

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**STATE OF MAINE  
118TH LEGISLATURE**

**FIRST REGULAR SESSION  
AND  
FIRST SPECIAL SESSION**

**BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
JUDICIARY**

**JULY 1997**

***MEMBERS:***

*Sen. Susan W. Longley, Chair*

*Sen. Lloyd P. LaFountain III*

*Sen. John W. Benoit*

*Rep. Richard H. Thompson, Chair*

*Rep. Elizabeth Watson*

*Rep. David Etnier*

*Rep. Joseph M. Jabar, Sr.*

*Rep. Richard H. Mailhot*

*Rep. Judith A. Powers*

*Rep. Debra D. Plowman*

*Rep. David R. Madore*

*Rep. Richard A. Nass*

*Rep. G. Paul Waterhouse*

***Staff:***

*Margaret J. Reinsch, Principal Analyst*

*Lisa C. Copenhaver, Legislative Analyst*

*Thomas Eyman, Legislative Analyst*

*Office of Policy and Legal Analysis*

*Room 101/107/135, 13 State House Station*

*Augusta, ME 04333*

*(207)287-1670*



**Maine State Legislature**  
**OFFICE OF POLICY AND LEGAL ANALYSIS**

13 State House Station, Augusta, Maine 04333-0013  
 Telephone: (207) 287-1670  
 Fax: (207) 287-1275

**ONE HUNDRED EIGHTEENTH LEGISLATURE**  
**FIRST REGULAR AND FIRST SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees**  
**August 1997**

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. 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 handled by the joint standing committees. It is organized alphabetically by committees 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</i> .....	<i>Bill carried over to Second 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>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>OTP ND/NT</i> .....	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</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 the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

*David E. Boulter, Director*  
 Offices Located in the State House, Rooms 101/107/135

**LD 860**

**An Act to Extend the Waiting Period for Obtaining a Divorce**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DESMOND PARADIS	ONTP MAJ OTP-AM MIN	

LD 860 proposed to extend the waiting period between filing a divorce action and the hearing on the petition to six months unless there has been proof of abuse by a preponderance of the evidence.

**Committee Amendment "A" (H-403)** (Minority Report) proposed to allow an exception to the six-month period when a protection from abuse order is issued. It would have required a staff study collecting information about divorce trends in other states.

**LD 869**

**An Act to Amend the Statute of Limitations for Health Care Providers and Health Care Practitioners to Include a Discovery Rule**

**CARRIED OVER**

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

LD 869 proposes a discovery rule with respect to the statute of limitations relating to health care providers and health care practitioners. The bill proposes that an action for professional negligence must be commenced within three years after a plaintiff discovers, or in the exercise of reasonable diligence should have discovered, the injury and its causal relationship to the act of professional negligence of which the plaintiff complains. This bill has been carried over to the Second Regular Session.

**LD 886**

**An Act Concerning Trust Investments by Trustees in Affiliated Securities and Bonds**

**PUBLIC 203**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN	OTP-AM	S-151

LD 886 proposed to repeal existing fee provisions applicable to trustees investing in affiliated investments and establish disclosure requirements for investments by trustees in affiliated investments.

**Committee Amendment "A" (S-151)** proposed to require a trustee to disclose certain information in writing when the trustee proposes to purchase or continues to hold securities or bonds in which the trustee or an affiliate of the trustee has an interest.

*Enacted law summary*

Public Law 1997, chapter 203 protects the interests of a trust beneficiary by requiring a trustee to disclose certain information in writing when the trustee proposes to purchase or continues to hold securities or bonds in which the trustee or an affiliate of the trustee has an interest.

**LD 893**                      **An Act to Conform the Provisions of the Maine Business Corporation Act Regarding Derivative Proceedings to the Provisions of the Revised Model Business Corporation Act**                      **PUBLIC 307**

<u>Sponsor(s)</u> BENOIT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-201
-----------------------------	--	-----------------------------------	--	------------------------------------

LD 893 proposed to repeal section 627 of the Maine Business Corporation Act governing derivative suits and replace it with the appropriate provisions from the Revised Model Business Corporation Act.

**Committee Amendment "A" (S-201)** proposed to make technical corrections and to amend the effective date to be prospective only.

*Enacted law summary*

Public Law 1997, chapter 307 amends the Maine Business Corporation Act to make the derivative suit provisions consistent with the Model Business Corporation Act. The new provisions apply to derivative suits filed after the effective date of the bill.

**LD 897**                      **An Act to Amend the Filing Requirements to Perfect a Security Interest in Consumer Goods**                      **ONTP**

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

LD 897 proposed to eliminate the \$2,000 ceiling for creating a purchase money security interest without filing a UCC financing statement with the Secretary of State.

**LD 899**                      **An Act Regarding Terminal Rental Adjustment Clauses Vehicle Leasing**                      **PUBLIC 352**

<u>Sponsor(s)</u> BOLDUC CAREY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-530
--------------------------------------	--	-----------------------------------	--	------------------------------------

LD 899 proposed to provide that motor vehicle or trailer leases that specify that the rental price may or must be adjusted upward or downward based on the amount realized upon sale or disposition of the vehicle do not create a sale or security interest.