

# 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 81 An Act Regarding the Payment of Back Child Support**

**PUBLIC 102**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND B ORDWAY L	OTP-AM	S-75

This bill removes the presumption that a child support order has been paid after 20 years and clarifies that the equitable defense of laches is unavailable in actions to enforce a child support judgment or agreement.

**Committee Amendment "A" (S-75)**

This amendment clarifies that a child support order entered either by a court or by an administrative agency is not presumed to have been paid after 20 years. This amendment also removes the section of the bill that states that the equitable defense of laches is unavailable in actions to enforce a child support judgment, which is unnecessary given the Law Court's decision in *Brochu v. McLeod*, 2016 ME 146, 148 A.3d 1220.

**Enacted Law Summary**

Public Law 2017, chapter 102 removes the presumption that a child support order entered by a court or an administrative agency has been paid after 20 years.

**LD 111 An Act To Establish an Additional Veterans Treatment Court**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHEATS B LIBBY N	OTP-AM OTP-AM	H-331 H-488 GUERIN S

This bill directs the Chief Justice of the Supreme Judicial Court to establish a veterans treatment court in Androscoggin County.

**Committee Amendment "A" (H-331)**

This amendment is the majority report. It replaces the bill and relies on the enabling language already in statute for the Chief Justice of the Supreme Judicial Court to establish veterans treatment courts where appropriate and provides the funding for the courts as well as for the services to be provided.

**Committee Amendment "B" (H-332)**

This amendment is the minority report. It is the same as the majority report except that it provides the funding for the courts as well as for the services to be provided for the 2018-2019 biennium only.

This amendment was not adopted.

**House Amendment "B" To Committee Amendment "A" (H-488)**

This amendment strikes the ongoing funding for a veterans treatment court and instead provides funding for the next two biennia only.

**House Amendment "A" To Committee Amendment "A" (H-470)**

This amendment strikes the ongoing funding for a veterans treatment court and instead provides funding for the next two biennia only.

***Joint Standing Committee on Judiciary***

This amendment was not adopted.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

**LD 112      An Act To Further Limit the Liability of Landowners Who Permit the      ONTP**  
**Use of Land for Outdoor Recreational Activity**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GINZLER P HAMPER J	ONTP	

Current law, known as the "Landowner Liability Law," limits the liability of landowners who allow certain outdoor recreational or harvesting activities on their land, as long as the land is not primarily used for commercial recreational purposes. This bill extends that limited liability to landowners who allow their land to be used for the construction, maintenance or expansion of trails or ancillary facilities used to pursue outdoor recreational activities. See also LD 39.

**LD 123      An Act To Recodify and Revise the Maine Probate Code      CARRIED OVER**

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

This bill, which is being submitted pursuant to Resolve 2015, chapter 73, section 1, recodifies and revises the Maine Revised Statutes, Title 18-A and amends other laws affected by this recodification and revision accordingly.

Resolve 2013, chapters 5 and 82 directed the Probate and Trust Law Advisory Commission to review the existing Probate Code and the latest version of the Uniform Probate Code and develop legislative recommendations based on the review. The Probate and Trust Law Advisory Commission submitted legislative recommendations in a report to the Joint Standing Committee on Judiciary of the 127th Legislature on December 6, 2014 and included revisions to the recommendations in a subsequent report submitted November 20, 2015. The purpose of this bill is to adopt the Uniform Probate Code as the Maine Uniform Probate Code, incorporating the changes recommended by the Probate and Trust Law Advisory Commission, and to reorganize the Probate Code to be more logical, while bringing the language into conformity with current drafting standards, clarifying current law and eliminating inconsistencies within Title 18-A.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

**LD 125      An Act To Allow an Order Not To Resuscitate To Be Presented in the      ONTP**  
**Form of an Indelible Mark**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER B	ONTP	

This bill prohibits emergency medical treatment providers from starting resuscitation on a person when an order not to resuscitate is presented in the form of an indelible mark, such as a tattoo, on the person's chest.