

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

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

J.S. McCarthy Company
Augusta, Maine
1999

Sec. 2. 33 MRSA §1953, sub-§1, ¶¶N and O, as enacted by PL 1997, c. 508, Pt. A, §2 and affected by §3, are amended to read:

N. Property in an individual retirement account, defined benefit plan or other account or plan that is qualified for tax deferral under the income tax laws of the United States, including property described in this subsection, 3 years after the earliest of the date of the distribution or attempted distribution of the property, the date of the required distribution as stated in the plan or trust agreement governing the plan or the date, if determinable by the holder, specified in the income tax laws of the United States by which distribution of the property must begin in order to avoid a tax penalty; ~~and~~

O. All other property, 5 years after the owner's right to demand the property or after the obligation to pay or distribute the property arises, whichever first occurs; and

Sec. 3. 33 MRSA §1953, sub-§1, ¶P is enacted to read:

P. Notwithstanding paragraph E, property contained in a prearranged funeral or burial plan described in Title 32, section 1401, including deposits containing funds from such a plan, 3 years after the death of the person on whose behalf funds were paid into the plan.

Sec. 4. 33 MRSA §1953, sub-§4, ¶¶C and D, as enacted by PL 1997, c. 508, Pt. A, §2 and affected by §3, are amended to read:

C. The making of a deposit to or withdrawal from a bank account; ~~and~~

D. The payment of a premium with respect to a property interest in an insurance policy; but the application of an automatic premium loan provision or other nonforfeiture provision contained in an insurance policy does not prevent a policy from maturing or terminating if the insured has died or the insured or the beneficiary of the policy has otherwise become entitled to the proceeds before the depletion of the cash surrender value of a policy by the application of those provisions; and

Sec. 5. 33 MRSA §1953, sub-§4, ¶E is enacted to read:

E. For deposits in which the apparent owner has another relationship or account with the holder:

(1) The fact that the apparent owner has indicated an interest with respect to the other relationships or accounts; or

(2) The fact that there is a memorandum or other record on file prepared by the holder indicating that the holder has communicated in writing with the apparent owner with regard to the deposit at the address to which communication regarding the other relationships or deposits are regularly sent.

Sec. 6. 33 MRSA §1956, as enacted by PL 1997, c. 508, Pt. A, §2 and affected by §3, is amended to read:

§1956. Dormancy charge

A holder may deduct from property presumed abandoned a charge imposed by reason of the owner's failure to claim the property within a specified time only if there is a valid and enforceable written contract between the holder and the owner under which the holder may impose the charge and the holder regularly imposes the charge, which is not regularly reversed or otherwise canceled. The amount of the deduction is limited to an amount that is not unconscionable. Nothing in this section prevents the holder from deducting fees or charges in lieu of those fees or charges related to the owner's failure to claim the property within a specified period of time when such fees or charges are deducted from the property before the date the property is presumed abandoned.

See title page for effective date.

CHAPTER 285

S.P. 380 - L.D. 1081

An Act to Enact the Uniform Foreign Money-judgments Recognition Act

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

Sec. 1. 14 MRSA c. 753 is enacted to read:

CHAPTER 753

UNIFORM FOREIGN MONEY-JUDGMENTS RECOGNITION ACT

§8501. Short title

This Act may be cited as the Uniform Foreign Money-judgments Recognition Act.

§8502. Definitions

As used in this Act, unless the context otherwise indicates, the following terms have the following meanings.

1. Foreign state. "Foreign state" means any governmental unit other than the United States; any state, district, commonwealth, territory, insular possession of the United States; the Panama Canal Zone; the Trust Territory of the Pacific Islands; or the Ryukyu Islands.

2. Foreign judgment. "Foreign judgment" means any judgment of a foreign state granting or denying recovery of a sum of money, other than a judgment for taxes, a fine or other penalty or a judgment for support in matrimonial or family matters.

§8503. Applicability

This Act applies to any foreign judgment that is final, conclusive and enforceable where rendered even though the judgment is being appealed or is subject to appeal.

§8504. Recognition and enforcement

Except as provided in section 8505, a foreign judgment meeting the requirements of section 8503 is conclusive between the parties to the extent that it grants or denies recovery of a sum of money. The foreign judgment is enforceable in the same manner as the judgment of a sister state that is entitled to full faith and credit.

