

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND EIGHTH LEGISLATURE

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## Legislative Document

No. 699

H. P. 575

House of Representatives, March 2, 1977

Referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Byers of Newcastle.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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### AN ACT to Provide Interest on Judgments in Civil Actions.

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Be it enacted by the People of the State of Maine, as follows:

14 MRSA § 1602, as amended by PL 1971, c. 228, is repealed and the following enacted in its place:

§ 1602. Interest on judgments

In all civil actions, except those actions involving a contract or note which contract or note contains a provision relating to interest, interest shall be assessed from the date of the order granting the continuance of the prevailing party. From and after the date of entry of an order for judgment, including the period of the pendency of an appeal, interest shall be allowed at the rate of 12% per year.

### STATEMENT OF FACT

This bill corrects the injustice rendered by the present forfeiture of interest on judgments when a prevailing party to a civil action obtains a continuance and provides a higher rate of interest during an appeal thereby discouraging frivolous appeals. It further clarifies that the higher rate of interest applies during the appeal period which was left in doubt by a recent interpretation of this statute by the Law Court. (see **Ginn v. Penobscot Co.**, 342 Me. 270, and **Rand v. B. G. Pride Realty**, Law Court opinion of July 14, 1976.)