

MAINE STATE LEGISLATURE

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STATE OF MAINE
130TH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS



Disposition of bills and summaries of all laws enacted or finally passed

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December 2021

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SAM SENFT, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/opla/>

*Committee member for a portion of the session

JOINT STANDING COMMITTEE ON JUDICIARY

LD 366 An Act Regarding Emergency Guardianship

ENACTED LAW SUMMARY

Public Law 2021, chapter 463 provides that the delay of discharge of a patient in a hospital until the appointment of a guardian constitutes substantial harm, thereby meeting one of the criteria for the appointment of an emergency guardian.

LD 420 An Act To Amend the Maine Revised Unclaimed Property Act

ENACTED LAW SUMMARY

Public Law 2021, chapter 41 amends the Maine Revised Unclaimed Property Act in the following ways.

1. It provides that fee restrictions do not apply to any stored-value obligation that enables the holder to transfer the underlying funds to multiple unaffiliated merchants at the merchants' point-of-sale terminals or online or at an automated teller machine.
2. It provides that an automatic reinvestment of dividends or interest or an automatic withdrawal of disclosed fees is not an indication of an apparent owner's interest in property for purposes of determining when property is presumed abandoned.

LD 422 An Act To Enact the Maine Uniform Trust Decanting Act

ENACTED LAW SUMMARY

Public Law 2021, chapter 235 enacts the Maine Uniform Trust Decanting Act, or MUTDA, as recommended by the Probate and Trust Law Advisory Commission. It is based on the Uniform Trust Decanting Act approved by the National Conference of Commissioners on Uniform State Laws in 2015. "Decanting" is the term used to describe the distribution of assets from one trust into a second trust. Decanting can be a useful strategy for changing the outdated terms of an otherwise irrevocable trust, but can also be abused to defeat the settlor's intent. The MUTDA permits decanting for appropriate purposes while preventing abuse and preserving the intent of the settlor.

Public Law 2021, chapter 235 was enacted with an effective date of October 1, 2021; however, since it was not enacted as an emergency measure, it takes effect October 18, 2021.