

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.

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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.

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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 and whether to subtract from the payment the costs of the process.

LD 950 An Act To Prohibit Discrimination against a Person Who Is Not Vaccinated

Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAWICKI MASON	ONTP OTP-AM	

This bill prohibits discrimination against an individual who refuses a vaccination.

Committee Amendment "A" (H-413)

This amendment is the minority report of the committee and it replaces the bill. It amends the Maine Human Rights Act to prohibit discrimination on the basis of vaccination status in employment, housing, public accommodations, education and credit.

This amendment provides that, although the vaccination status of an individual is not a physical disability, the legal analysis applied to discrimination claims based on the vaccination status of an individual or the vaccination status of an individual's minor child is the same as that applied to physical disability claims.

LD 951 An Act To Restore Judicial Discretion in the Administration of Fines

CARRIED OVER

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

This bill:

1. Lowers the maximum amount of earnings that may be garnished to enforce payment of a judgment arising from a consumer credit transaction;
2. Makes some criminal fines discretionary rather than mandatory;
3. Prohibits revoking probation solely on the basis of failure to pay a fine;
4. Allows the court to reduce a fine in limited circumstances upon a showing of indigence;
5. Prohibits incarceration solely for failure to pay a fine;
6. Eliminates the failure to pay warrant; and
7. Limits suspensions under the Maine Revised Statutes, Title 29-A and contempt proceedings under Title 14 for indigent defendants.

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