

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

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.

Joint Standing Committee on Judiciary

The amendment clarifies that an adult who has been abused, as defined in the Maine Revised Statutes, Title 19-A, section 4002, subsection 1, can seek a protection from abuse order if the adult has been abused by, in addition to a family or household member or a dating partner as provided in current law, an individual related to the adult by consanguinity or affinity. The amendment provides the same protection for a minor child.

The amendment directs the offices of the court clerks to provide plaintiffs with written contact information for resources from which the plaintiff may receive legal or social service assistance when the contact information for those services has been provided to the Administrative Office of the Courts by the various providers, including the Maine State Bar Association or successor organization, any local or statewide organizations providing domestic violence services and sexual assault services and any other agency providing reliable and relevant resource contact information.

Enacted Law Summary

Public 2019, chapter 359, clarifies 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. Chapter 359 clarifies that an adult who has been abused, can seek a protection from abuse order if the adult has been abused by, in addition to a family or household member or a dating partner as provided in current law, an individual related to the adult by consanguinity or affinity; the same protection applies for a minor child.

Public Law 2019, chapter 359 directs the offices of the court clerks to provide plaintiffs with written contact information for resources from which the plaintiff may receive legal or social service assistance when the contact information for those services has been provided to the Administrative Office of the Courts by the various providers, including the Maine State Bar Association or successor organization, any local or statewide organizations providing domestic violence services and sexual assault services and any other agency providing reliable and relevant resource contact information.

LD 506 An Act To Provide Architects, Engineers and Certain Other Professionals Immunity from Civil Liability When Volunteering for Evaluating Damage from Disasters

PUBLIC 49

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RYKERSON D	OTP-AM ONTP	H-34

This bill provides civil immunity for architects, contractors, environmental professionals, land surveyors, landscape architects, planners and professional engineers who provide voluntary professional services during or within 90 days of a natural disaster or catastrophe when the services are provided under the applicable license or certification, are related to the natural disaster or catastrophe and are provided at the request of a federal, state or local public official, law enforcement official, public safety official or building inspection official. No immunity is provided for reckless or intentional misconduct.

The bill is based on a similar Massachusetts law.

Committee Amendment "A" (H-34)

This amendment is the majority report of the committee. This amendment clarifies that the immunity applies only when an emergency is declared by the President or the Governor. It also removes from the bill the provision of immunity for the 90 days after the emergency and it makes the language consistent with the Maine Tort Claims Act.

Enacted Law Summary

Public Law 2019, chapter 49, provides civil immunity for architects, contractors, environmental professionals, land