

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
127<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON JUDICIARY**

May 2016

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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 Second Regular Session of the 127<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. 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.

*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 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 127<sup>th</sup> Legislature is July 29, 2016. 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*

as of licensed social workers are confidential. It specifies that the confidentiality provision does not prohibit the Department of Professional and Financial Regulation, State Board of Social Worker Licensure from using and disclosing the addresses and telephone numbers of applicants or licensees as necessary to perform the duties and functions of the board.

**LD 1500**

**An Act To Protect and Promote Access to Sport Shooting Ranges**

**PUBLIC 433**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COREY P CYRWAY S	OTP-AM ONTP	H-612

This bill provides that a statute, rule, ordinance or other provision of law enacted or adopted after the establishment of a sport shooting range that if applied to that sport shooting range would cause the closure of that sport shooting range or substantially limit sport shooting at that sport shooting range does not apply to that sport shooting range and that sport shooting range is immune from suit, including but not limited to private and public civil actions, nuisance actions and actions for injunctive relief, based on a claim based on the statute, rule, ordinance or other provision of law.

It allows a sport shooting range to:

1. Repair, remodel, reconstruct or reinforce any building or structure as necessary to protect public safety or to secure the continued use of that building or structure;
2. Repair, restore, reconstruct or resume the use of a nonconforming building or structure damaged by fire, collapse, explosion or an act of God or otherwise; and
3. Take action consistent with generally accepted operation practices for sport shooting ranges, including but not limited to expanding or increasing its membership or opportunities for public participation and expanding or increasing its events and activities.

**Committee Amendment "A" (H-612)**

This amendment is the majority report of the committee. It replaces the bill with the following changes to current law concerning sport shooting ranges.

1. It expands sport shooting range immunity from nuisance lawsuits filed against the shooting range from nuisance lawsuits based on noise to any nuisance lawsuit.
2. It prohibits municipal ordinances from being applied to limit or eliminate shooting activities that have occurred on a regular basis at a sport shooting range prior to the enactment date of the ordinance. Current law exempts the applicability of ordinances only with regard to noise control.
3. It requires a sport shooting range to meet general gun safety and shooting range operation practices or be constructed in a manner not reasonably expected to allow a projectile to cross the boundary of the range in order to be exempted from municipal ordinances applied to limit or eliminate its current shooting activities.
4. It provides that a municipality may not restrict a sport shooting range established prior to September 1, 2016 from performing maintenance or making improvements to enhance public safety and shot containment, provide access for persons with disabilities and provide rest room facilities. Other maintenance or improvements must be done in compliance with generally applicable municipal building codes and zoning ordinances. Repairing or rebuilding a building or structure damaged by fire, collapse, explosion or an act of God must be done in compliance with generally applicable municipal building codes and be completed within two years.

## Joint Standing Committee on Judiciary

### Enacted Law Summary

Public Law 2015, chapter 433 makes the following changes to the laws concerning sport shooting ranges.

1. It expands sport shooting range immunity from nuisance lawsuits filed against the shooting range from nuisance lawsuits based on noise to any nuisance lawsuit.
2. It prohibits municipal ordinances from being applied to limit or eliminate shooting activities that have occurred on a regular basis at a sport shooting range prior to the enactment date of the ordinance. Current law exempts the applicability of ordinances only with regard to noise control.
3. It requires a sport shooting range to meet general gun safety and shooting range operation practices or be constructed in a manner not reasonably expected to allow a projectile to cross the boundary of the range in order to be exempted from municipal ordinances applied to limit or eliminate its current shooting activities.
4. It provides that a municipality may not restrict a sport shooting range established prior to September 1, 2016 from performing maintenance or making improvements to enhance public safety and shot containment, provide access for persons with disabilities and provide rest room facilities. Other maintenance or improvements must be done in compliance with generally applicable municipal building codes and zoning ordinances. Repairing or rebuilding a building or structure damaged by fire, collapse, explosion or an act of God must be done in compliance with generally applicable municipal building codes and be completed within two years.

### LD 1518     **An Act To Ensure Children in the Care of Caretaker Relatives and Other Surrogates Can Access Health Care**

PUBLIC 444

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PICCHIOTTI J CYRWAY S	OTP-AM	H-627

This bill, which is based on Montana law, allows the caretaker relative, including a grandparent, aunt, uncle, brother, sister or cousin, of a minor voluntarily left by the minor's parent with the caretaker relative to exercise limited authority to make medical and educational decisions for the minor in place of the parent. It provides for authorization of the caretaker relative by a notarized affidavit and sets out the content and form of the affidavit. It provides immunity from criminal and civil liability and professional discipline for persons, including health care providers and school officials, relying on the affidavit in the absence of the person's knowing facts contrary to the affidavit or knowing that the parent has made a decision that supersedes the caretaker relative's decision.

#### **Committee Amendment "A" (H-627)**

This amendment replaces the bill. Unlike the bill, which authorizes a "caretaker relative" to make medical and educational decisions for a minor, this amendment addresses only the issues related to health care for minors.

This amendment makes changes to the laws governing minors' authority to consent to health care by identifying situations in which adults who voluntarily and without specific legal authority through a power of attorney or appointment as a legal guardian provide care that a parent normally would. This amendment recognizes that when parents are temporarily absent from a minor's life, certain adults with whom a minor resides may assume a surrogate role.

### Enacted Law Summary

Public Law 2015, chapter 444 makes changes to the laws governing minors' authority to consent to health care by identifying situations in which adults who voluntarily and without specific legal authority through a power of attorney or appointment as a legal guardian provide care that a parent normally would. When parents are