

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

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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 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

This bill extends the statute of limitations for professional negligence actions against health care providers and health care practitioners when the action is based on a sexual act or sexual contact. The bill provides that the new statute of limitations applies to all actions based on a sexual act or sexual contact occurring on or after the effective date of the Act and all actions for which the claim has not yet been barred by the previous statute of limitations.

Committee Amendment "A" (S-232)

The bill proposes to extend the statute of limitations for professional negligence actions against certain health care providers and health care practitioners to ten years when the action is based on a sexual act or sexual contact. The amendment decreases the extension of the statute of limitations to six years and applies it to professional negligence actions against specifically psychiatrists, psychologists, social workers, professional counselors, pastoral counselors, marriage and family therapists and clinical professional counselors. In addition, the amendment provides that the sexual act or sexual contact must have occurred during the period of time the person was a patient or client of the professional.

The amendment also repeals this extension of the statute of limitations July 1, 2017.

Enacted Law Summary

Public Law 2013, chapter 329 extends to six years the statute of limitations for professional negligence actions against specific professionals when the action is based on a sexual act or sexual contact. It applies the extension of the statute of limitations to professional negligence actions against psychiatrists, psychologists, social workers, professional counselors, pastoral counselors, marriage and family therapists and clinical professional counselors. It also provides that the sexual act or sexual contact must have occurred during the period of time the person was a patient or client of the professional. The extension of the statute of limitations is repealed July 1, 2017.

LD 759 An Act To Hold Harmless a Municipality For Volunteer or Unpaid Labor

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

This bill makes a municipality immune from liability for the activity of a volunteer, unpaid employee or a person performing community service for the municipality.

Committee Amendment "A" (H-386)

This amendment is the minority report of the Joint Standing Committee on Judiciary. The amendment replaces the bill, which amends the Maine Tort Claims Act, and instead provides that a municipality is not liable for death, personal injury or property damage suffered by a juvenile or adult who is participating in a supervised work or service program, performing community service or providing restitution or providing volunteer services. The amendment does not create liability for any claim, does not waive any existing immunity and does not affect the application of the workers' compensation laws to volunteer firefighters.

This amendment was not adopted.