

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during
the First Regular Session of the 124th Maine Legislature coming from the

JOINT STANDING COMMITTEE ON JUDICIARY

July 2009

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STATE OF MAINE

124TH LEGISLATURE
FIRST REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 124th Maine Legislature.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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:

CARRIED OVER.....	Carried over to a subsequent session of the Legislature
CON RES XXX.....	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....	House & Senate disagree; bill died
DIED IN CONCURRENCE.....	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....	Action incomplete when session ended; bill died
EMERGENCY.....	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....	Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY.....	Ruled out of order by the presiding officers; bill died
INDEF PP.....	Bill Indefinitely Postponed; bill died
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted; bill died
P&S XXX.....	Chapter # of enacted Private & Special Law
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 124th Legislature is September 12, 2009. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Judiciary

LD 508

An Act To Amend the Laws Relating to Corporations, Limited Liability Companies and Limited Liability Partnerships

PUBLIC 56

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

This bill makes several changes to the laws governing corporations, limited liability companies and limited liability partnerships.

Enacted Law Summary

Public Law 2009, chapter 56 makes the following changes to the laws governing corporations, limited liability companies and limited liability partnerships.

1. It amends the definition of "noncommercial clerk" in the newly enacted Model Registered Agents Act to clarify that the clerk cannot be a domestic or foreign entity.
2. It amends the Model Registered Agents Act to require that approval of the interest holders or governors of a domestic corporation is required when appointing a clerk of the corporation.
3. It amends the language for corporations created under special acts of the Legislature to comply with the filing requirements and fees for corporations filed under the Maine Revised Statutes, Title 13-C.
4. It amends and enacts provisions under Title 13, chapter 81 in regards to naming or changing a contact person for a corporation, obtaining a certificate of existence or certificate of fact from the Secretary of State and determining name availability.
5. It amends the language under Title 13, chapter 85 for cooperative corporations to make consistent a signature requirement.
6. It repeals provisions in Title 13-C relating to acceptance of appointment by the clerk or registered agent of the corporation.
7. It changes provisions in the Maine Insurance Code to bring these provisions in line with the duty of the Secretary of State for corporations governed by Title 13-C.
8. It amends the provisions for dissolving a limited liability company to cap the delayed effective date to not be more than 90 days after filing the certificate of dissolution.
9. It amends the provisions for dissolving a limited liability partnership to cap the delayed effective date to not be more than 90 days after filing the certificate of dissolution.
10. It repeals a duplicative provision in Title 31, chapter 17, for partnerships to convert to another type of business entity.
11. It corrects cross-references and updates a provision regarding when the incorporation of an insurer is effective.