

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**STATE OF MAINE**  
128<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON JUDICIARY**

August 2017

**MEMBERS:**

SEN. LISA KEIM, CHAIR  
SEN. RODNEY L. WHITTEMORE  
SEN. DAWN HILL

REP. MATTHEW W. MOONEN, CHAIR  
REP. JOYCE MCCREIGHT  
REP. CHRISTOPHER W. BABBIDGE  
REP. DONNA BAILEY  
REP. BARBARA A. CARDONE  
REP. LOIS GALGAY RECKITT  
REP. STACEY K. GUERIN  
REP. ROGER L. SHERMAN  
REP. RICHARD T. BRADSTREET  
REP. CHRIS A. JOHANSEN

**STAFF:**

MARGARET J. REINSCH, SENIOR LEGISLATIVE ANALYST  
JANET STOCCO, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670  
<http://legislature.maine.gov/legis/opla/>

# STATE OF MAINE

128<sup>TH</sup> 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 128<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.

*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 128<sup>th</sup> 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 969 An Act Regarding Nonprobate Transfers on Death**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOLEY R WHITTEMORE R		

This bill enacts as Article 6, Part 4 of the Maine Probate Code the Uniform Real Property Transfer on Death Act, adopted by the Uniform Law Commission in 2009. It amends the Maine Probate Code to provide for the nonprobate transfer of personal property not already covered by Article 6 of the Maine Probate Code by enacting a new Part 5. Part 5 is modeled on Missouri law.

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

**LD 1043 An Act To Promote Impartiality in the Probate Court**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R BAILEY D	OTP-AM	S-230 S-254 KEIM L

Beginning January 1, 2019, this bill prohibits probate judges from appearing as counsel in contested probate cases. Beginning January 1, 2021, this bill also prohibits probate judges from engaging in the practice of law while they are serving as probate judges.

**Committee Amendment "A" (S-230)**

This amendment removes from the bill the prohibition on probate judges engaging in the practice of law while serving as probate judges.

**Senate Amendment "A" (S-254)**

This amendment prohibits probate judges from appearing as counsel in contested probate proceedings beginning January 1, 2021 rather than January 1, 2019 as in the bill.

**LD 1047 An Act To Protect Homeowners from Improper Foreclosure Fees**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S LAWRENCE M	OTP-AM ONTP	S-198

Current law provides that attorney's fees must be paid to mortgagors when the mortgagee does not prevail in a foreclosure action, which creates a loophole that allows the mortgagee to escape the attorney's fees provisions when the plaintiff does not prevail because it is determined that the plaintiff is not the true mortgagee. This bill rectifies that loophole by clarifying that a plaintiff who claims to be a mortgagee who does not prevail in a foreclosure action must still pay attorney's fees to the prevailing mortgagor.

**Committee Amendment "A" (S-198)**

This amendment is the majority report. It simplifies the language of the bill to make it clear that if the plaintiff in