

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

residential property that is the subject of a foreclosure action if the mortgaged premises are presumed abandoned.

A mortgage loan servicer or its designee may not enter occupied property. A mortgagee, its mortgage loan servicer, its designee or a third-party agent or other person acting on behalf of the mortgagee may not force, intimidate, harass or coerce a lawful occupant of residential property to vacate the property so that it may be considered abandoned. A violation of these provisions is deemed a violation of the Maine Revised Statutes, Title 14, section 6113, which imposes a duty of good faith on mortgage loan servicers.

Enacted Law Summary

Public Law 2019, chapter 647 allows a mortgage loan servicer to take certain actions to preserve the value of residential property that is the subject of a foreclosure action if the mortgaged premises are presumed abandoned. The mortgage loan servicer may file an affidavit attesting the abandonment factors found, and the affidavit must include a statement that a municipal, county or state official, code enforcement officer or law enforcement official was present when the abandonment factors were observed. The affidavit must be filed with the court, with copies mailed to the parties as required by the Maine Rules of Civil Procedure. Once the affidavit is filed, the mortgage loan servicer may take steps to secure the property.

A county or municipality is not liable for any damages caused by an act or omission of the mortgage loan servicer or its designee.

The mortgage loan servicer or its designee must make a record of every entry of the premises and may not remove personal items from the premises unless they are hazardous or perishable. Before entering the premises, the mortgage loan servicer or its designee must post a notice on the front door that explains the rights of the property owner or occupant authorized by the owner, including how to contact the mortgage loan servicer or its designee and how to contact the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection's foreclosure hotline.

A mortgage loan servicer or its designee may not enter occupied property. A mortgagee, its mortgage loan servicer, its designee or a third-party agent or other person acting on behalf of the mortgagee may not force, intimidate, harass or coerce a lawful occupant of residential property to vacate the property so that it may be considered abandoned. A violation of these provisions is deemed a violation of the Maine Revised Statutes, Title 14, section 6113, which imposes a duty of good faith on mortgage loan servicers.

LD 1964 An Act To Limit Access to Juvenile Case Records and Protect the Confidentiality of Juvenile History Record Information

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R JACKSON T		

This bill defines "confidential juvenile history record information" and "public juvenile history record information" and creates statutory authority governing the dissemination of juvenile history record information by a Maine criminal justice agency to create consistency between which juvenile case records may be open to public inspection at the courts and information that may be shared publicly by a criminal justice agency.

It modifies the Maine Juvenile Code to limit access to juvenile case records and reorganize existing provisions based on whether they allow disclosure of a juvenile's identity, allow inspection of juvenile case records, allow dissemination of juvenile case records or allow the general public access to Juvenile Court proceedings. It provides that a victim or an agent of the victim may inspect the juvenile petition and order of adjudication regardless of whether the general public may do so.

Joint Standing Committee on Judiciary

This bill allows automatic public inspection of juvenile petitions only if the petition alleges murder, felony murder or manslaughter and the juvenile has attained 13 years of age at the time of the offense. Petitions alleging that a juvenile under 13 years of age has committed murder, felony murder, manslaughter, aiding or soliciting suicide or any crime that would be a Class A, B or C crime may be open to public inspection only if authorized by court order. Juvenile petitions may be open to public inspection only after the juvenile's first appearance in the Juvenile Court to ensure that the Juvenile Court has determined there is probable cause to believe the juvenile committed the crime alleged and there is no assertion that the juvenile is not competent to proceed in the Juvenile Court.

It provides that only orders of adjudication for juvenile crimes that would constitute murder or Class A, B or C crimes if the juvenile were an adult are open to public inspection and dissemination by a court or criminal justice agency.

It clarifies that the general public may not be excluded from any Juvenile Court proceeding when a juvenile petition is open to public inspection pursuant to statute or court order. A victim or an agent of the victim may be present at all court proceedings regardless of whether the proceeding is open to the general public.

It makes all juvenile case records and all Juvenile Court proceedings confidential when Juvenile Court proceedings are suspended due to an assertion by the juvenile, the State or the court that the juvenile may not be competent to proceed in the Juvenile Court. Juvenile case records and Juvenile Court proceedings remain confidential unless the Juvenile Court proceedings resume after the juvenile is found competent.

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

**LD 1967 **Resolve, Authorizing the Establishment of Prosecutorial Districts in
Downeast Maine****

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUELL W MOORE M		

This resolve requires the county commissioners of Hancock and Washington counties to submit a referendum question to the voters at the statewide election in November 2020. The referendum question is whether the voters of each county desire to direct the county commissioners to dissolve Prosecutorial District Number 7 and develop a plan to either establish a separate prosecutorial district or join a neighboring prosecutorial district. If a majority of voters in both counties vote in favor of this referendum question, the county commissioners of both counties are directed to develop and submit a plan to the joint standing committee of the Legislature having jurisdiction over state and local government matters by February 1, 2021. If the county commissioners plan to join a neighboring prosecutorial district, the county commissioners of that neighboring district are required to submit a report to the committee stating their consent to the addition. The committee is directed to introduce legislation in the First or Second Regular Session of the 130th Legislature that implements the plans of the counties. The plans and the dissolution of Prosecutorial District Number 7 take effect January 1, 2023.

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