

MAINE STATE LEGISLATURE

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P. of S.

L.D. 351

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 273, L.D. 351, Bill, "An Act Related to Common Nuisances"

Amend the bill in section 1 in that part designated "§2741." in the first paragraph in the 5th and 4th lines from the end (page 1, lines 21 and 22 in L.D.) by striking out the following: "in which the nuisance is committed." and inserting in its place the following: 'while titled in the name of the same owner under which the nuisance is--committed was initially enjoined. The injunction ceases to run against the building or other place or structure upon transfer of ownership to a bona fide purchaser. Following the issuance of such an injunction, if the Attorney General or district attorney has reasonable grounds to question whether a transfer of ownership is to a bona fide purchaser, the Attorney General or district attorney, within one year from the date of transfer of ownership, shall move the court to reinstate the injunction against the title of the new owner.'

STATEMENT OF FACT

This amendment prevents a court's injunction from running against real property in perpetuity. The amendment balances the need to avoid unnecessarily clouding title to real property with the concern that an owner may fashion a straw or sham transfer of ownership as a means of undermining the court's injunction. A transfer of ownership to a family member or criminal co-conspirator for less than market value may be reasonable grounds for a court to reinstate the injunction against the new owner. The amendment does not change that a new injunction may be issued against the new owner if the prohibited conduct continues under the title of the new owner.

Reported by the Committee on Legal Affairs
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COMMITTEE AMENDMENT