

MAINE STATE LEGISLATURE

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STATE OF MAINE
130TH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS



Disposition of bills and summaries of all laws enacted or finally passed

JOINT STANDING COMMITTEE ON JUDICIARY

December 2021

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JOINT STANDING COMMITTEE ON JUDICIARY

LD 1066 An Act To Clarify the Definition of "Mortgage Servicer" in the Laws Governing Mortgage Foreclosures

ENACTED LAW SUMMARY

Public Law 2021, chapter 203 amends the law governing a mortgage servicer's duty to act in good faith by repealing the current definition of "mortgage servicer" and replacing it with the current definition of "servicer." It also clarifies that a mortgage deed is included in the definition of "obligation." A mortgage deed is considered an obligation even if the debt secured by the mortgage deed has been discharged in bankruptcy. It clarifies that the definition of "servicing" can include engaging in one or more of the actions listed. It clarifies that the actions covered by the definition of "servicing" include any action that relates to the enforcement of the rights of the loan owner that arise under the obligation.

LD 1096 An Act To Clarify the Rule-making Authority of the Supreme Judicial Court Concerning Electronic Records and Filing

ENACTED LAW SUMMARY

Public Law 2021, chapter 343 clarifies the rule-making authority of the Supreme Judicial Court regarding rules concerning processes and procedures related to the filing of electronic records. It adds a provision that nullifies laws that conflict with duly adopted rules.

LD 1102 Resolve, Directing the Family Law Advisory Commission To Review Preliminary Injunctions in Judicial Separation and Divorce Actions

ENACTED LAW SUMMARY

Resolve 2021, chapter 78 directs the Family Law Advisory Commission to review the elements of preliminary injunctions in judicial separation and divorce actions both in this State's statutes and in the statutes of other states. The commission shall submit a report to the Joint Standing Committee on Judiciary no later than December 15, 2021, and the committee may report out legislation related to the report to the Second Regular Session of the 130th Legislature.

LD 1144 An Act To Amend the Law Regarding Advance Health Care Directives

ENACTED LAW SUMMARY

Public Law 2021, chapter 452 establishes a special audiovisual protocol for signing advance health care directives in a hospital or residential health care setting. It may be used by staff, employees or agents of the hospital or residential health care facility to help a patient who is medically isolated in a room or ward to prevent the spread of infectious disease to complete the patient's advance

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health care directives. In addition to allowing a patient to direct an individual outside the patient's room to sign an advance health care directive for the patient, it allows the patient to communicate signing directions to an individual by means of two-way audiovisual technology. It also allows other individuals who contemporaneously view the signing through audiovisual means to sign the document as witnesses. It includes an opportunity for the patient or the patient's agent to review a copy of the advance health care directive prior to its execution and after it has been signed. It allows the patient or the patient's agent to revoke the advance health care directive if a substantive difference is discovered upon review. It provides immunity for good faith acts or omissions by staff, employees or agents of the hospital or residential care facilities for their use of the remote signing process. It does not apply to any other documents or settings or when advance health care directives are notarized.

LD 1200 An Act To Bring Gender Parity to Corporate Boards

ENACTED LAW SUMMARY

Public Law 2021, chapter 385 requires the board of directors of a publicly held corporation subject to the Maine Business Corporations Act to include at least one female director by June 1, 2023. The number of female directors required is based on the number of directors on the board. The Secretary of State is required to annually report the names of domestic publicly held corporations and whether each corporation has the required number of female directors on its board. Chapter 385 revises the required elements of the annual report that each domestic corporation must file with the Secretary of State to include whether the corporation is publicly held and, if the corporation is publicly held, the number of female members on the board of directors and whether the corporation met the minimum requirements.

LD 1221 An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions

ENACTED LAW SUMMARY

Public Law 2021, chapter 182 implements statutory changes recommended by the Right To Know Advisory Committee after reviewing certain existing public records exceptions in the Maine Revised Statutes, Titles 8 to 12.

Chapter 182 amends a provision relating to books, records or correspondence produced in response to a summons in an antitrust investigation. It makes the language consistent with how other exceptions refer to documents that are not subject to disclosure and clarifies that the confidentiality of the records is not tethered to an affirmative option of the person providing the records. It further clarifies that books, records or correspondence produced in response to a summons may be disclosed by the Attorney General with the consent of the producing party and in court pleadings or other papers filed in court.