

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION



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

JOINT STANDING COMMITTEE ON JUDICIARY

August 2019

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STATE OF MAINE

129TH 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 129th 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 129th Legislature is Thursday, September 19, 2019. 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

must be made in writing, which may include e-mail. The request must be made so as to allow the custodian a reasonable amount of time to search for, retrieve and send the recording. The custodian must send the recording in the format that both the custodian and the courts use.

Enacted Law Summary

Public Law 2019, chapter 84 provides that a party to a protection from harassment or protection from abuse action to which the E-9-1-1 call is relevant may request that the recording be sent to the clerk's office of the court in which the action is pending. The court may then review the recording and determine whether the parties or their attorneys, if the parties are represented, should have access to or, for good cause shown, a copy of the recording.

When requesting a recording be sent to the clerk, the party making the request to the custodian is required to provide the names of the parties, the court that is presiding over the action and the docket number. The request must be made in writing, which may include e-mail. The request must be made so as to allow the custodian a reasonable amount of time to search for, retrieve and send the recording. The custodian must send the recording in the format that both the custodian and the courts use.

LD 479 An Act Concerning Spousal Support

PUBLIC 272

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T BAILEY D	OTP-AM	S-166

Under current law, the court may terminate spousal support when the payee and another person have entered into a relationship that is the functional equivalent of marriage for at least 12 months of a period of 18 consecutive months. This bill changes the time frame of cohabitation necessary for cessation of spousal support to five years over a period of seven consecutive years.

Committee Amendment "A" (S-166)

This amendment strikes the bill and amends the provision regarding modification of an order of spousal support by specifying that an award of spousal support issued on or after October 1, 2013, is subject to modification when there is a substantial change in financial circumstances and additionally, as required in current law, it appears that justice requires the modification. The amendment also repeals the Maine Revised Statutes, Title 19-A, section 951-A, subsection 12, because this amendment addresses the modification of spousal support including in cases of cohabitation.

Enacted Law Summary

Public Law 2019, chapter 272 repeals the specific provision in current law addressing termination of spousal support based on cohabitation and instead amends the provision regarding modification of an order of spousal support by specifying that an award of spousal support issued on or after October 1, 2013, is subject to modification when there is a substantial change in financial circumstances and additionally, as required in current law, it appears that justice requires the modification.

LD 488 An Act To Provide Campground Owners Immunity from Liability for the Inherent Risks of Camping

Accepted Report A
(ONTP)

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIMBERLAKE J O'CONNOR B	ONTP OTP-AM OTP	

Joint Standing Committee on Judiciary

This bill provides private campground owners immunity if camping participants or their guests are injured, killed or sustain property damage from the inherent risks of camping. The campground owner or operator is required to post a warning sign explaining that the camping participant assumes the inherent risks of camping.

Committee Amendment "A" (S-18)

This amendment, one of two minority reports, replaces "immunity" with "limited liability" to provide a clearer description of the law. It also provides that the limitation on a campground owner's or operator's liability does not apply unless notice of the assumption of risk of the inherent risks of camping is given. It changes the title of the bill to be consistent with these changes.

This amendment was not adopted.

LD 492 An Act To Extend from 6 Months to One Year the Notice Period Required under the Maine Tort Claims Act

PUBLIC 214

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N	OTP-AM ONTP	S-135

This bill extends from 180 days to one year the notice period required under the Maine Tort Claims Act.

Committee Amendment "A" (S-135)

This amendment, which is the majority report, adds an application section to provide that the longer notice period applies prospectively and only to causes of action that accrue on or after January 1, 2020.

Enacted Law Summary

Public Law 2019, chapter 214, extends from 180 days to one year the notice period required under the Maine Tort Claims Act. This change applies prospectively and only to causes of action that accrue on or after January 1, 2020.

LD 496 An Act To Extend the Availability of Protection from Abuse and Protection from Harassment Orders

PUBLIC 359

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GUERIN S	OTP-AM	S-282

This bill expands the definition of "family or household member" in the laws governing protection from abuse in order to include, for purposes of a protection from abuse order, all related individuals regardless of whether the individuals are adult household members.

This bill also directs a court in which a protection from harassment or a protection from abuse complaint is filed to notify the plaintiff if appropriate or greater relief is available.

Committee Amendment "A" (S-282)

This amendment replaces the bill.

The amendment clarifies the bill's language regarding the court's discretion in a protection from harassment action to issue a protection from harassment order even if the notice to stop harassing the plaintiff was not issued to the defendant.