

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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STAFF:

MARGARET J. REINSCH, SENIOR 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

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.

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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

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days after the mortgagee's delivery of the deed conveying the mortgaged property. The court may extend the deadline upon a showing of good cause by the mortgagee.

Enacted Law Summary

Public Law 2019, chapter 408, amends the laws governing foreclosure proceedings in order to ensure timely completion of foreclosure sales. It 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 days after the mortgagee's delivery of the deed conveying the mortgaged property. The court may extend the deadline upon a showing of good cause by the mortgagee.

**LD 1414 An Act To Implement the Recommendations of the Right To Know
Advisory Committee Concerning Penalties for Violations of the Freedom
of Access Act**

PUBLIC 247

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This bill replaces the existing penalty provision of the Freedom of Access Act to establish a tiered schedule of fines for the civil violation of willfully violating the Freedom of Access Act.

A state government agency or local government entity is subject to a fine of up to \$500 for a first violation, a fine of up to \$1,000 for a second violation and a fine of up to \$2,000 for third and subsequent violations committed within four years of an adjudication for a willful violation. For the purposes of determining previous adjudications, a willful violation can be committed by any employee of the agency or entity.

Enacted Law Summary

Public Law 2019, chapter 247, replaces the existing penalty provision of the Freedom of Access Act to establish a tiered schedule of fines for the civil violation of willfully violating the Freedom of Access Act.

A state government agency or local government entity is subject to a fine of up to \$500 for a first violation, a fine of up to \$1,000 for a second violation and a fine of up to \$2,000 for third and subsequent violations committed within four years of an adjudication for a willful violation. For the purposes of determining previous adjudications, a willful violation can be committed by any employee of the agency or entity.

**LD 1416 An Act To Implement the Recommendations of the Right To Know
Advisory Committee Concerning Freedom of Access Training for Public
Officials**

PUBLIC 300

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-451

Current law requires public officials elected to certain positions to complete training on the requirements of the Freedom of Access Act. This bill implements the recommendation of the Right To Know Advisory Committee that officials appointed to those same positions also be required to complete the training.