District Court from the Probate Court.

This bill provides that, in any matter concerning custody or other parental rights of a child, the judge of the District Court or the Probate Judge who is presiding require all parties to disclose whether they have knowledge of any interim or final order then in effect concerning custody or other parental rights of the minor child, any proceeding seeking such an order or other related actions currently filed or pending before any court of this or another state. If the proceeding is in a Probate Court and the judge determines that the District Court has exclusive, continuing jurisdiction, the Judge of Probate must transfer the case to the District Court.

Upon petition by a party to a proceeding involving guardianship, adoption, change of name or other matters concerning custody or other parental rights of a minor child brought in the Probate Court, the proceeding may be

Joint Standing Committee on Judiciary

removed to the District Court under such procedures as the Supreme Judicial Court may by rule provide if any civil matter involving the minor child is pending or has been finally adjudicated in the District Court.

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

LD 891 An Act To Help Municipalities Dispose of Certain Abandoned Property

PUBLIC 244

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER BURNS	OTP-AM	H-296 H-304 MAKER

This bill simplifies the process for a mobile home park owner, operator or municipality to dispose of a deserted, vacant mobile home or manufactured housing that has been unclaimed by a tenant without any notice to the tenant. The bill provides protection from liability for a municipality that disposes of such deserted property.

Committee Amendment "A" (H-296)

This amendment, which replaces the bill, authorizes municipalities, through the adoption of an appropriate ordinance, to provide for the care, maintenance and security of abandoned mobile homes, up to and including taking possession and disposing of the abandoned mobile home. It also establishes process and notice requirements for implementation of the ordinance.

House Amendment "A" to Committee Amendment "A" (H-304)

This amendment amends Committee Amendment "A" and makes several changes.

1. It clarifies the definition of "responsible party" to provide that there may be more than one owner of a mobile home who is a responsible party, to strike a reference to a lienholder and to add that a mortgagee is not included as a responsible party.
2. It requires a foreclosing mortgagee initiating a foreclosure action on a property to notify the municipality where the property is situated and designate an in-state representative responsible for responding to municipal inquiries regarding the property.
3. It removes the requirement that a municipality first adopt an ordinance before it may avail itself of the authority granted under the statute.
4. It removes two types of evidence from being used in making a determination of abandonment: rubbish, trash or debris that has observably accumulated on the mortgaged premises and other reasonable indicia of abandonment.
5. It eliminates municipal authority to fine a responsible party.
6. It requires that a responsible party reimburse the municipality for its costs within 30 days after demand and allows the penalty for nonpayment to be a special tax assessed against the property to be collected in the same manner as other state, county and municipal taxes are collected.
7. It removes the provision in the committee amendment that requires a municipality to investigate a suspected abandoned mobile home upon petition by a landowner in the municipality.
8. It removes the requirement that a notice to correct be attached to the mobile home.

Enacted Law Summary