§8505. Grounds for nonrecognition

1. Foreign judgment not conclusive. A foreign judgment is not conclusive if:

A. The judgment was rendered under a system that does not provide impartial tribunals or procedures compatible with the requirements of due process of law;

B. The foreign court did not have personal jurisdiction over the defendant; or

C. The foreign court did not have jurisdiction over the subject matter.

2. Foreign judgment not recognized. A foreign judgment need not be recognized if:

A. The defendant in the proceedings in the foreign court did not receive notice of the proceedings in sufficient time to enable the defendant to defend;

B. The judgment was obtained by fraud;

C. The cause of action or claim for relief on which the judgment is based is repugnant to the public policy of this State;

D. The judgment conflicts with another final and conclusive judgment;

E. The proceeding in the foreign court was contrary to an agreement between the parties under which the dispute in question was to be settled otherwise than by proceedings in that court;

F. In the case of jurisdiction based only on personal service, the foreign court was a seriously inconvenient forum for the trial of the action; or

G. The foreign court rendering the judgment would not recognize a comparable judgment of this State.

§8506. Personal jurisdiction

1. Foreign judgment not refused recognition for lack of personal jurisdiction. The foreign judgment may not be refused recognition for lack of personal jurisdiction if:

A. The defendant was served personally in the foreign state;

B. The defendant voluntarily appeared in the proceedings, other than for the purpose of protecting property seized or threatened with seizure in the proceedings or of contesting the jurisdiction of the court over the defendant;

C. The defendant prior to the commencement of the proceedings had agreed to submit to the jurisdiction of the foreign court with respect to the subject matter involved;

D. The defendant was domiciled in the foreign state when the proceedings were instituted or, being a body corporate, had its principal place of business, was incorporated or had otherwise acquired corporate status in the foreign state;

E. The defendant had a business office in the foreign state and the proceedings in the foreign court involved a cause of action or claim for relief arising out of business done by the defendant through that office in the foreign state; or

F. The defendant operated a motor vehicle or airplane in the foreign state and the proceedings involved a cause of action or claim for relief arising out of that operation.

2. Foreign judgment recognized on other bases of jurisdiction. The courts of this State may recognize other bases of jurisdiction.

§8507. Stay in case of appeal

If the defendant satisfies the court either that an appeal is pending or that the defendant is entitled and

intends to appeal from the foreign judgment, the court may stay the proceedings until the appeal has been determined or until the expiration of a period of time sufficient to enable the defendant to prosecute the appeal.

§8508. Saving clause

This Act does not prevent the recognition of a foreign judgment in situations not covered by this Act.

§8509. Uniformity of interpretation

This Act must be so construed as to effectuate its general purpose to make uniform the law of those states that enact it.

See title page for effective date.

CHAPTER 286

H.P. 900 - L.D. 1278

An Act to Base Sales Tax for Net Energy Billing Customers on Net Energy Deliveries

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

Sec. 1. 36 MRSA §1760, sub-§80 is enacted to read:

80. Electricity used for net billing. Sale or delivery of kilowatt hours of electricity to net energy billing customers as defined by the Public Utilities Commission for which no money is paid to the electricity provider or to the transmission and distribution utility.

See title page for effective date.

CHAPTER 287

H.P. 1237 - L.D. 1766

An Act to Provide Equity for Eviction Notification

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

Sec. 1. 10 MRSA §9007, sub-§12 is enacted to read:

12. Application; mobile homes owned by park. If a park owner or operator owns a mobile home in the mobile home park and rents that mobile home, termination of the tenancy is governed by the terms of the lease. If there is no lease agreement, the tenancy is

a tenancy at will and termination is governed by Title 14, section 6002.

See title page for effective date.

CHAPTER 288

S.P. 672 - L.D. 1894

An Act to Amend the Statutes Regarding Maine Veterans

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

Sec. 1. 37-B MRSA §601, as amended by PL 1997, c. 395, Pt. P, §1, is further amended to read:

§601. Home established; purpose

There must be public homes for veterans in Maine known as "Maine Veterans' Homes." In addition to the existing 120-bed home located in Augusta, a 120-bed home located in Scarborough, a home not to exceed 40 beds located in Caribou, a home located in Bangor not to exceed 120 beds, of which 40 beds are dedicated to senile dementia patients, and a home located in South Paris not to exceed 90 beds, of which 30 beds are dedicated to senile dementia patients, may be constructed if federal Veterans' Administration funds are available to meet part of the costs of each facility for construction or operation. In addition, a home located in Machias not to exceed 60 beds may be constructed if federal Veterans' Administration funds or funds from any other state, federal or private source are available to meet part of the costs of the facility for construction or operation, except that the Machias home may not begin operation prior to July 1, 1995 and the construction and funding of the Machias home may not in any way jeopardize the construction, funding or financial viability of any other home. The Maine Veterans' Homes also are authorized to provide nonnursing facility care and services to Maine veterans if approved by appropriate state and federal authorities. The Board of Trustees of the Maine Veterans' Homes shall plan and develop the Machias home and any nonnursing facility care and services using any funds available for that purpose, except for the Augusta facility's funded depreciation account. Any funds loaned to the Maine Veterans' Homes for operating purposes from the funded depreciation accounts of the Maine Veterans' Homes must be reimbursed from any funds received by the Maine Veterans' Homes and available for that purpose. The primary purpose of the ~~homes~~ Maine Veterans' Homes is to provide support and care for honorably discharged veterans who served on active duty in the United States Armed Forces for no less than 180 days.