

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
128<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON JUDICIARY**

August 2017

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# STATE OF MAINE

128<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* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 128<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 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 128<sup>th</sup> Legislature is Wednesday, November 1, 2017. 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 2**

### An Act To Prevent Bad Faith Assertions of Patent Infringement

Accepted Report A  
(ONTP)

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

Current law prohibits a person from making a bad faith assertion of patent infringement against another person. A person who does make a bad faith assertion may have to pay remedies awarded by the court, including equitable relief, damages, costs and fees and punitive damages; however, the law exempts persons seeking relief pursuant to 35 United States Code, Section 271(e)(2) or 42 United States Code, Section 262 from the law prohibiting bad faith assertions of patent infringement, which may include businesses such as pharmaceutical companies. This bill removes the exemption.

#### Committee Amendment "A" (H-12)

This amendment is a minority report. It replaces the bill and narrows the existing exemption to apply to only good faith demand letters and good faith assertions of patent infringement arising under 35 United States Code, Section 271(e)(2) or 42 United States Code, Section 262.

This amendment was not adopted.

**LD 21**

### An Act To Amend the Law Regarding the Execution of Temporary Powers of Attorney

**PUBLIC 42**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON D	OTP-AM	H-22

Under current law, nonprofit legal services providers whose primary purpose is to provide free legal services are exempt from the requirement that organizations that assist parents or guardians with the process of executing a power of attorney for the temporary care of a minor ensure that a background check is completed for the agent and any adult members of the agent's household. This bill extends that exemption to nonprofit hospitals.

#### Committee Amendment "A" (H-22)

This amendment adds language to make clear that preparation of the powers of attorney contemplated by the current law must be in compliance with current law prohibiting the unauthorized practice of law.

#### Enacted Law Summary

Public Law 2017, chapter 42 exempts nonprofit hospitals from the requirement that organizations that assist parents or guardians with the process of executing a power of attorney for the temporary care of a minor ensure that a background check is completed for the agent and any adult members of the agent's household. Chapter 42 clarifies that preparation of the powers of attorney contemplated by the law must be in compliance with current law prohibiting the unauthorized practice of law.