

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 860 An Act To Establish a Statewide Electronic Warrant System

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERRISH K ROSEN K		

This bill directs the State Court Administrator to establish a secure system for the application, issuance and return of arrest warrants and search warrants that is electronic and that provides access to authorized users statewide. The bill amends the law on search warrants to require electronic application and issuance once the electronic system has been established. The bill directs the Supreme Judicial Court to adopt amendments to the Maine Rules of Unified Criminal Procedure, Rule 4, Arrest Warrant or Summons, effective on the date of the establishment of the statewide electronic warrant system, to provide for the application, issuance and return of arrest warrants and search warrants through electronic means.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 871 An Act To Require Disclosures Relating to the Sale of Residential Property Accessible by a Public Way and Any Means Other than a Public Way

PUBLIC 181

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAY J BELLOWS S	OTP-AM ONTP	H-414

This bill provides that, for residential real property accessible only by a private way, the seller must disclose, if known, the name of the person who owns the private way and the name of the person who is responsible for the maintenance and repair of the private way.

Committee Amendment "A" (H-414)

This amendment requires the disclosure in the sale of residential property of information regarding the means of accessing the property.

Enacted Law Summary

Public Law 2017, chapter 181 requires the disclosure in the sale of residential property of information regarding the means of accessing the property by a public way as well as by any means other than a public way. If the property is accessible by means other than a public way, whether as the only means of access or in addition to access via a public way, the owner is required to disclose information about who is responsible for maintenance of the means of the non-public way access, including any responsible road association, if known. The disclosure will put the prospective buyer on notice that access to the property may be limited and that there is a possibility that the property is subject to membership in a road association, which may require the payment of assessments.

LD 896 An Act To Promote Retention and Recruitment of Judicial Marshals and Sergeants

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILL D MOONEN M	ONTP	

Joint Standing Committee on Judiciary

This bill provides for a 20% upward adjustment in the salary schedules of judicial marshals and judicial sergeants in the judicial branch beginning with the pay period commencing closest to July 1, 2017. See Public Law 2017, chapter 284, Part TTTTTT.

LD 903 An Act To Protect Rights and Privileges Granted under the United States Constitution and the Constitution of Maine

Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAMPSON H WOODSOME D	ONTP OTP	

This bill addresses the application of foreign law in this State with the goal of protecting American citizens' constitutional rights when foreign laws and foreign legal doctrines are applied in judicial and administrative tribunals. The bill provides that:

1. A court or administrative ruling violates the public policy of this State and is void and unenforceable if it is based in whole or in part on a foreign law, legal code or legal system that would not grant the same liberties, rights and privileges as are granted under the United States Constitution and the Constitution of Maine;
2. A contract's choice of law provision that chooses such a foreign law, legal code or legal system to govern aspects of the contract is void and unenforceable if the foreign law, legal code or legal system does not protect the same liberties, rights and privileges as are protected under the United States Constitution and the Constitution of Maine;
3. A contract's choice of personal jurisdiction provision that provides jurisdiction over the parties that applies a foreign law, legal code or legal system to govern aspects of the contract is void and unenforceable if the foreign law, legal code or legal system does not protect the same liberties, rights and privileges as are protected under the United States Constitution and the Constitution of Maine; and
4. The court must deny a claim of forum non conveniens or related claim if granting the claim would subject the nonclaimant to a foreign forum that applies a foreign law, legal code or legal system that does not protect the same liberties, rights and privileges as are protected under the United States Constitution and the Constitution of Maine.

The bill provides that these provisions do not apply to a corporation, partnership, limited liability company, business association or legal entity that contracts to subject itself to a foreign law, legal code or legal system in a jurisdiction other than this State or the United States and do not limit the free exercise of religion or require or authorize a court to adjudicate issues within a religious organization that would violate the First Amendment's establishment clause.

The bill also provides that these provisions may not be interpreted to conflict with any relevant treaty or international agreement.

LD 916 An Act To Modify the Term and Withholding Limitations for Spousal Support

ONTP

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

This bill amends the laws governing spousal support in divorce actions by: