

# 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

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

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 and Legislative Reference Library To Make the Articles of Separation of Maine from Massachusetts More Prominently Available to Educators and the Inquiring Public**      **RESOLVE 40**

<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 with Homeowners**      **Veto Sustained**

<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

## *Joint Standing Committee on Judiciary*

mortgage servicer is found to have failed to act in good faith, the court may take into account previous conduct in determining a sanction sufficient to deter such conduct in the same case or future cases.

### **Committee Amendment "A" (H-383)**

This amendment removes from the bill the private action for damages against a mortgage servicer, and incorporates the definitions of "mortgage servicer" and "good faith" in that provision into the mediation statutes. The amendment deletes the data collection requirement. The amendment, like the bill, requires a mortgage servicer to participate in mediation in good faith.

### **LD 929      An Act Relative to the Escheat of United States Savings Bonds**

**PUBLIC 215**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ MAREAN	OTP-AM	S-155

This bill amends the Uniform Unclaimed Property Act to establish a special procedure for the escheat of unclaimed United States savings bonds to the State.

An unclaimed United States savings bond is presumed abandoned three years after its date of final maturity. A United States savings bond is presumed abandoned in this State if the last known address of the owner of the United States savings bond is in this State and the United States savings bond has remained unclaimed for three years after its date of final maturity.

Not sooner than three years after the final maturity date, the Treasurer of State must bring an action in Kennebec County Superior Court or another court of competent jurisdiction for a determination that the United States savings bonds escheat to the State. The treasurer must redeem the savings bonds and, after subtracting the costs of the process, deposit the balance in the Unclaimed Property Fund.

A person claiming a right to a United States savings bond escheated to the State and redeemed by the treasurer must make a claim to the treasurer. The treasurer has discretion as to whether to pay the claim, less the costs of the process.

### **Committee Amendment "A" (S-155)**

This amendment allows the Treasurer of State the option of subtracting any expenses and costs incurred by the State in securing full title and ownership of a United States savings bond escheated to the State from the amount paid by the Treasurer of State for a claim involving that bond instead of requiring the Treasurer of State to subtract those expenses and costs as proposed in the bill.

### **Enacted Law Summary**

Public Law 2015, chapter 215 amends the Uniform Unclaimed Property Act to establish a special procedure for the escheat of unclaimed United States savings bonds to the State.

An unclaimed United States savings bond is presumed abandoned three years after its date of final maturity. A United States savings bond is presumed abandoned in this State if the last known address of the owner of the United States savings bond is in this State and the United States savings bond has remained unclaimed for three years after its date of final maturity.

Not sooner than three years after the final maturity date, the Treasurer of State must bring an action in Kennebec County Superior Court or another court of competent jurisdiction for a determination that the United States savings bonds escheat to the State. The treasurer must redeem the savings bonds and, after subtracting the costs of the