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Date: (Filing No. H-)

JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 85, L.D. 139, “An Act to Increase the Liability of Parents and Legal Guardians for Damage by Children”

Amend the bill by striking out the title and substituting the following:

'Resolve, Establishing the Commission to Study the Liability of Parents and Legal Guardians for Damage by Minors'

Amend the bill by striking out everything after the title and inserting the following:

'Sec. 1. Commission established. Resolved: That the Commission to Study the Liability of Parents and Legal Guardians for Damage by Minors, referred to in this resolve as "the commission," is established.

Sec. 2. Commission membership. Resolved: That the commission consists of 9 members appointed as follows:

- 1. Two members of the Senate appointed by the President of the Senate, including one member from each of the 2 parties holding the largest number of seats in the Legislature;
- 2. Three members of the House of Representatives appointed by the Speaker of the House, including members from each of the 2 parties holding the largest number of seats in the Legislature;
- 3. One county or municipal law enforcement officer with experience investigating damage caused by minors, appointed by the President of the Senate;
- 4. One licensed pediatrician or social worker with knowledge of and experience working with minors who have behavioral issues, appointed by the Speaker of the House;
- 5. One member of the Maine State Bar Association who has experience representing juveniles in matters under the Maine Juvenile Code, appointed by the President of the Senate; and
- 6. One member of the Maine Trial Lawyers Association with knowledge of and experience with issues related to the application of civil damages to homeowner’s insurance coverage.

COMMITTEE AMENDMENT

1 **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair
2 and the first-named House of Representatives member is the House chair of the
3 commission.

4 **Sec. 4. Appointments; convening of commission. Resolved:** That all
5 appointments must be made no later than 30 days following the effective date of this
6 resolve. The appointing authorities shall notify the Executive Director of the Legislative
7 Council once all appointments have been completed. After appointment of all members,
8 the chairs shall call and convene the first meeting of the commission. If 30 days or more
9 after the effective date of this resolve a majority of but not all appointments have been
10 made, the chairs may request authority and the Legislative Council may grant authority for
11 the commission to meet and conduct its business.

12 **Sec. 5. Duties. Resolved:** That the commission shall review issues related to
13 parental or guardian liability for damage caused by minors, including, but not limited to,
14 the following:

15 1. Whether strict liability is an appropriate liability standard for determining
16 responsibility for damage caused by minors;

17 2. Whether joint and several liability for parents or guardians of minors is an
18 appropriate liability standard for damage caused by minors;

19 3. Whether the amount of damages available under the Maine Revised Statutes, Title
20 14, section 304 is appropriate, whether a deterrent effect is created by allowing for higher
21 damage awards and, if a deterrent effect is created by allowing higher damage awards, at
22 what point is deterrence increased;

23 4. The potential short-term and long-term effects on a minor of the minor's being found
24 liable for a high damages award;

25 5. The circumstances under which damage caused by a minor creates liability under
26 both Title 14, section 304 and the Maine Juvenile Code; and

27 6. The circumstances under which homeowner's insurance policies held by a minor's
28 parent or legal guardian provide coverage for damage caused by the minor.

29 **Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide
30 necessary staffing services to the commission, except that Legislative Council staff support
31 is not authorized when the Legislature is in regular or special session.

32 **Sec. 7. Report. Resolved:** That, no later than December 6, 2023, the commission
33 shall submit a report that includes its findings and recommendations for presentation to the
34 Joint Standing Committee on Judiciary. The committee may submit legislation related to
35 the report to the Second Regular Session of the 131st Legislature.'

36 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
37 number to read consecutively.

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SUMMARY

This amendment replaces the bill with a resolve. The amendment creates the Commission to Study the Liability of Parents and Legal Guardians for Damage by Minors.

FISCAL NOTE REQUIRED

(See attached)