

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

SECOND REGULAR SESSION
January 2, 2008 to March 31, 2008

FIRST SPECIAL SESSION
April 1, 2008 to April 18, 2008

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 2008

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 18, 2008

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2008

life and safety of the victim and persons close to the victim.

By enacting these amendments, the Legislature intends to better protect victims from being intentionally harassed, terrified, threatened or intimidated by individuals who use a wide variety of methods to track, threaten and harass their victims. The goal is to authorize effective criminal intervention before stalking behavior results in serious physical and emotional harm and to increase penalties for escalating stalking behavior. One amendment is intended to make clear that stalking is criminal whether or not the victim knows about the stalking conduct.

The new provisions are drafted broadly to capture all stalking activity, including a stalker's use of new technologies. Presently, some stalkers use Global Positioning Satellite technology to monitor actions, disposable cell phones to make untraceable calls and keyloggers to capture private information from computers. In the future, new technologies not currently imagined will be used to the same ends. The Legislature intends that the use of such new technology be covered by this legislation.

See title page for effective date.

CHAPTER 686

S.P. 691 - L.D. 1897

An Act To Allow Blended Sentencing for Certain Juveniles

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

Sec. 1. 17-A MRSA §1259 is enacted to read:

§1259. Commitments to the Department of Corrections of bound-over juveniles who have not attained 16 years of age at the time of sentence imposition

A juvenile who has been bound over, pursuant to Title 15, section 3101, subsection 4, for a juvenile crime for which the juvenile had the burden of proof with respect to the finding of appropriateness, who is subsequently, as to the juvenile crime's adult counterpart, convicted and sentenced to a sentence alternative involving imprisonment and who has not attained 16 years of age at the time of sentence imposition must be committed to a Department of Corrections juvenile correctional facility for an indeterminate period not to extend beyond the juvenile's 18th birthday to serve the term of imprisonment or any unsuspended portion until discharge from the juvenile correctional facility and once discharged must be transferred to a Department of Corrections adult correctional facility to serve

out the remainder of the imprisonment term or unsuspended portion, if any.

Sec. 2. 34-A MRSA §3802, sub-§1, ¶G, as amended by PL 2007, c. 196, §7, is further amended to read:

G. To confine juveniles ordered confined pursuant to Title 12, sections 6004, 8004 and 10608 and Title 29-A, section 115; ~~and~~

Sec. 3. 34-A MRSA §3802, sub-§1, ¶H, as enacted by PL 2007, c. 196, §7, is amended to read:

H. To confine juveniles ordered confined pursuant to Title 15, section 3314, subsection 7; and

Sec. 4. 34-A MRSA §3802, sub-§1, ¶I is enacted to read:

I. To confine juveniles committed to a juvenile correctional facility pursuant to Title 17-A, section 1259.

Sec. 5. 34-A MRSA §4102-A, sub-§1, ¶G, as amended by PL 2007, c. 196, §8, is further amended to read:

G. To confine juveniles ordered confined pursuant to Title 12, sections 6004, 8004 and 10608 and Title 29-A, section 115; ~~and~~

Sec. 6. 34-A MRSA §4102-A, sub-§1, ¶H, as enacted by PL 2007, c. 196, §8, is amended to read:

H. To confine juveniles ordered confined pursuant to Title 15, section 3314, subsection 7; and

Sec. 7. 34-A MRSA §4102-A, sub-§1, ¶I is enacted to read:

I. To confine juveniles committed to a juvenile correctional facility pursuant to Title 17-A, section 1259.

See title page for effective date.

CHAPTER 687

H.P. 1520 - L.D. 2140

An Act To Protect Parties to Real Estate Transactions

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

Sec. 1. 36 MRSA §558-A is enacted to read:

§558-A. Liability for failure to pay prorated property taxes

1. Civil action authorized. If after a real estate closing in which the parties have prorated property taxes pursuant to section 558, any party knowingly fails to pay that party's share of the taxes, which results in a lien being filed, any other party to the trans-

action who pays the taxes that are owed by the delinquent party may recover in a civil action from the delinquent party the amount of unpaid taxes, costs incurred in releasing the lien and reasonable attorney's fees.

