

## CHAPTER 313

### JUDGMENTS

#### **§1601. Entry of judgment; attachments and rights to disclose preserved; death of party**

In criminal cases the clerk of courts of a county, by virtue of a certificate from the law court, received in vacation, shall enter judgment as of the preceding term.

In civil cases judgment shall be entered forthwith upon receipt of the certificate of decision from the law court. If the judgment is for the plaintiff, any attachment then in force shall continue for 60 days after entry of such judgment. When a party to an action dies while the action is pending before the law court, and no suggestion of death has been made upon the docket of the county where the action is pending, at the time when the certificate of decision is received by the clerk of courts in such county, any Justice of the Superior Court may order such action to be continued in order that such death may be suggested upon such county docket, and the proper parties entitled to defend or prosecute such action may enter their appearance therein. Such justice may further order that any attachment then in force shall continue for such time in excess of 60 days after entry of judgment as in his discretion he deems necessary to protect the interests of the plaintiff.

#### **§1602. Interest before judgments**

**(REPEALED)**

##### SECTION HISTORY

PL 1969, c. 397, §1 (RPR). PL 1971, c. 228 (AMD). PL 1977, c. 147 (RPR). PL 1979, c. 655, §1 (AMD). PL 1981, c. 162, §§1,2 (AMD). PL 1983, c. 427, §1 (RPR). PL 1983, c. 583, §7 (AMD). PL 1987, c. 646, §3 (AMD). PL 1991, c. 165 (AMD). PL 2001, c. 471, §D13 (AMD). PL 2003, c. 460, §4 (RP).

#### **§1602-A. Interest after judgment**

**(REPEALED)**

##### SECTION HISTORY

PL 1983, c. 427, §2 (NEW). PL 1987, c. 646, §4 (RPR). PL 1989, c. 502, §B15 (AMD). PL 1991, c. 489 (AMD). PL 2001, c. 471, §D14 (AMD). PL 2003, c. 460, §5 (RP).

#### **§1602-B. Interest before judgment**

**1. In small claims.** In small claims actions, prejudgment interest is not recoverable unless the rate of interest is based on a contract or note.

[PL 2003, c. 460, §6 (NEW).]

**2. On contracts and notes.** In all civil and small claims actions involving a contract or note that contains a provision relating to interest, prejudgment interest is allowed at the rate set forth in the contract or note.

[PL 2003, c. 460, §6 (NEW).]

**3. Other civil actions; rate.** In civil actions other than those set forth in subsections 1 and 2, prejudgment interest is allowed at the one-year United States Treasury bill rate plus 3%.

A. For purposes of this subsection, "one-year United States Treasury bill rate" means the weekly average one-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the last full week of the calendar year immediately prior to the year in which prejudgment interest begins to accrue. [PL 2003, c. 460, §6 (NEW).]

B. If the Board of Governors of the Federal Reserve System ceases to publish the weekly average one-year constant maturity Treasury yield or it is otherwise unavailable, then the Supreme Judicial Court shall annually establish by rule a rate that most closely approximates the rate established in this subsection. [PL 2003, c. 460, §6 (NEW).]

[PL 2003, c. 460, §6 (NEW).]

**4. Stated rate.** When prejudgment interest is awarded pursuant to subsection 2 or 3, the applicable rate must be stated in the judgment.

[PL 2003, c. 460, §6 (NEW).]

**5. Accrual; suspension; waiver.** Prejudgment interest accrues from the time of notice of claim setting forth under oath the cause of action, served personally or by registered or certified mail upon the defendant until the date on which an order of judgment is entered. If a notice of claim has not been given to the defendant, prejudgment interest accrues from the date on which the complaint is filed. In actions involving a contract or note that contains a provision relating to interest, the rate of interest is fixed as of the time the notice of claim is given or, if a notice of claim has not been given, as of the date on which the complaint is filed. If the prevailing party at any time requests and obtains a continuance for a period in excess of 30 days, interest is suspended for the duration of the continuance. On petition of the nonprevailing party and on a showing of good cause, the trial court may order that interest awarded by this section be fully or partially waived.

[PL 2003, c. 460, §6 (NEW).]

