

# MAINE STATE LEGISLATURE

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*State Of Maine  
120th Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Judiciary*

*August 2001*

**Members:**

*Sen. Anne M. Rand, Chair*

*Sen. Michael J. McAlevey*

*Sen. Norman K. Ferguson, Jr.*

*Rep. Charles C. LaVerdiere, Chair*

*Rep. Thomas D. Bull*

*Rep. Patricia T. Jacobs*

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**120th Legislature**  
**First Regular Session**

**Summary Of Legislation Before The Joint Standing Committees**  
**August 2001**

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 organized 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>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>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 **September 21, 2001**.

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

## Joint Standing Committee on Judiciary

formula for determining the maximum benefit percentage that results in judges with significant service prior to 1998 having a lower maximum benefit percentage than judges whose service began after 1997. This bill proposed to bring the maximum level for all judges appointed after December 1, 1984 to the 70% level. The substance of LD 301 was enacted as Part VV of the Part II budget bill, Public Law 2001, chapter 439.

**LD 307**

**An Act to Clarify Arrest Powers under Certain Bench Warrants**

**ONTP**

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

LD 307 proposed to require police officers to verify within 24 hours of the execution of a bench warrant issued for reason of an unpaid fine for an underlying Class D or Class E offense that the fine is still unpaid or the arrestee must be released.

See also LD 1073.

**LD 309**

**An Act Regarding Statute of Limitations for Attorneys**

**PUBLIC 115**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE	OTP-AM	H-196

LD 309 proposed to provide a 20-year statute of limitations for actions alleging professional negligence of attorneys in the rendering of real estate title opinions. The 20-year statute of limitations would begin to run the date an opinion is rendered.

**Committee Amendment "A" (H-196)** proposed to replace the bill. It proposed to clarify current law setting forth the time when the statute of limitations begins to run for claims of professional malpractice, negligence or breach of contract against attorneys. Under current law and the amendment, the statute of limitations for actions against attorneys begins to run when the negligence, breach of contract or malpractice occurs, except that, in actions relating to wills and rendering of title opinions, the statute of limitations begins to run when the negligence or malpractice is discovered. This amendment proposed to change current law by setting an outside limit on when a cause of action for negligence in rendering a title opinion may be brought. Such an action must be brought within six years of discovery, but not more than 20 years from the rendering of the title opinion.

The amendment proposed to provide that a cause of action relating to a title opinion that was rendered more than 20 years before the effective date of the law change, which would otherwise be barred by the law change, could be brought within two years from the effective date of the law change or within the statute of limitations already applicable, whichever is earlier.

*Enacted law summary*

## Joint Standing Committee on Judiciary

Public Law 2001, chapter 115 clarifies and amends the law relating to the statute of limitations for actions alleging professional negligence of attorneys in the rendering of real estate title opinions. It clarifies current law that provides that the statute of limitations for actions against attorneys begins to run when the negligence, breach of contract or malpractice occurs, except that, in actions relating to wills and rendering of title opinions, the statute of limitations begins to run when the negligence or malpractice is discovered. Chapter 115 changes current law by setting an outside limit on when a cause of action for negligence in rendering a title opinion may be brought. Such an action must be brought within six years of discovery, but not more than 20 years from the rendering of the title opinion. A cause of action relating to a title opinion that was rendered more than 20 years before the effective date of chapter 115, which would otherwise be barred by chapter 115, may be brought within two years from the effective date of chapter 115 or within the statute of limitations already applicable, whichever is earlier.

**LD 361**                      **An Act to Adopt the Model Business Corporation Act in Maine**                      **CARRIED OVER**

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

LD 361 is a concept draft that proposed to update the State's business corporation act following a comprehensive review of the act by the Corporate Law Revision Committee of the Business Law Section of the Maine State Bar Association. That Committee proposes to recommend revisions after reviewing the most recent model corporations act and other states' laws and working with representatives of the Office of the Secretary of State.

This bill has been carried over to the Second Regular Session.

**LD 363**                      **An Act to Clarify the Law Regarding Name Changes**                      **PUBLIC 163**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL C LONGLEY	OTP-AM	H-280

LD 363 proposed to give the probate court judge discretion concerning whom to notify when a person petitions the court for a name change. If the person showed that the person is or was a victim of domestic abuse by the person's spouse, the judge would not be required to notify the spouse of the name change.

**Committee Amendment "A" (H-280)** proposed to replace the bill. It proposed to repeal and replace the current law governing changes of name to change the format. It proposed to give the probate court judge the authority to limit the amount of notice that is required before the judge orders a change in a person's name when the purpose is to protect the person's safety.

### *Enacted law summary*