

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST SPECIAL AND SECOND REGULAR SESSIONS



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

JOINT STANDING COMMITTEE ON JUDICIARY

November 2020

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STATE OF MAINE

129TH 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 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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

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.

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 was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

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, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

LD 1421 An Act To Amend the Maine Bail Code CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R BREEN C		

This bill was carried over in the Criminal Justice and Public Safety Committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322. It was re-referred to the Judiciary Committee during the Second Regular Session.

This bill amends the Maine Bail Code in the following ways. It:

1. Clarifies the rebuttable presumption that, except for formerly capital offenses, a defendant must be released on personal recognizance with no conditions;
2. Increases the burden of proof for justifying not releasing a defendant on personal recognizance or upon execution of an unsecured appearance bond;
3. Removes from the list of authorized bail conditions the condition of refraining from the possession, use or

Joint Standing Committee on Judiciary

excessive use of alcohol or use of illegal drugs, the condition of reporting on a regular basis to the defendant's attorney and the condition of returning to custody for specified hours after work release, schooling or other purposes;

- 4. Removes from bail conditions requirements that the defendant refrain from criminal conduct and that the integrity of the judicial system be ensured;
- 5. Makes changes to the information that must be taken into account when determining bail for the defendant;
- 6. Requires a judicial officer when determining bail to find by clear and convincing evidence that imposing a financial condition on a defendant will not cause excessive financial hardship on the defendant and requires that judicial officer to state on the record or in writing the findings upon which the determination is made; and
- 7. Adds to the list of facts a judicial officer must consider when determining bail whether the defendant is the primary person responsible for the care of another, has a health care need including a mental health care need that is being met or would be better met outside of custody or has employment that would be affected if the defendant is placed in custody.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

LD 1426 An Act To Increase Protections for Land Installment Contracts

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARNETT T BELLOWS S	OTP-AM ONTP	H-582

This bill was passed to be enacted by the Legislature and then held by the Governor at the end of the First Regular Session of the Legislature. During the Second Regular Session it was recalled from the Governor's desk and then tabled in the House without reference to committee.

This bill expands the definition of "land installment contracts," creates foreclosure procedures for residential land installment contracts that include a 90-day redemption period and removes the right to cure of the purchaser and imposes mortgagee requirements on the foreclosing party. This bill also requires the vendor of a land installment contract to certify that the property meets the warranty of habitability under state law, makes the vendor of a land installment contract a creditor under the Maine Consumer Credit Code and, along with other remedies, makes a violation of the provisions regarding land installment contracts a violation under the Maine Unfair Trade Practices Act.

Committee Amendment "A" (H-582)

This amendment was the majority report of the committee in the First Regular Session. It amends the bill to make clear that the parties to a rent-to-own or option-to-buy contract may agree to treat the agreement as a residential lease subject to the rental statutes in the Maine Revised Statutes, Title 14, chapters 709, 710 and 710-A; otherwise the residential properties foreclosure procedures apply. If the contract is treated as a residential lease agreement, the down payment is treated as a security deposit and must be returned when the rental ends.

The bill requires vendors who engage in land installment contracts to be treated as creditors under the Maine Consumer Credit Code. The amendment exempts vendors who engage in no more than one land installment contract per year.