**6. Effect on post-judgment interest.** This section does not affect post-judgment interest imposed by section 1602-C. Prejudgment interest may not be added to the judgment amount in determining the sum upon which post-judgment interest accrues.

[PL 2003, c. 460, §6 (NEW).]

**7. Rate on accrual of interest prior to July 1, 2003.** Notwithstanding subsection 3, for actions in which the interest begins to accrue, as determined pursuant to subsection 5, prior to July 1, 2003, the rate of prejudgment interest on civil actions other than those set forth in subsection 2 is as follows:

A. If the judgment does not exceed \$30,000, the rate for prejudgment interest is 8%; and [PL 2003, c. 460, §6 (NEW).]

B. If the judgment exceeds \$30,000, the rate of prejudgment interest is the one-year United States Treasury bill rate, as defined in subsection 3, plus 1%. [PL 2003, c. 460, §6 (NEW).]

[PL 2003, c. 460, §6 (NEW).]

## SECTION HISTORY

PL 2003, c. 460, §6 (NEW).

### §1602-C. Interest after judgment

**1. Rate.** In all civil and small claims actions, post-judgment interest is allowed at a rate equal to:

A. In actions involving a contract or note that contains a provision relating to interest, the rate set forth in the contract or note or the rate in paragraph B, whichever is greater; and [PL 2003, c. 460, §6 (NEW).]

B. In all other actions, the one-year United States Treasury bill rate plus 6%.

(1) For purposes of this paragraph, "one-year United States Treasury bill rate" means the weekly average one-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the last full week of the calendar year immediately prior to the year in which post-judgment interest begins to accrue.

(2) If the Board of Governors of the Federal Reserve System ceases to publish the weekly average one-year constant maturity Treasury yield or it is otherwise unavailable, then the

Supreme Judicial Court shall annually establish by rule a rate that most closely approximates the rate established in this paragraph. [PL 2003, c. 460, §6 (NEW).]

The applicable post-judgment interest rate must be stated in the judgment, except for judgments in small claims actions.

[PL 2003, c. 460, §6 (NEW).]

**2. Accrual; suspension; waiver.** Post-judgment interest accrues from and after the date of entry of judgment and includes the period of any appeal. In actions involving a contract or note that contains a provision relating to interest, the rate of interest is fixed as of the date of judgment. If the prevailing party at any time requests and obtains a continuance for a period in excess of 30 days, interest is suspended for the duration of the continuance. On petition of the nonprevailing party and on a showing of good cause, the trial court may order that interest awarded by this section be fully or partially waived. [PL 2003, c. 460, §6 (NEW).]

#### SECTION HISTORY

PL 2003, c. 460, §6 (NEW).

#### **§1603. -- Actions on judgments**

**(REPEALED)**

#### SECTION HISTORY

PL 1969, c. 397, §2 (RP).

#### **§1604. Judgment divesting real estate recorded in registry of deeds**

No judgment or decree divesting any person of title to real estate shall be effectual against any person not a party to the action in which such judgment or decree is rendered, and persons not having actual notice thereof, unless a copy of such judgment or decree or so much thereof as relates to the title to such real estate duly certified by the clerk of courts in and for the county where said judgment or decree is rendered is, within 30 days after the rendering of such judgment or decree, duly recorded in the registry of deeds in the county or district in which such real estate is situated.

#### **§1605. Settlements to be approved by court**

No settlement of any action brought in behalf of an infant by next friend or defended on the infant's behalf by guardian or guardian ad litem is valid unless approved by the court in which the action is pending, or affirmed by an entry of judgment. If no action has been commenced, an infant by next friend may apply to any court in which an action based on the claim of the infant could have been commenced for an order approving the settlement of any such claim. An order approving such a settlement has the effect of a judgment. The court may make all necessary orders for protecting the interests of the infant, including requiring that funds be disbursed through establishment of a trust, and may require the guardian ad litem or next friend to give bond to truly account for all money received in behalf of the infant. [PL 1993, c. 97, §1 (AMD).]

#### SECTION HISTORY

PL 1979, c. 540, §§17-A (NEW). PL 1993, c. 97, §1 (AMD).

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