

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
125<sup>TH</sup> 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

125<sup>TH</sup> LEGISLATURE  
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## 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 125<sup>th</sup> 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 &amp; 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&amp;S XXX</i> .....	<i>chapter # of enacted private &amp; 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 125<sup>th</sup> 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*

An agritourism professional is not liable for any property damage or damages arising from the personal injury of a participant arising from the inherent risks of agritourism activities if the participant is given notice of the inherent risks and the assumption of those risks. Notice of the inherent risks of agritourism activities may be satisfied either by a statement signed by the participant or a sign or signs prominently displayed at the place or places where the agritourism activities are conducted.

### **Enacted Law Summary**

Public Law 2011, chapter 609 limits the liability of agritourism professionals based on participants' assumption of the inherent risks of agritourism activities.

Inherent risks include but are not limited to certain hazards, including surface and subsurface conditions and natural conditions of land, vegetation and waters; the behavior of wild and domestic animals, including but not limited to the depositing of manure; ordinary dangers of structures or equipment ordinarily used in farming and ranching operations; and the potential of injury to a participant or others if a participant acts in a negligent manner, including failing to follow instructions given by the agritourism professional or failing to exercise reasonable caution while engaging in the agritourism activity.

An agritourism professional is not liable for any property damage or damages arising from the personal injury of a participant arising from the inherent risks of agritourism activities if the participant is given notice of the inherent risks and the assumption of those risks. Notice of the inherent risks of agritourism activities may be satisfied either by a statement signed by the participant or a sign or signs prominently displayed at the place or places where the agritourism activities are conducted.

**LD 1606      An Act To Provide Magistrates To Assist the Court in Handling Small      ONTP**  
**Claims and Landlord-tenant Cases**

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

This bill authorizes the Chief Judge of the District Court to appoint no more than 4 magistrates to hear and dispose of landlord-tenant cases and small claims cases. Alternatively, it allows the Chief Judge to assign family law magistrates to hear and dispose of these kinds of cases. It authorizes the Chief Justice of the Supreme Judicial Court to increase filing fees for these kinds of cases to pay for the cost of magistrates appointed by the Chief Judge.

**LD 1647      Resolve, To Require Rulemaking Regarding Standing To Appeal in      RESOLVE 144**  
**Proceedings before the Board of Environmental Protection and the**  
**Maine Land Use Regulation Commission**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	ONTP MAJ OTP-AM MIN	S-464

This bill provides a definition of "person aggrieved" in the laws governing the Maine Land Use Regulation Commission and the Department of Environmental Protection. It also provides that a person aggrieved, rather than an interested party, may seek to supplement the record in an appeal to the Board of Environmental Protection.

**Committee Amendment "A" (S-464)**

## *Joint Standing Committee on Judiciary*

This amendment is the minority report of the Joint Standing Committee on Judiciary.

This amendment replaces the bill with a resolve.

This amendment directs the Board of Environmental Protection and the Maine Land Use Regulation Commission to adopt rules governing standing for administrative appeals to the board and commission, respectively. The standing for administrative appeals must be the same as the standing that has been established for persons to appeal decisions of the board or the commission to court. The rules are major substantive rules under the Maine Administrative Procedure Act and are subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary matters.

### **Enacted Law Summary**

Resolve 2011, chapter 144 directs the Board of Environmental Protection and the Maine Land Use Regulation Commission to adopt rules governing standing for administrative appeals to the board and commission, respectively. The standing for administrative appeals must be the same as the standing that has been established for persons to appeal decisions of the board or the commission to court. The rules are major substantive rules under the Maine Administrative Procedure Act and are subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary matters.

### **LD 1650     An Act Concerning the Collection of Child Support Obligations**

**PUBLIC 550  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCORMICK	OTP-AM	S-435

This bill repeals the automatic suspension of the child support obligation of a noncustodial parent when that parent is in receipt of public assistance.

### **Committee Amendment "A" (S-435)**

This amendment replaces the bill. This amendment allows the Department of Health and Human Services to intercept, while the obligor is receiving public assistance, tax refunds, lottery winnings and other lump sum awards to be applied to prior child support debts incurred by the obligor. Current law prohibits such collections.

This amendment replaces the emergency preamble and emergency clause to make the law take effect July 1, 2012.

### **Enacted Law Summary**

Public Law 2011, chapter 550 allows the Department of Health and Human Services to intercept, while the obligor is receiving public assistance, tax refunds, lottery winnings and other lump sum awards to be applied to prior child support debts incurred by the obligor. Current law prohibits such collections.

Public Law 2011, chapter 550 was enacted as an emergency measure effective July 1, 2012.