

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 1259

An Act To Increase Consumer Protections

PUBLIC 180

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOONEN	OTP-AM	H-166

This bill amends the Uniform Commercial Code. Under the bill, a filing office may refuse to file a record on the basis that the record is fraudulent or appears to be fraudulent and that the record pertains to a matter outside of the scope of the Uniform Commercial Code. This bill also clarifies that a filing office's refusal to file a record is a final agency action subject to judicial review under the Maine Administrative Procedure Act.

Committee Amendment "A" (H-166)

This amendment gives the Secretary of State the authority to refuse to file or record a record that is not required or authorized to be filed or recorded with the Secretary of State. The Secretary of State may also refuse to file or record a record if the Secretary of State has reasonable cause to believe the record is materially false or fraudulent.

The amendment gives the Secretary of State the authority to remove a record that was filed or recorded erroneously because the record was not required or authorized to be filed or recorded with the Secretary of State or the Secretary of State has reasonable cause to believe that the record is materially false or fraudulent.

The amendment gives the person who presented the refused or removed record the option of asking the Superior Court to require the Secretary of State to file or record the refused record, or reinstate the filing or recording of the removed record from the original date of the filing or recording.

Enacted Law Summary

Public Law 2015, chapter 180 gives the Secretary of State the authority to refuse to file or record a record that is not required or authorized to be filed or recorded with the Secretary of State. The Secretary of State may also refuse to file or record a record if the Secretary of State has reasonable cause to believe the record is materially false or fraudulent.

Chapter 180 gives the Secretary of State the authority to remove a record that was filed or recorded erroneously because the record was not required or authorized to be filed or recorded with the Secretary of State or the Secretary of State has reasonable cause to believe that the record is materially false or fraudulent.

Chapter 180 gives the person who presented the refused or removed record the option of asking the Superior Court to require the Secretary of State to file or record the refused record, or reinstate the filing or recording of the removed record from the original date of the filing or recording.

LD 1260 Resolve, Requiring the Judicial Department To Study Court Facility Needs in Oxford, Waldo and York Counties

Died On Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS THIBODEAU	OTP-AM	H-190

This resolve directs the Judicial Department to conduct or contract for architectural feasibility studies to improve court facilities in Oxford County, Waldo County and York County and report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing