

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

JOINT STANDING COMMITTEE ON JUDICIARY

July 2011

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STATE OF MAINE
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LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 125th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD 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 LD is noted to the right of the LD title. The following describes the various final actions.

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; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public Law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 125th Legislature is September 28, 2011. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Judiciary

LD 482

An Act To Amend the Laws Dealing with Limitation of Actions

PUBLIC 124

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT HILL	OTP-AM	H-192

The bill establishes a period of 20 years as the statute of limitations for an action on a breach of warranty covenants.

Committee Amendment "A" (H-192)

This amendment replaces the bill. It establishes a period of 20 years as the statute of limitations for an action on a breach of covenants in any instrument conveying real estate.

This amendment satisfies the due process requirements of the Constitution of Maine by providing an opportunity for persons with a vested interest in an expired 6-year limitations period, generally, the grantors of unsealed deeds executed between 1991 and 2005, to retain the benefit of that period by providing notice to current owners and requiring a prompt declaratory judgment action if the limitations period is disputed.

Enacted Law Summary

Public Law 2011, chapter 124 establishes a period of 20 years as the statute of limitations for an action on a breach of covenants in any instrument conveying real estate. It satisfies the due process requirements of the Constitution of Maine by providing an opportunity for persons with a vested interest in an expired 6-year limitations period, generally, the grantors of unsealed deeds executed between 1991 and 2005, to retain the benefit of that period by providing notice to current owners and requiring a prompt declaratory judgment action if the limitations period is disputed.

LD 486

An Act To Clarify the Uniform Arbitration Act

PUBLIC 80

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT BLISS	OTP-AM	H-94

This bill clarifies that the Uniform Arbitration Act confers jurisdiction in either the District Court or the Superior Court.

This amendment makes changes consistent with the original intent of the bill.

This amendment amends the listing of the jurisdiction of the District Court to include actions under the Uniform Arbitration Act.

This amendment amends the Uniform Arbitration Act to clarify jurisdiction and venue under the Uniform Arbitration Act.

Enacted Law Summary

Public Law 2011, chapter 80 provides that both the District Court and the Superior Court have jurisdiction under the Uniform Arbitration Act. It also clarifies venue under the Uniform Arbitration Act.