

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
ONE HUNDRED AND TWELFTH LEGISLATURE  
SECOND REGULAR SESSION

JOINT STANDING COMMITTEE ON  
JUDICIARY  
BILL SUMMARY



MAY 1986

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BILL SUMMARIES  
MAY 1986

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature, covering the Second Regular Session of the 112th Legislature. The summaries are arranged by LD number under each committee.

All Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor if it is a floor amendment or the designation "CA" if it is a committee amendment. If the amendment was adopted in the House, the letter H appears after the sponsor. If it was adopted in the Senate, the letter S appears.

Final action for each bill is listed to the right of the title. If final House action and Senate action differ, both are listed.

Key to Committee Reports and Floor Action:

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-AM	Ought to Pass as Amended
ONTF	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

LD AN ACT TO LIMIT THE LIABILITY OF PROPERTY  
1875 OWNERS RELATIVE TO SNOWMOBILES AND ATVS

LVWD

Sponsor: GREENLAW, Allen, Usher, Black  
Committee Report: LVWD

SUMMARY: This bill sought to limit the liability of land owners, occupants, and lessees who permit use of their land, without charge, by snowmobilers and ATV operators to injury or property damage resulting from intentional acts.

LD 1875 was withdrawn upon discovery of a recently issued opinion by the Maine Supreme Judicial Court interpreting 14 MRSA §159-A. Section 159-A states that an owner, lessee, or occupant of premises owes no duty of care to keep the premises safe for recreational or harvesting activities. An exception in section 159-A permits liability for a willful or malicious failure to guard or warn against a dangerous condition. The court opinion (Jordan v. H. C. Haynes, Inc., Feb. 6, 1986) makes it clear that, under section 159-A, landowners do not have a duty to warn against hazards, and that knowledge by the landowner of a hazard, but no effort by the landowner to warn people he knows use the land or to put up barricades, does not amount to a willful or malicious failure to warn.

**LD** AN ACT CONCERNING THE COURT APPOINTED  
**1885** SPECIAL ADVOCATE PROGRAM AND THE CONDUCT OF  
COURT APPOINTED SPECIAL ADVOCATES

PL 1985  
c. 581

Sponsor: HAYDEN, Foster, Lisnik, Davis  
Committee Report: OTP-AM

H-538 CA H S

SUMMARY: LD 1885 places in statute the Court-Appointed Special Advocate program, developed initially by the District Court as a pilot program. This program permits trained volunteer lay persons to serve as guardians ad litem in child abuse and neglect proceedings. The bill permits the appointment of a director of the program and requires the creation of an advisory panel.

The volunteer special advocates are precluded from receiving compensation, though they are reimbursed for their actual, reasonable expenses. The volunteers have all the powers of a guardian ad litem in a child protection proceeding. The child protection statutes are amended to expressly provide that a volunteer guardian ad litem may ask the court to appoint legal counsel for the volunteer. Persons serving as court appointed special advocates are provided with immunity from liability for certain negligent acts performed within the scope of their duties.