2. Effect on credit rating. If a party prevails in an action filed under subsection 1 and a record of a lien in that party's name has been placed in that party's file with a consumer reporting agency, that lien must be considered inaccurate information under Title 10, section 1317 if the party requesting relief submits a copy of the court judgment and proof of payment of the lien to the consumer reporting agency.

Sec. 2. Guidance document. The Department of Administrative and Financial Services, Bureau of Revenue Services shall prepare a guidance document for sellers and buyers of real estate to provide information about problems that can arise as the result of the allocation of responsibility for the payment of property taxes among the parties when property is transferred. The guidance document must take substantially the following form.

IMPORTANT NOTICE ABOUT PROPERTY TAXES FOR BUYERS AND SELLERS

1. UNDER MAINE LAW PAYMENT OF PROPERTY TAXES IS THE RESPONSIBILITY OF THE PERSON WHO OWNS THE PROPERTY ON APRIL 1ST.
2. THE BUYER AND SELLER MAY AGREE TO DIVIDE THE TAXES BETWEEN THEM, BUT IF ANY PART OF THE TAXES IS NOT PAID, A LIEN WILL BE FILED IN THE NAME OF THE PERSON WHO OWNED THE PROPERTY ON APRIL 1ST.

PLEASE BE AWARE

IF YOU ARE THE SELLER -- EVEN IF YOU NO LONGER OWN THE PROPERTY, A LIEN MAY HAVE A NEGATIVE EFFECT ON YOUR CREDIT RATING.

IF YOU ARE THE BUYER -- IF A LIEN IS FILED IN THE SELLER'S NAME, THE MUNICIPALITY MAY FORECLOSE ON YOUR PROPERTY UNLESS THE TAXES ARE PAID.

3. MUNICIPALITIES HAVE DIFFERENT FISCAL YEARS AND TAX DUE DATES.
4. MAKE SURE YOU UNDERSTAND THE BUYER'S AND SELLER'S OBLIGATIONS WITH REGARD TO PROPERTY TAXES AND WHAT

MAY HAPPEN IF TAXES ARE NOT PAID AS AGREED.

5. IF YOU FEEL A LIEN HAS BEEN FILED INCORRECTLY IN YOUR NAME, PLEASE CONTACT THE BUREAU OF CONSUMER PROTECTION TO DETERMINE WHAT REMEDIES ARE AVAILABLE TO YOU TO REPAIR YOUR CREDIT RATING.

THESE POTENTIAL PROBLEMS CAN BE AVOIDED BY PROVIDING THAT FUNDS ARE SET ASIDE IN ESCROW AT THE TIME OF CLOSING TO ENSURE THAT PROPERTY TAXES WILL BE PAID.

Seller:..... Buyer:.....
Date:..... Date:.....

Sec. 3. Distribution. The Department of Administrative and Financial Services, Bureau of Revenue Services shall provide a copy of the guidance document prepared pursuant to section 2 to each municipal office and to real estate agents, real estate lenders, settlement agents, the Maine State Housing Authority and any other person the bureau determines is likely to be involved in a professional capacity in the transfer of property subject to property tax in this State and request that those persons make a copy of the guidance document available to buyers and sellers at any point in the process of the transfer of property when the allocation of property taxes is discussed and with any notices relating to property tax liens.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Revenue Services - Bureau of 0002

Initiative: Provides one-time funds for the printing and mailing costs associated with the required guidance notice to buyers and sellers of real estate.

GENERAL FUND	2007-08	2008-09
All Other	\$0	\$1,250
GENERAL FUND TOTAL	\$0	\$1,250

See title page for effective date.