

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**November 28, 1995 to December 1, 1995**

**SECOND REGULAR SESSION**  
**January 3, 1996 to April 4, 1996**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 4, 1996**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1995**

**1. Appointment of chair.** The Governor shall appoint the chair of the Maine State Cultural Affairs Council from among the members of the Maine Library Commission, the Maine Historic Preservation Commission, the Maine Arts Commission or the Maine State Museum Commission, provided that the appointed chair is not from the same commission as the previous chair. ~~The appointment is subject to review by the joint standing committee of the Legislature having jurisdiction over state and local government matters and confirmation by the Legislature.~~

See title page for effective date.

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**CHAPTER 520**

**S.P. 611 - L.D. 1615**

**An Act to Amend the Piscataquis County Budget Process**

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

**Sec. 1. 30-A MRSA §821**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

**§821. Purpose**

The purpose of this article is to establish in Piscataquis County a method of appropriating money for county expenditures, including expenditures for municipal services in the unorganized territory, according to a budget, which ~~shall first must~~ be reviewed by a budget committee ~~and shall then be approved by the Legislature~~. This article amends the statutory method in sections 701 and 702 by creating a committee with authority to review the budget and make recommendations to the county commissioners. ~~The Legislature has authority to approve and amend the budget. The county commissioners have the authority to approve the budget.~~ This article applies only to Piscataquis County.

**Sec. 2. 30-A MRSA §825, sub-§§3, 6 and 7**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, are repealed.

**Sec. 3. 30-A MRSA §825, sub-§8**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

**8. Assessment of taxes.** The budget ~~as approved by the Legislature~~ is the final authorization for the assessment of county taxes. The budget ~~shall~~ must be sent to the county commissioners and the county tax authorized ~~shall~~ must be apportioned and collected in accordance with section 706. The budget for the

unorganized territories ~~shall~~ must be sent to the State as provided by section 7503.

**Sec. 4. 30-A MRSA §826**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

**§826. Budget amendments**

The approved budget shall govern the expenditures of the county during the fiscal year. No expenses may be incurred in excess of those shown in the approved budget, but the budget may be from time to time revised by the preparation of a proposed amended budget by the county commissioners. This proposed amended budget ~~shall~~ must be submitted to the county budget committee for review. Any recommendations by this committee must be submitted within 10 calendar days. ~~After receiving the recommendation of the budget committee, the county commissioners shall forward the proposed revised budget to the legislative delegation for approval. The delegation has 10 calendar days to render a decision on the proposed revision. Failure of the delegation to render a decision within the specified time is considered an approval of the revision. If the delegation disapproves of the revision, the procedure of section 825, subsection 6, shall be followed. The county commissioners shall submit the proposed revised budget to the Legislature for approval, disapproval or amendment. If approved, the Legislature shall transmit a report of approval of a revised budget to the State Auditor within 15 days of that approval. The amended budget takes effect when approved by the county commissioners. A report of the approval of an amended budget must be transmitted by the county commissioners to the State Auditor within 15 days of that approval.~~

See title page for effective date.

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**CHAPTER 521**

**H.P. 1206 - L.D. 1656**

**An Act to Provide for Confidential Treatment of State and Federal Regulatory Information in the Application Process for Financial Institutions**

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

**Sec. 1. 9-B MRSA §252, sub-§3-A** is enacted to read:

**3-A. Confidential treatment of other state and federal regulatory information.** Any records or information in the possession of any state or federal

agency directly or indirectly involved in the regulation of financial institutions or financial institution holding companies that is recognized under state or federal law as confidential remains confidential if delivered or disclosed to the superintendent or a bureau employee in the course of a decision-making proceeding under this chapter. The superintendent may rely upon any records or information considered confidential pursuant to this subsection as the basis for a decision on an application if these records or information is disclosed to the applicant and any interested party to the proceeding.

See title page for effective date.

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## CHAPTER 522

H.P. 1207 - L.D. 1657

### An Act to Repeal an Insurance Law Relating to Motor Vehicle Damage Appraisal

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

**Sec. 1. 24-A MRSA §2164-B**, as enacted by PL 1979, c. 171, is repealed.

See title page for effective date.

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## CHAPTER 523

H.P. 477 - L.D. 658

### An Act Concerning Real Estate Trusts

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

**Sec. 1. 33 MRSA §851-A** is enacted to read:

**§851-A. Conveyances to or from trusts without naming trustee**

**1. Conveyance to a trust.** In any conveyance of real property or any interest in real property in this State, if the grantee or one or more of the grantees is named as a trust, whether the trust is created under the laws of this State or of any other jurisdiction, and no trustee of that trust is named as a grantee, then the conveyance is deemed to have been made to all of the trustees of the trust in their capacity as trustees of the trust, as though they had been named as grantees instead of the trust.

**2. Conveyance from a trust.** In any conveyance of real property or any interest in real property in

this State, if the grantor or one or more of the grantors is named as a trust, whether the trust is created under the laws of this State or of any other jurisdiction, and no trustee of that trust is named as a grantor, then the conveyance is deemed to have been made by all of the trustees of the trust who signed the instrument of conveyance as trustees of the trust, as though they had been named as grantors instead of the trust.

**3. Preservation of claim.** Any person who claims title to any real property or any interest in real property in this State by virtue of the failure of an instrument of conveyance delivered before the effective date of this section to name as grantor or as grantee any trustee of a trust may preserve that claim by recording a notice, within 2 years from the effective date of this section, in the registry of deeds where the instrument of conveyance is recorded. In order for the notice to be effective, it must contain the name and mailing address of the claimant, the names of the parties to the instrument of conveyance that is claimed to be defective, the book and page numbers where the instrument of conveyance is recorded and a statement of the purported defect on which the claim is based. The notice described in this subsection may be presented for recording by the claimant or by any other person acting on behalf of a claimant who is under a disability or is unable to assert a claim on the claimant's own behalf, but a disability or lack of knowledge of any kind does not suspend or extend the period for the recording of the notice.

**4. Register's duties.** The register of deeds shall enter upon the margin of the recorded instrument, described in a notice recorded as provided in subsection 3, the book and page numbers where the notice is recorded.

**5. Application.** This section does not apply to any trust that, as determined by the laws of its situs, is an entity capable of holding and conveying title in its own name.

**6. Construction.** Nothing contained in this section may be construed to recognize trusts created under the laws of this State as entities capable of holding or conveying title to real property in their own names. This section applies to conveyances made before, on or after the effective date of this section, but nothing contained in this section may be construed to suggest or require that any instrument delivered before the effective date of this section is invalid. Nothing contained in this section may be construed to extend the period for the commencement of an action or for the performance of any other required act under any statute of limitations.

See title page for effective date.