

# 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 39**

**An Act To Clarify Landowners' Liability Regarding Public Access**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO T BLACK R	ONTP	

Under the current law, known as the "Landowner Liability Law," liability for recreational or harvesting activities is not limited for an injury suffered in any case where permission to pursue any recreational or harvesting activities was granted for a consideration other than consideration paid to the landowner or the landowner's agent for use of the premises on which the injury was suffered, as long as certain conditions exist. This bill extends the limitation of liability to situations in which consideration is paid to the sublessee or the holder of an easement from the landowner, as long as certain conditions exist. See also LD 112.

**LD 46**

**An Act To Provide Consistency with Regard to Jury Duty Exemption**

**PUBLIC 275**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N	OTP-AM	S-46

Current law requires that all persons chosen for jury service must be selected at random from the broadest feasible cross-section of the population. The bill proposes achieving consistency in exemptions among medical professionals by adding nurse practitioners who are providing active patient care to other medical professionals who are providing active patient care and are currently exempt. This bill exempts certified nurse practitioners providing active patient care from jury duty.

**Committee Amendment "A" (S-46)**

This amendment creates consistency among medical professionals and others by removing all statutory exemptions from jury duty except for the Governor, active duty military and deployed state National Guard, thus increasing the juror pool.

**Enacted Law Summary**

Public Law 2017, chapter 275 creates consistency among medical professionals and others with regard to serving as a juror by removing all statutory exemptions from jury duty except for the Governor, active duty military and deployed state National Guard, thus increasing the juror pool.

**LD 63**

**An Act To Ensure Complete Investigations by Guardians Ad Litem**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PICCHIOTTI J CYRWAY S	ONTP	

This bill removes the sunset provision from the consolidated law governing children's guardians ad litem in the Maine Revised Statutes, Title 4, chapter 32.

This bill also requires a guardian ad litem appointed in cases under Title 18-A, Title 19-A or Title 22 of the Maine Revised Statutes to prepare reports to the court and the parties using court-approved forms. Each report must demonstrate that the guardian ad litem fulfilled each of the specific duties assigned to the guardian ad litem in the