

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH 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

128TH 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 128th 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 128th 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

Joint Standing Committee on Judiciary

court's order of appointment.

LD 64 An Act To Require Mediation within 90 Days of a Homeowner's Receipt of a Foreclosure Notice ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIERCE J	ONTP	

This bill makes several changes to the foreclosure mediation program.

First, it makes the mediation program mandatory for all parties when a plaintiff commences an action for the foreclosure of an owner-occupied residential property of no more than four units that is the primary residence of the owner-occupant.

Second, it requires the mediation to start not more than 90 days after the defendant receives the foreclosure complaint.

Third, the bill requires the cost of mediation to be paid equally by the plaintiff and the defendant. Currently, the plaintiff pays for mediation services, although they are usually passed on to the defendant.

Fourth, the bill eliminates the requirement that the attorneys for the plaintiff and the defendant, if the defendant is represented, attend the mediation.

LD 70 An Act To Allow Municipal Governing Boards of 3 Members To Perform Official Duties via Technology ONTP

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to allow municipal governing boards of three members to perform official duties via technology, such as conducting meetings remotely.

LD 80 An Act To Increase the Penalty for Multiple Violations of Protection from Abuse Orders ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S LUCHINI L	ONTP	

This bill amends the laws regarding penalties for violating consent agreements and protection from abuse orders in cases of domestic violence by increasing the penalties for second and third convictions.

The bill also makes a person who commits a crime involving domestic violence ineligible for deferred disposition.