

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2025

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Legislative Document

No. 1027

S.P. 445

In Senate, March 13, 2025

### **An Act to Strengthen the Law Regarding Relief for Improvident Transfers of Title**

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Received by the Secretary of the Senate on March 12, 2025. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator STEWART of Aroostook.  
Cosponsored by Representative GRAMLICH of Old Orchard Beach and  
Senators: BAILEY of York, GROHOSKI of Hancock, MOORE of Washington,  
Representatives: BABIN of Fort Fairfield, CARUSO of Caratunk, HENDERSON of Rumford,  
LEE of Auburn, POIRIER of Skowhegan.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 33 MRSA §1023, sub-§2**, as amended by PL 2003, c. 236, §2, is further  
3 amended to read:

4 **2. Relief available; protected transfers and executions.** When a court finds that a  
5 transfer of property or execution of a guaranty was the result of undue influence, it shall  
6 grant appropriate relief enabling the elderly dependent person to avoid the transfer or  
7 execution, including the rescission or reformation of a deed or other instrument, the  
8 imposition of a constructive trust on property or an order enjoining use of or entry on  
9 property or commanding the return of property. The court shall award reasonable attorney's  
10 fees and costs to be paid by the person who exercised undue influence over the elderly  
11 dependent person or by any transferee who paid less than full consideration, as found by  
12 the court. When the court finds that undue influence is a good and valid defense to a  
13 transferee's suit on a contract to transfer the property or a suit of a person who benefits from  
14 the execution of a guaranty on that guaranty, the court shall refuse to enforce the transfer  
15 or guaranty.

16 ~~No relief~~ Relief obtained or granted under this section may not in any way affect or limit  
17 the right, title and interest of good faith purchasers, mortgagees, holders of security interests  
18 or other 3rd parties who obtain an interest in the transferred property for value after its  
19 transfer from the elderly dependent person. ~~No relief~~ Relief obtained or granted under this  
20 section may not affect any mortgage deed to the extent of value given by the mortgagee.

21 **SUMMARY**

22 This bill requires a court that finds that a person who exercised undue influence over  
23 an elderly person who is dependent on others or that a person obtained title to property for  
24 less than full consideration from an elderly person who is dependent on others to require  
25 that person to pay attorney's fees and costs.