

# 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

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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 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*

**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>
HOBBS 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

**Joint Standing Committee on Judiciary**

committee of the Legislature having jurisdiction over judiciary matters by January 1, 2017. It also appropriates \$300,000 in one-time funding for the studies in fiscal year 2015-16.

This bill was incorporated into the Biennial Budget, Public Law 2015, chapter 267, Part A, section A-43. The study of court facility needs is incorporated as part of the Biennial Budget; see Public Law 2015, chapter 267, Part G.

**Committee Amendment "A" (H-190)**

This amendment incorporates a fiscal note.

**LD 1261      An Act To Correct Defects in Title Created by Improperly Discharged Mortgages      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE	ONTP	

This bill provides the following with respect to mortgages that identify Mortgage Electronic Registration Systems, Inc. as the mortgagee of record and mortgages that are assigned to Mortgage Electronic Registration Systems, Inc.

1. A discharge or satisfaction of a mortgage recorded in the appropriate registry of deeds and executed by Mortgage Electronic Registration Systems, Inc. or by an assignee or successor of Mortgage Electronic Registration Systems, Inc. when Mortgage Electronic Registration Systems, Inc. appears of record to be the holder of the mortgage is considered conclusive evidence of the satisfaction of a mortgage in favor of any person claiming by, through or under the mortgagor.
2. A partial release of a mortgage recorded in the appropriate registry of deeds and executed by Mortgage Electronic Registration Systems, Inc. or by an assignee or successor of Mortgage Electronic Registration Systems, Inc. when Mortgage Electronic Registration Systems, Inc. appears of record to be the holder of the mortgage is considered conclusive evidence of the termination of the mortgage with respect to the land described in the partial release in favor of any person claiming by, through or under the mortgagor.

See LD 321, Public Law 2015, chapter 289.

**LD 1272      An Act To Strengthen the Protections for Senior Citizens in the State      PUBLIC 306 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS	OTP-AM	S-277
EVES	OTP-AM	S-320    HAMPER

This bill strengthens the protections for senior citizens in the State as follows.

1. It amends the purposes of the criminal sentencing provisions to specifically reference the factor of a victim's ability to self-protect due to age.
2. It defines "dependent person."
3. It specifically includes financial exploitation in the definition of "abuse."
4. It provides funds for one Detective position and one Assistant Attorney General position.