

MAINE STATE LEGISLATURE

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**STATE OF MAINE
117TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY**

JUNE 1996

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Sen. Sean F. Faircloth

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**ONE HUNDRED SEVENTEENTH LEGISLATURE
SECOND REGULAR SESSION**

***Summary Of Legislation Before The Joint Standing Committees
June 1996***

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

| | |
|---|---|
| <i>CARRIED OVER</i> | <i>Bill carried over to Second Session</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; bill died</i> |
| <i>DIED BETWEEN BODIES</i> | <i>House & Senate disagree; bill died</i> |
| <i>DIED ON ADJOURNMENT</i> | <i>Action incomplete when session ended; bill died</i> |
| <i>EMERGENCY</i> | <i>Enacted law takes effect sooner than 90 days</i> |
| <i>FAILED EMERGENCY ENACTMENT</i> | <i>Emergency bill failed to get 2/3 vote</i> |
| <i>FAILED ENACTMENT</i> | <i>Bill failed to get majority vote</i> |
| <i>FAILED MANDATE ENACTMENT</i> | <i>Bill imposing local mandate failed to get 2/3 vote</i> |
| <i>INDEF PP</i> | <i>Bill Indefinitely Postponed</i> |
| <i>ONTP</i> | <i>Ought Not To Pass report accepted</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>UNSIGNED</i> | <i>Not signed by Governor within 10 days</i> |
| <i>VETO SUSTAINED</i> | <i>Legislature failed to override Governor's Veto</i> |

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is July 4, 1996.

Sponsor(s)Committee ReportAmendments Adopted

OTP-AM

H-730

LD 1707 was submitted by the Commission to Study the Trespass Laws, created by Resolve 1995, chapter 53. It proposed a number of changes to the landowner liability laws, which limit the duty of care owed by landowners to persons who use their property for recreational or harvesting activities. The bill would have added dog sledding and equine activities to the list of activities that are specifically included in the definition of "recreational or harvesting activities." The bill also would have clarified that the limitation on the duty of care applies to landowners regardless of whether they have granted permission to use their property to another person.

Committee Amendment "A" (H-730) proposed to add the to the list of activities specifically included in the definition "recreational and harvesting activities" environmental education and research, volunteer maintenance and improvement of premises and the harvesting of marine and field products, such as herbs, berries and wild edibles. The amendment also proposed a clarification that "recreational and harvesting activities" does not include commercial agricultural or timber harvesting and proposed adding "easement holders" to the list of persons protected by the law.

Enacted law summary

Public Law 1995, chapter 566 made a number of changes to the landowner liability laws, which limit the duty of care owed by landowners to persons who use their property for recreational or harvesting activities. It adds the following to the list of activities that are specifically included in the definition of "recreational or harvesting activities:" Dog sledding, equine activities, environmental education and research, volunteer maintenance and improvement of premises and the harvesting of marine and field products, such as herbs, berries and wild edibles. It clarifies that "recreational and harvesting activities" does not include commercial agricultural or timber harvesting. Chapter 566 also clarifies that the limitation on the duty of care applies to landowners, regardless of whether they have granted permission to use their property to another person and that the law includes all landowners, lessees, managers, easement holders and occupants.

**LD 1708 An Act to Amend the Laws Relating to Recovery for Property
Damage**

PUBLIC 585

Sponsor(s)Committee ReportAmendments Adopted

OTP-AM

H-753

LD 1708 was submitted by the Commission to Study the Trespass Laws, created by Resolve 1995, chapter 53. LD 1708 would have allowed landowners to recover treble damages for property damaged by a trespasser on posted or unposted land and would have also provided for recovery of costs and reasonable attorney's fees.

LD 1708 also proposed to amend the law allowing for recovery of enhanced damages from a person who destroys or damages trees, agricultural products or survey markers. In addition to recovering double damages for negligent damage and treble damages for intentional damage as allowed under current law, the owner would have been entitled to recover the reasonable costs of professional services, including attorney's fees. This bill would have extended the law to permit enhanced recovery by the owner for damage to any road, drainage ditch, culvert or bridge or for disposal of litter, and outlines how such damage would be measured. The bill also proposed a