

MAINE STATE LEGISLATURE

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STATE OF MAINE
ONE HUNDRED AND ELEVENTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON
Judiciary

BILL SUMMARY



JULY, 1983

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Judiciary Committee

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303 AN ACT TO CLARIFY THE STATUTES OF Foster LV/WD
LIMITATION

SUMMARY: Sought to codify the Supreme Court case imposing the discovery rule on attorneys and physicians and apply that rule to other statutes of limitation. Several variations were discussed by the committee prior to the bill's withdrawal by the sponsor.

327 AN ACT TO REVISE THE LAWS PERTAIN- Manning PL 1983, c. 125
ING TO PREJUDGMENT ATTACHMENT,
EXECUTION OF JUDGMENTS, DISCLOSURE
OF ASSETS AND EXEMPTIONS

SUMMARY: Contains several provisions strengthening the ability of creditors seeking judgments of debt to attach or protect a security interest in the property of the debtor. It provides: that a court may order a judgment debtor to give his certificate of title in a motor vehicle to the judgment creditor who has obtained a lien on the vehicle so that the creditor may perfect the nonpossessory lien; that a judgment creditor holding a lien in a motor vehicle must perfect the lien in the same way as other motor vehicle lien holders; that prejudgment attachments of real or personal property may be perfected by an appropriate filing of the court order and notice to the defendant without requiring seizure of the property; that statutory exemptions from attachment and execution apply only to property of individual debtors; that an execution after final judgment may be filed so as to create a lien on nonexempt personal property of the judgment debtor and that the effective date of the lien will relate back to the date of any perfected prejudgment attachment in the civil action; and that a sheriff may present a judgment execution to a trustee of funds of a corporate debtor, exclusive of payroll accounts, and have the funds turned over to the judgment creditor.

379 AN ACT TO STRENGTHEN THE LAWS RE- Higgins,L. PL 1983, c. 223
LATING TO THE SEXUAL EXPLOITATION
OF MINORS

SUMMARY: Changed current law by deleting the requirement that pornographic material involving minors be found obscene before a prosecution can result. The material need only be found to depict a minor engaging in sexually explicit conduct for the crime of disseminating such material.

384 AN ACT TO EXPAND THE AUTHORITY OF Hayden PL 1983, c. 72
PROBATE JUDGES TO APPOINT TEMPORARY
GUARDIANS

SUMMARY: Allows probate judges to appoint a temporary guardian of incapacitated persons in emergency situations.