

# MAINE STATE LEGISLATURE

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*State Of Maine  
121st Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Judiciary*

*July 2003*

**Members:**

*Sen. Peggy A. Pendleton, Chair*

*Sen. Mary R. Cathcart*

*Sen. Chandler E. Woodcock*

*Rep. William S. Norbert, Chair*

*Rep. Thomas D. Bull*

*Rep. Deborah L. Simpson*

*Rep. Stan Gerzofsky*

*Rep. Philip R. Bennett, Jr.*

*Rep. Janet T. Mills*

*Rep. Roger L. Sherman*

*Rep. Roderick W. Carr*

*Rep. Brian M. Duprey*

*Rep. Joan Bryant-Deschenes*

*Rep. Donna M. Loring*

**Staff:**

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*13 State House Station*

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# Maine State Legislature



## Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

### 121st Maine Legislature First Regular Session

#### Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet ([www.state.me.us/legis/opla](http://www.state.me.us/legis/opla)).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CARRIED OVER PURSUANT TO HP 1212</i> .....	<i>Bills carried over to the 2<sup>nd</sup> Regular Session</i>
<i>CON RES XXX</i> .....	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i> .....	<i>House &amp; Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i> .....	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i> .....	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i> .....	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i> .....	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i> .....	<i>Ought Not To Pass report accepted</i>
<i>OTP-ND</i> .....	<i>Committee report Ought To Pass In New Draft</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PASSED</i> .....	<i>Joint Order passed in both bodies</i>
<i>PUBLIC XXX</i> .....	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i> .....	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i> .....	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's Veto</i>

Please note that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

**David C. Elliott, Director**  
Offices located in Room 215 of the Cross Office Building

## Joint Standing Committee on Judiciary

**LD 1102**

**An Act To Protect the Mental Health of Women and Girls**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPREY B	ONTP MAJ	
GILMAN	OTP MIN	

LD 1102 proposed to provide that a physician who performs an abortion on a minor is responsible for mental health costs related to the abortion if the abortion was performed without parental consent or without a court order providing consent.

**LD 1129**

**An Act To Amend the Laws Governing Abortion Reporting**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS G	ONTP MAJ	
GILMAN	OTP-AM MIN	

LD 1129 proposed to require the full completion of abortion reports that are required for the Department of Human Services and proposed reporting by the department to the Board of Licensure in Medicine for every violation. It proposed to specify certain information that must be completed on the form.

**Committee Amendment "A" (H-436)** was the minority report of the Joint Standing Committee on Judiciary. It proposed to replace the bill. It proposed to repeal and replace current law concerning abortion reporting. The amendment proposed to remove from statute the provision that limited the information reported on an abortion to that information requested in the United States Standard Report of Induced Termination of Pregnancy, published by the National Center for Health Statistics. It also proposed to clarify that the name of the physician who performs an abortion may not be released, although the Department of Human Services must make public the names of physicians who do not comply with the reporting requirement. (Not adopted)

**LD 1132**

**An Act To Simplify Calculation of Legal Interest**

**PUBLIC 460  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	H-571 MILLS P

LD 1132 proposed to set prejudgment interest rates at 6% and postjudgment interest rates at 10% for all court actions. This bill also proposed to allow the Supreme Judicial Court to review the rates once yearly and change the rates to accurately reflect market rates if interest rates substantially change, roughly keeping the 6/10 ratio of prejudgment interest rates to postjudgment interest rates.

**House Amendment "B" (H-571)** proposed to incorporate Committee Amendment "A," House Amendment "A" to Committee Amendment "A" and Senate Amendment "B" to Committee Amendment "A" except that it proposed to amend the judicial rates of interest to be based on the one-year United States Treasury bill rate for

## *Joint Standing Committee on Judiciary*

prejudgment interest and post-judgment interest rather than leaving them based on the bank prime loan interest rate.

This amendment proposed to retain the current interest rate for prejudgment interest for complaints filed prior to July 1, 2003, applying the new prejudgment interest rate only to complaints filed on or after July 1, 2003.

This amendment also proposed to add an application section to the bill, to make it apply to judgments entered on or after July 1, 2003.

The amendment also proposed to provide an effective date of July 1, 2003.

