

# 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**  
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

**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

127<sup>TH</sup> 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 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*

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>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MONAGHAN	OTP-AM	H-164

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

**Joint Standing Committee on Judiciary**

file a monthly report with the State Auditor regarding fines, surcharges and assessments imposed by the court and that clerks of judicial courts account to the State Auditor for all fees received by them or payable to them under oath.

**Enacted Law Summary**

Public Law 2015, chapter 158 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 if 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.

**LD 893      Resolve, Directing the Secretary of State, Maine State Library and Law      RESOLVE 40**  
**and Legislative Reference Library To Make the Articles of Separation of**  
**Maine from Massachusetts More Prominently Available to Educators**  
**and the Inquiring Public**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAR WILLETTE	OTP-AM ONTP	H-414 H-434 BEAR

This resolution proposes an amendment to the Constitution of Maine to require that the text of Article X, Section 5 of the Constitution be included in any printed copies of the Constitution included with the laws of the State.

**Committee Amendment "A" (H-414)**

This amendment, which is the majority report of the committee, incorporates a fiscal note.

**House Amendment "A" (H-434)**

This amendment replaces the constitutional resolution with a resolve directing the Secretary of State, Maine State Library and Law and Legislative Reference Library, within existing resources, to make the Articles of Separation of Maine from Massachusetts, including the fifth subsection, more prominently available to educators and to the inquiring public.

**Enacted Law Summary**

Resolve 2015, chapter 40 directs the Secretary of State, Maine State Library and Law and Legislative Reference Library, within existing resources, to make the Articles of Separation of Maine from Massachusetts, including the fifth subsection, more prominently available to educators and to the inquiring public.

**LD 920      An Act To Require Mortgage Servicers To Act in Good Faith in Dealings      Veto Sustained**  
**with Homeowners**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUCKER	OTP-AM	H-383

This bill requires servicers of residential mortgage loans to act in good faith when dealing with homeowners who are borrowers under those loans. The bill also makes changes in the foreclosure mediation process providing that, if courts have previously sanctioned the conduct of a mortgage servicer in a foreclosure process, the courts are authorized to directly sanction the mortgage servicer if the mortgage servicer's conduct evidences a failure to mediate in good faith. The bill requires the collection of data on sanctions imposed to provide that, when a