

MAINE STATE LEGISLATURE

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**STATE OF MAINE
117TH LEGISLATURE**

FIRST REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY**

AUGUST 1995

MEMBERS:

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Sen. Sean F. Faircloth*

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Rep. Frederick Moore III*

Staff:

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**ONE HUNDRED AND SEVENTEENTH LEGISLATURE
FIRST REGULAR SESSION**

**SUMMARY OF LEGISLATION BEFORE
THE JOINT STANDING COMMITTEES**

AUGUST 1995

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries. The publication, History and Final Disposition of Legislative Documents, is helpful in determining to which committee any particular bill was referred.

In this document, the committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number, together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various categories of final action are abbreviated as follows:

<i>CARRIED OVER</i>	<i>Bill carried over to Second 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 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</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT</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>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

These summaries were prepared by the analyst or analysts assigned to the committee. If more detailed information is needed on a bill, contact the committee analyst.

5581LHS

LD 774 An Act to Make Revisions to the Uniform Interstate Family Support Act

PUBLIC 130

EMERGENCY

SPONSOR(S)
FAIRCLOTH

COMMITTEE REPORT
OTP

AMENDMENTS ADOPTED

SUMMARY

This bill makes several changes to the Uniform Interstate Family Support Act, which in general addresses the problems of securing and enforcing child and spousal support when the parents do not live in the same state. It provides procedures for enforcement of support orders issued in states other than Maine, as well as procedures to initiate actions when an obligee lives in Maine and the obligor lives elsewhere.

LD 781 An Act Protecting a Citizen's Right of Petition under the Constitution

PUBLIC 413

SPONSOR(S)
RICHARDSON

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-300

SUMMARY

This bill addresses Strategic Litigation Against Public Participation ("SLAPP") suits. It allows a person who is exercising a right under the First Amendment to bring a special motion to dismiss all claims, counterclaims and cross claims filed against that person for apparently dilatory expense-incurring reasons or other frivolous reasons. The motion must be heard in an expedited manner. If the motion to dismiss is granted, the case can be dismissed as soon as possible.

COMMITTEE AMENDMENT "A" (H-300) gives the court discretion over whether to award attorneys fees when a special motion to dismiss is granted. This amendment also adds a fiscal note to the bill.

SENATE AMENDMENT "A" TO COMMITTEE AMENDMENT "A" (S-378) revises the fiscal note.

LD 791 An Act Requiring Unsuccessful Parties in Civil Suits to Pay Costs

ONTP

SPONSOR(S)
HATHAWAY

COMMITTEE REPORT
ONTP

AMENDMENTS ADOPTED

SUMMARY

This bill would have made a modified version of the "English rule," that is, that the losing party in civil litigation should pay the attorney's fees of the winning party, applicable to many forms of civil litigation in Maine.

LD 901 An Act to Clarify the Use of the Power of Sale Foreclosures Regarding Limited Liability Corporations

PUBLIC 106

SPONSOR(S)
FAIRCLOTH

COMMITTEE REPORT
OTP

AMENDMENTS ADOPTED

SUMMARY

This bill adds limited liability companies to the list of entities against which a real estate mortgage lender may use the power of sale foreclosure method in foreclosing real estate mortgages and clarifies that the power of sale foreclosure method may be used against limited partnerships as well as general partnerships.