

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

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

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

Joint Standing Committee on Judiciary

Public Law 2015, chapter 244 authorizes municipalities 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 establishes the following criteria, process and notice requirements.

1. Either a court or the municipal officers may make the determination that a mobile home has been abandoned according to certain evidence of abandonment.
2. The municipal officers must provide notice to correct to the responsible party, which is the owner of record of the mobile home, excluding any mortgagee, and must hold a properly noticed hearing prior to making a determination of abandonment.
3. After a determination of abandonment, the municipality may issue to a responsible party a notice of the municipality's intention to take corrective action within 60 days if the property defects have not been remedied by the responsible party.
4. Corrective action by the municipality may include taking possession and disposing of the mobile home and all related personal property.
5. Responsible parties are jointly and severally liable to a municipality for its direct, legal and administrative costs incurred while remedying or attempting to remedy the property defects. The penalty for nonpayment within 30 days after demand may be a special tax assessed against the property to be collected in the same manner as other state, county and municipal taxes are collected.
6. The notice required for the abandonment hearing and for the notice to correct must be either hand-delivered or mailed by certified mail, or, if that delivery is not successful, the notice must be published twice consecutively in a daily or weekly newspaper.
7. A responsible party may appeal a finding of abandonment by the municipal officers to the Superior Court.
8. A foreclosing mortgagee initiating a foreclosure action on a property is required to notify the municipality where the property is situated and designate an in-state representative responsible for responding to municipal inquiries regarding the property.

LD 892 An Act To Amend Certain Laws Affecting the Judicial Branch

PUBLIC 158

<u>Sponsor(s)</u> MONAGHAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-164
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This bill repeals a provision of law requiring the District Court to file a monthly report with the State Auditor regarding fines, surcharges and assessments imposed by the court and a provision of law requiring clerks of judicial courts accounting to the State Auditor for all fees received by them or payable to them to do so under oath. It also removes the \$500 limit on the amount of a fine a person may pay with a credit card. It clarifies that if a driver's license is suspended by order of the court for any conviction for operating under the influence or for any offense for which the court suspends a license or registration, and the defendant does not physically surrender the license in court, the license is still void, notwithstanding that it remains in the defendant's possession. It also permits the State Court Administrator to order the disposal or destruction of unclaimed property confiscated at courthouses by judicial marshals if the property remains unclaimed for more than 30 days.

Committee Amendment "A" (H-164)

This amendment changes the bill by removing the provisions eliminating the requirements that the District Court