

MAINE STATE LEGISLATURE

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STATE OF MAINE
127TH LEGISLATURE
FIRST REGULAR SESSION



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

JOINT STANDING COMMITTEE ON JUDICIARY

August 2015

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STATE OF MAINE

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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 127th 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.

<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 First Regular Session of the 127th Legislature is October 15, 2015. 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 642 **An Act To Amend the Laws Regarding the Best Interest of the Child Standard** **ONTP**

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

This bill amends the best interest of the child standard used by courts in making decisions regarding parental rights and responsibilities with respect to a child by requiring the court to consider the value of having both parents involved in the child's life.

LD 670 **An Act To Amend the Laws Governing the Unlawful Cutting of Trees** **PUBLIC 241**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WELSH SAVIELLO	OTP-AM	H-355

This bill allows a landowner within an area zoned for residential use to recover the costs of replanting and restoring trees that have been cut down without permission of the landowner.

Committee Amendment "A" (H-355)

This amendment replaces the bill to clarify the language regarding damages for the unlawful cutting of trees.

The amendment makes a distinction between the unlawful cutting of trees in areas zoned for residential use and the unlawful cutting of trees in other areas. It also makes a distinction between the unlawful cutting of ornamental or fruit trees and the unlawful cutting of all other trees.

Enacted Law Summary

Public Law 2015, chapter 241 provides for consequences for the unlawful cutting of trees. It makes a distinction between the unlawful cutting of trees in areas zoned for residential use and the unlawful cutting of trees in other areas. It also makes a distinction between the unlawful cutting of ornamental or fruit trees and the unlawful cutting of all other trees. If a person cuts down or damages trees without permission on land the person does not own, the person is liable to the owner for damages.

The owner of the land may choose which valuations and calculations to apply to determine the damages to be paid. The court may reduce the damages awarded for good cause shown when the cutting of trees was done negligently or without fault.

Chapter 241 authorizes an additional award of punitive damages if the person acted with malice, and deletes the cap on the recovery of costs of professional services for asserting a claim, including attorney's fees.

Chapter 241 provides that public utilities and their contractors are not liable for damages when the cutting or removal of trees is necessary to improve the safety and reliability of the public utilities' delivery of products and services.