

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

JOINT STANDING COMMITTEE ON JUDICIARY

August 2017

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STATE OF MAINE

128TH 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 128th 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.

CARRIED OVER..... carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE..... emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT..... legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY..... ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 128th Legislature is Wednesday, November 1, 2017. 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 486 An Act To Authorize Vacating the Convictions of Members of the ONTP
Houlton Band of Maliseet Indians Convicted under Prior Laws
Governing the Possession and Use of Marijuana

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BEAR H | ONTP | |

This bill establishes a process for members of the Houlton Band of Maliseet Indians to seek vacation of a criminal conviction or civil violation adjudication if the conduct that formed the basis of the conviction or adjudication would have been legal had that conduct been committed after enactment of the Marijuana Legalization Act. The bill also establishes that, if a member of the Houlton Band of Maliseet Indians is charged with a civil violation or criminal offense for conduct that occurred prior to the effective date of the Marijuana Legalization Act, it is a defense to the prosecution that the conduct would have been legal had the conduct occurred after the effective date of the Marijuana Legalization Act.

LD 505 An Act To Amend the Laws Governing the Issuance of Birth Certificates Accepted Majority
for Adopted Persons Born in Maine (ONTP) Report

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| DOW D HICKMAN C | ONTP OTP | |

This bill amends the laws governing adoption to eliminate the provision of law that requires that upon adoption of a person born in Maine, unless the adoptive parents or adopted person who is at least 18 years of age requests otherwise, the original birth certificate of the adopted person be sealed and a new certificate showing the adoptive parents as the parents of birth be created.

LD 533 An Act To Clarify the Application of the Statute of Limitations under PUBLIC 251
Article 3-A of the Uniform Commercial Code

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| COOPER J BREEN C | OTP-AM | H-431 |

The Maine Revised Statutes, Title 11, section 3-1118, subsection (1) in Article 3-A of the Uniform Commercial Code, which governs negotiable instruments, provides for a six-year statute of limitations for enforcement of negotiable instruments. In 2004, the Maine Supreme Judicial Court sitting as the Law Court held in *Fleet National Bank v. Liberty*, 2004 ME 36, 845 A.2d 1183, that Title 11, section 3-1118, subsection (1) did not repeal the 20-year statute of limitations for some types of instruments in Title 14, section 751, either expressly or by implication. This bill provides that the six-year statute of limitations in Title 11, section 3-1118, subsection (1) applies to all negotiable instruments, notwithstanding the 20-year statute of limitations for some types of instruments in Title 14, section 751.

This bill also provides that the six-year statute of limitations does not apply to certain negotiable instruments until 90 days after the legislation takes effect. It requires the Department of Professional and Financial Regulation, Bureau of Financial Institutions and Bureau of Consumer Credit Protection to give written notice to all financial institutions, mortgage servicers and debt collectors regulated by or registered with them and to other entities and agencies that have interests in loans that may be affected by this legislation.

Joint Standing Committee on Judiciary

Committee Amendment "A" (H-431)

This amendment replaces the bill. Like the bill, it clarifies that the six-year statute of limitations included in Article 3-A of the Uniform Commercial Code, not the 20-year statute of limitations in Title 14, section 751, applies to all negotiable instruments.

This amendment includes language to specifically apply the language to negotiable instruments executed on or after the effective date of this legislation. Negotiable instruments executed before the effective date are governed by the existing law.

Enacted Law Summary

Public Law 2017, chapter 251 provides that the six-year statute of limitations included in Article 3-A of the Uniform Commercial Code, not the 20-year statute of limitations in Title 14, section 751, applies to all negotiable instruments.

Public Law 2017, chapter 251 specifically applies to negotiable instruments executed on or after the effective date of this legislation. Negotiable instruments executed before the effective date are governed by the existing law.

LD 534 An Act To Amend the Laws Governing the Circumstances of Death That Veto Sustained
Must Be Reported to the Office of Chief Medical Examiner

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------------|-------------------------|---------------------------|
| MOONEN M WHITTEMORE R | OTP | |

This bill amends the law governing the Department of the Attorney General, Office of Chief Medical Examiner as follows.

1. It clarifies that, absent certain other circumstances, the fact that a patient dies within 24 hours of admission to a hospital or other health care facility need not be reported to the Office of Chief Medical Examiner.
2. It removes the requirement that deaths due to the consequences of long-term alcohol use be reported to the Office of Chief Medical Examiner.

LD 535 An Act To Protect Maine Citizens from Aerial Trespass Leave to Withdraw Pursuant to Joint Rule

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|----------------------|-------------------------|---------------------------|
| WARREN C BRAKEY E | | |

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to make the activity of flying an unmanned aerial vehicle into the airspace over or crossing the boundary of another person's property and recording or videotaping or otherwise violating the privacy of the property owner either civil or criminal trespass.