

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
SECOND REGULAR SESSION



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

JOINT STANDING COMMITTEE ON JUDICIARY

June 2012

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STATE OF MAINE

125TH LEGISLATURE
SECOND REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the Second Regular Session of the 125th 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. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

<i>CARRIED OVER</i>	<i>carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i>	<i>chapter # of constitutional resolution passed by both houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; legislation died</i>
<i>DIED BETWEEN HOUSES</i>	<i>House & Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i>	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i>	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i>	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i>	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i>	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i>	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i>	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i>	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i>	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i> ...	<i>ought-not-to-pass report accepted; legislation died</i>
<i>P&S XXX</i>	<i>chapter # of enacted private & special law</i>
<i>PUBLIC XXX</i>	<i>chapter # of enacted public Law</i>
<i>RESOLVE XXX</i>	<i>chapter # of finally passed resolve</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session of the 125th Legislature is Thursday, August 30, 2012. 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

LD 1660 An Act To Provide Tort Claims Immunity for Out-of-state Regional Transit Organizations That Provide Regular Service in Maine

PUBLIC 520

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILL	OTP-AM	S-423

This bill provides the same tort claims immunity to transit organizations operating in this State but organized under the laws of another state as applies to transit organizations organized in this State.

Committee Amendment "A" (S-423)

This amendment provides that the cap on damages for tort claims against a transit organization organized in another state is either the \$400,000 limit established in the Maine Revised Statutes, Title 14, section 8105, subsection 1, or the limit established by the applicable tort claims statute in the state in which the transit organization is organized, whichever is higher. The transit organization must be organized in a state that is contiguous to this State to benefit from the Maine Tort Claims Act protections, and the transit organization must maintain insurance coverage of at least \$1,000,000.

This extension of the protection of the Maine Tort Claims Act is repealed on July 1, 2016.

Enacted Law Summary

Public Law 2011, chapter 520 extends the application of the Maine Tort Claims Act to transit organizations operating in this State but organized under the laws of another state. Damages for tort claims against such a transit organization are capped at either the \$400,000 limit established in the Maine Revised Statutes, Title 14, section 8105, subsection 1, or the limit established by the applicable tort claims statute in the state in which the transit organization is organized, whichever is higher. The transit organization must be organized in a state that is contiguous to this State to benefit from the Maine Tort Claims Act protections, and the transit organization must maintain insurance coverage of at least \$1,000,000.

This extension of the protection of the Maine Tort Claims Act is repealed on July 1, 2016.

LD 1669 An Act To Clarify the Process for Removing a Person from a Dormitory Operated by a Nonprofit Organization and the Municipal Regulation of Such Facilities

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASTINGS	ONTP	

This bill clarifies the definition of "dormitory" excluded from municipal licensing as a lodging house. This bill also provides that a dormitory owned or managed by a nonprofit organization exempt from income tax or property tax is not subject to the forcible entry and detainer process for eviction of tenants who cause an unnecessary disturbance, damage the property of the dormitory or violate rules that are part of an agreement with the tenant or posted in the dormitory. Under the provisions of this bill, the owner or manager is permitted to use reasonable force to remove tenants from the property who cause unnecessary disturbance or damage and refuse to leave after being asked to do so.