

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION



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

JOINT STANDING COMMITTEE ON JUDICIARY

August 2019

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STATE OF MAINE

129TH 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 129th 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 129th Legislature is Thursday, September 19, 2019. 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 1366 An Act To Require Information Regarding Implied Warranties When Offering an Extended Warranty at the Point of Sale ONTP

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

This bill requires a seller that offers an extended warranty on goods at the point of sale to inform the buyer of the implied warranty provisions under state law by stating: "Maine's implied warranty law covers most consumer goods for up to four years as long as the item is seriously defective and not simply worn out."

LD 1380 An Act To Transfer the Violations Bureau from the Courts to the Office of the Secretary of State CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J		

This bill transfers the responsibilities of the violations bureau, which processes traffic infractions, from the Judicial Branch to the Office of the Secretary of State.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1381 An Act To Create a Post-judgment Mechanism To Provide Relief to Victims of Sexual Exploitation and Sex Trafficking ONTP

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

This bill provides for a comprehensive post-judgment method of relief for a person for whom one or more criminal convictions in which a final judgment has been entered were the result of the person's sexual exploitation or being subjected to sex trafficking. This method of relief is similar to that provided in law to a person whose identity has been stolen and falsely used by another person in a criminal, civil violation or traffic infraction proceeding. The relief offered is the court's vacating the conviction and the correction of the court records and related criminal justice agency records.

LD 1388 Resolve, Directing the Attorney General To Pursue the State's Claim That It Holds Title to Maine's Intertidal Lands ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOW D EVANGELOS J	ONTP	

At the time this bill was printed, there were cases addressing the State's title to intertidal lands pending before the Law Court. This resolve directs the Attorney General to seek review in the United States Supreme Court of any decision by the Law Court that does not fully vindicate the State's title to intertidal lands. If there is no Law Court decision to appeal within two years, the Attorney General shall bring a declaratory judgment action in federal court to declare the State's title to intertidal lands, pursuing the case through to an appeal to the Supreme Court if

Joint Standing Committee on Judiciary

necessary.

LD 1392 An Act To Establish a Formal Tribal Consultation Process with the State

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NEWELL R MIRAMANT D		

This bill requires a state agency to develop and implement a policy that:

1. Promotes effective communication between the state agency and federally recognized Indian tribes in the State;
2. Promotes positive government-to-government relations between the State and federally recognized Indian tribes in the State; and
3. Enables federally recognized Indian tribes in the State to consult with the state agency in a meaningful and timely manner regarding the development of legislation, rules and policies proposed by the state agency on matters that significantly or uniquely affect the tribes.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1405 An Act To Amend the Laws Governing Foreclosure To Ensure Timely Completion

PUBLIC 408

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARNEY A	OTP-AM	H-584

This bill amends the laws governing foreclosure proceedings in order to ensure timely completion of foreclosure sales. This bill:

1. Extends the mortgagee's time to sell the property following an adjournment of the sale, and requires that additional extensions of time be approved by the court;
2. Provides that a mortgagee may execute a waiver of foreclosure only with the written consent of the mortgagor; and
3. Establishes a time frame for the mortgagee to file a report of sale.

Committee Amendment "A" (H-584)

This amendment amends time limits in the bill to provide that a sale may be adjourned for any time not exceeding 60 days and the court may grant appropriate extensions.

It provides that, when there is a waiver of foreclosure, the waiver and the consent of the mortgagor must be included in a stipulation of dismissal of the foreclosure. The stipulation of dismissal must be signed by the mortgagee and mortgagor or their respective attorneys. Upon the filing of the stipulation of dismissal, along with the waiver and consent with the court, all other rights of the parties remain as if no foreclosure had been commenced.

It extends the time for the mortgagee to file a report of sale within the earlier of 90 days after the public sale and 45