

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, amendments and laws enacted or finally passed

JOINT STANDING COMMITTEE ON JUDICIARY

July 2013

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STATE OF MAINE

126TH LEGISLATURE

FIRST REGULAR SESSION



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 126th 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.

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

The effective date for non-emergency legislation enacted in the First Regular Session of the 126th Legislature is October 9, 2013. 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 154 Resolve, Directing the Department of Transportation To Convene a Task Force To Study Issues Concerning Private Railroad Crossings

RESOLVE 59

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KESCHL SAVIELLO	OTP-AM	H-331

This bill amends the laws governing limited liability for recreational or harvesting activities to provide limited immunity for owners of private railroad crossings when the crossing areas are used for "recreational or harvesting activities," the definition of which is expand by the bill. It removes the provision that exempts an injury suffered in any case where permission to pursue a recreational or harvesting activity was granted in exchange for a payment from the extension of limited liability. It provides that the laws governing limited liability for recreational or harvesting activities do not limit the liability that would otherwise exist by virtue of the terms and conditions of a contract.

Committee Amendment "A" (H-331)

This amendment replaces the bill with a resolve directing the Department of Transportation to convene a task force to study the issues concerning private railroad crossings and report to the Joint Standing Committee on Judiciary by February 1, 2014. The Joint Standing Committee on Judiciary may report out a bill to the Second Regular Session of the 126th Legislature.

The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Resolve 2013, chapter 59 directs the Department of Transportation to convene a task force to study the issues concerning private railroad crossings and report to the Joint Standing Committee on Judiciary by February 1, 2014. The Joint Standing Committee on Judiciary may report out a bill to the Second Regular Session of the 126th Legislature.

LD 165 An Act To Prohibit the Use of Eminent Domain in Certain Public-Private Partnerships

**ACCEPTED
MAJORITY
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS BOLAND	ONTP OTP-AM	

This bill prohibits the use of the power of eminent domain for the development, operation, management, ownership, leasing or maintenance of a transportation facility as a public-private partnership project.

Committee Amendment "A" (S-233)

This amendment is the minority report of the Joint Standing Committee on Judiciary. It provides that the prohibition in the bill on the use of eminent domain power with respect to transportation facilities under public-private partnerships applies only to public-private roads and toll roads.

This amendment was not adopted.