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

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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 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
CON RES XXX
CONF CMTE UNABLE TO AGREE
DIED BETWEEN HOUSES
DIED IN CONCURRENCE defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT action incomplete when session ended; legislation died
EMERGENCYenacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGEemergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE
FAILED, MANDATE ENACTMENTlegislation 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 WITHDRAWsponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODYruled 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
PUBLIC XXX
RESOLVE XXX
VETO SUSTAINEDLegislature 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.

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- 7. Current law provides that the department may file a termination of parental rights petition when the child has been in foster care for at least 15 of the most recent 22 months. The bill extends those periods to 24 months and 30 months, respectively.
- 8. The bill provides an opportunity for a parent who has been convicted of a crime to show the rehabilitative steps taken to address the underlying criminal behavior, and thus rebut the presumption favoring termination of parental rights.

LD 1305 An Act To Protect Victims of Sexual Assault

Accepted Majority (ONTP) Report

Sponsor(s)	Committee Report	Amendments Adopted
KUMIEGA W	ONTP	
DILL J	OTP	

Current law allows a person who is a victim of a sexual assault to file a petition for a protection order, whether or not the person who committed the assault is a family or household member or dating partner; the duration of the protection order may be for a fixed period not to exceed two years. This bill expands the possible duration of a protection order for victims of sexual assault. The bill provides a victim of a sexual assault the opportunity to petition for an order that is a fixed period of time that may be longer than two years, including an order that may be permanent. The bill also adds to the types of relief that a court may order for a sexual assault victim the requirement that the defendant refrain from knowingly coming within or knowingly remaining within a specified distance of a specified location.

LD 1311

An Act To Amend the Law Regarding Notice of Claim Recordings by Statutory Road Associations

PUBLIC 306

Sponsor(s)	Committee Report	Amendments Adopted
WADSWORTH N	OTP-AM	H-435
	ONTP	

This bill makes the following changes to the laws governing the repair and maintenance of private ways.

- 1. It requires any notice of claim or process for the recovery of money from the owner of a parcel of land benefited by a private way to include the name of the owner of the parcel.
- 2. It provides that in order for an obligation of an owner of a parcel of land benefited by a private way to burden the parcel and run with the land upon the transfer of the owner's interest, a notice of claim must be recorded in the county's registry of deeds.
- 3. It requires the road commissioner or road association board to prepare and record in the county's registry of deeds a release of a recorded notice of claim when money owed by an owner of a parcel of land benefited by a private way is paid.

Committee Amendment "A" (H-435)

This amendment is the majority report. It replaces the bill but retains the provision that ensures that the obligations for assessments imposed by road associations are recorded in the registry of deeds. The amendment provides that after June 30, 2018, in order for an obligation of an owner of a parcel of land benefited by a private way to burden the parcel and run with the land upon the transfer of the owner's interest, a notice of claim must be recorded in the

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county's registry of deeds. A notice of claim expires 18 months from the date of recording unless it is extended prior to the expiration by recording of a notice of extension of the notice of claim. A recorded notice of claim may be extended for additional 18-month periods until the claim is paid.

Enacted Law Summary

Public Law 2017, chapter 306 ensures that the obligations for assessments imposed by road associations are recorded in the registry of deeds. Chapter 306 provides that after June 30, 2018, in order for an obligation of an owner of a parcel of land benefited by a private way to burden the parcel and run with the land upon the transfer of the owner's interest, a notice of claim must be recorded in the county's registry of deeds. A notice of claim expires 18 months from the date of recording unless it is extended prior to the expiration by recording of a notice of extension of the notice of claim. A recorded notice of claim may be extended for additional 18-month periods until the claim is paid.

LD 1315 An Act Regarding the Maine Indian Tribal-State Commission and
Directing the Commission To Address Issues To Improve the
Relationship between the State and the Penobscot Nation,
Passamaquoddy Tribe, Houlton Band of Maliseet Indians and
Aroostook Band of Micmacs

Sponsor(s)	Committee Report	Amendments Adopted
BEAR H	ONTP	

This bill amends the law establishing the Maine Indian Tribal-State Commission to allow the commission to submit legislation and directs the commission to study a number of unresolved issues between the State and the Passamaquoddy Tribe, the Penobscot Nation, the Aroostook Band of Micmacs and the Houlton Band of Maliseet Indians.

LD 1355 An Act To Ensure the Timely and Proper Completion of Residential Foreclosures

CARRIED OVER

ONTP

Sponsor(s)	Committee Report	Amendments Adopted
CARPENTER M		

This bill makes changes to the laws governing the adjournment of a public sale of foreclosed premises and where such a sale must be conducted. It clarifies several aspects of the post-foreclosure sale process regarding the filing of reports of sale and mandates that the report be filed within 45 days of the sale. If a foreclosure sale produces proceeds beyond those payable to the mortgagee, the bill requires the mortgagee to pay the surplus to the mortgagor or other party entitled to it no later than the time of the filing of the report of sale and provides a means for the party entitled to the surplus to obtain a court order for the turnover of the surplus if the mortgagee fails to do so. The bill clarifies that, after the redemption period has expired, but before a sale, a mortgagee may agree with a mortgagor to a reinstatement of the mortgage, and that the mortgagee may, in connection with the reinstatement, waive the foreclosure judgment and restore all parties to the action to the positions that they were in before any foreclosure.

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