**Senate Amendment "A" to Committee Amendment "A" (S-253)** proposed to apply the change in prejudgment and post-judgment interest rates to complaints filed on or after July 1, 2003. (Not adopted)

**Senate Amendment "B" to Committee Amendment "A" (S-254)** proposed to exempt judgments in small claims actions from the requirement that the post-judgment rate of interest be stated in the judgment. This amendment also proposed to apply the change in prejudgment and post-judgment interest rates to complaints filed on or after July 1, 2003. (Not adopted)

**House Amendment "A" to Committee Amendment "A" (H-488)** proposed to specify that in small claims actions, prejudgment interest is not recoverable unless the rate of interest is based on a contract or note. (Not adopted)

**Committee Amendment "A" (H-393)** proposed to replace the bill and make the bill an emergency to take effect immediately. It proposed to amend the judicial rates of interest to equal the bank prime loan interest rate plus 3% for prejudgment interest and the bank prime loan interest rate plus 6% for post-judgment interest, thus resolving the current uncertainties about the proper methodology for calculating prejudgment and post-judgment interest. In actions involving a contract or note that contains a provision relating to interest, the rate set forth in the contract or note would be the interest rate for prejudgment interest. For post-judgment interest, the rate of interest would be the rate set forth in the note or the bank prime loan interest rate plus 6%, whichever is greater. (Not adopted)

**Senate Amendment "A" (S-261)** proposed to incorporate Committee Amendment "A," House Amendment "A" to Committee Amendment "A" and Senate Amendment "B" to Committee Amendment "A" except that it proposed to amend the judicial rates of interest to be based on the United States Treasury bill rate for prejudgment interest and post-judgment interest rather than leaving them based on the bank prime loan interest rate.

The amendment also proposed to apply the changes in prejudgment and post-judgment interest rates to complaints filed on or after July 1, 2003. (Not adopted)

**House Amendment "A" (H-566)** proposed to incorporate Committee Amendment "A," House Amendment "A" to Committee Amendment "A" and Senate Amendment "B" to Committee Amendment "B" except that it proposed to amend the judicial rates of interest to be based on the one-year United States Treasury bill rate for prejudgment interest and post-judgment interest rather than leaving them based on the bank prime loan interest rate.

## Joint Standing Committee on Judiciary

This amendment proposed to retain the current interest rate for prejudgment interest for complaints filed prior to July 1, 2003, applying the new prejudgment interest rate only to complaints filed after July 1, 2003.

The amendment also proposed to provide an effective date of July 1, 2003. (Not adopted)

### ***Enacted Law Summary***

Public Law 2003, chapter 460 amends the judicial rates of interest to equal the one-year U.S. Treasury bill rate plus 3% for prejudgment interest and the one-year Treasury bill rate plus 6% for post-judgment interest. In actions involving a contract or note that contains a provision relating to interest, the rate set forth in the contract or note is the interest rate for prejudgment interest. For post-judgment interest, the rate of interest is the rate set forth in the note or the Treasury bill rate plus 6%, whichever is greater.

The new prejudgment interest rate applies to complaints filed on or after July 1, 2003. For actions in which prejudgment interest has begun to accrue prior to July 1, 2003, the prejudgment interest rate is 8% if the judgment does not exceed \$30,000. For verdicts over \$30,000, the prejudgment interest rate is the one-year U.S. Treasury bill rate plus 1%.

The new post-judgment interest rate applies to judgments issued on or after July 1, 2003.

Public Law 2003, chapter 460 was enacted as an emergency measure effective July 1, 2003.

**LD 1136**

**An Act To Amend the Maine Business Corporation Act**

**ONTP**

Sponsor(s)  
EDER

Committee Report  
ONTP

Amendments Adopted

LD 1136 proposed to amend the Maine Business Corporation Act by including as part of the duties of directors the duty to operate the corporation in a manner that fully respects the public interest.

The bill proposed to provide that, after January 1, 2017, actions may be brought against not only the corporation, but individual directors for activities of the corporation that adversely affect the environment, human rights, public health and safety or dignity of corporate employees.

**LD 1138**

**An Act To Enhance the Economic Security of Maine's Families and Children**

**ONTP**

Sponsor(s)  
DUDLEY  
DAGGETT

Committee Report  
ONTP

Amendments Adopted

LD 1138 proposed to ensure that nontraditional families that include domestic partners are afforded the same protections and benefits as traditional families. The current definition of "domestic partner" is used as a model for this bill in the areas of Maine State Retirement System benefits, inheritance as provided in the Probate Code, taxation and workers' compensation and in the Maine Human Rights Act. See also LD 1579.