

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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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).

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 2nd 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 & 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&S XXX</i>	<i>Chapter # of enacted Private & 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

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

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDER	ONTP	

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

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUDLEY DAGGETT	ONTP	

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.