

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

from the purchaser a written notice of a dispute between the purchaser and the developer or a claim to the escrowed funds or other consideration, the funds or other consideration received from or on behalf of the purchaser must be immediately released to the developer.

(3) If no cancellation or default has occurred, the escrow agent may release the funds or other consideration upon presentation of an affidavit by the developer that:

- (a) The cancellation period has expired; and
- (b) A certificate or statement of substantial completion has been executed by an engineer or architect or a certificate of occupancy has been issued by the municipal ~~inspector of buildings~~ building official for the time-share unit containing the time-share.

Sec. B-16. 33 MRSA §1602-101, sub-§(b), as enacted by PL 1981, c. 699, is amended to read:

(b) No interest in any unit may be conveyed to a purchaser until the unit is substantially completed as evidenced by a certificate or statement of substantial completion executed by an engineer or architect, or until a certificate of occupancy is issued by the municipal ~~inspector of buildings~~ building official; ~~provided except~~ that this limitation ~~shall~~ does not apply to contracts, options or reservations for sale of units later to be so completed ~~nor~~ or to mortgages or transfers of units as security for an obligation, deeds in lieu of foreclosure, foreclosures and foreclosure sales, conveyances to successor declarants or to any person in the business of selling real estate for ~~his~~ that person's own account, or to financial institutions.

See title page for effective date.

CHAPTER 262

H.P. 694 - L.D. 1006

An Act To Create the Probate and Trust Law Advisory Commission

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

Sec. 1. 5 MRSA §12004-I, sub-§73-B is enacted to read:

73-B.

<u>Probate and Trust Law</u>	<u>Probate and Trust Law</u>	<u>Not Authorized</u>	<u>18-A MRSA §1-801</u>
<u>Law</u>	<u>Advisory Commission</u>		

Sec. 2. 18-A MRSA Art. 1, Pt. 8 is enacted to read:

PART 8

PROBATE AND TRUST LAW ADVISORY COMMISSION

§1-801. Commission established

The Probate and Trust Law Advisory Commission, established in Title 5, section 12004-I, subsection 73-B and referred to in this Part as "the commission," is created for the purpose of conducting a continuing study of the probate and trust laws of the State.

1. Membership. The commission is composed of 10 members who have experience in practicing probate and trust law or are knowledgeable about probate and trust law. The membership of the commission must include:

A. Two Probate Court Judges, appointed by the Chief Justice of the Supreme Judicial Court;

B. One Superior Court Justice, appointed by the Chief Justice of the Supreme Judicial Court;

C. Five members of the trusts and estates law section of the Maine State Bar Association, appointed by the Chief Justice of the Supreme Judicial Court;

D. One member representing the interests of older people, appointed by the Governor; and

E. The Attorney General, or the Attorney General's designee.

2. Terms. A member is appointed for a term of 3 years and may be reappointed.

3. Vacancies. In the event of the death or resignation of a member, the appointing authority under subsection 1 shall appoint a qualified person for the remainder of the term.

§1-802. Consultants; experts

Whenever it considers appropriate, the commission shall seek the advice of consultants or experts, including representatives of the legislative and executive branches, in fields related to the commission's duties.

§1-803. Duties

1. Examine, evaluate and recommend. The commission shall:

A. Examine this Title and Title 18-B and draft amendments that the commission considers advisable;

B. Evaluate the operation of this Title and Title 18-B and recommend amendments based on the evaluation;

C. Examine current laws pertaining to probate and trust laws and recommend changes based on the examination; and

D. Examine any other aspects of the State's probate and trust laws, including substantive, procedural and administrative matters, that the commission considers relevant.

2. Propose changes. The commission may propose to the Legislature, at the start of each session, changes in the probate and trust laws and in related provisions that the commission considers appropriate.

§1-804. Organization

The Chief Justice of the Supreme Judicial Court shall notify all members of the commission of the time and place of the first meeting of the commission. At that time the commission shall organize, elect a chair, vice-chair and secretary-treasurer from its membership and adopt rules governing the administration of the commission and its affairs. The commission shall maintain financial records as required by the State Auditor.

§1-805. Federal funds

The commission may accept federal funds on behalf of the State.

Sec. 3. Report. On or before January 15, 2010 and January 15, 2011, the Probate and Trust Law Advisory Commission shall report on the activities of the commission to the joint standing committee of the Legislature having jurisdiction over judiciary matters.

See title page for effective date.

CHAPTER 263

H.P. 471 - L.D. 657

An Act To Allow the Award of Court Costs or Attorney's Fees in Protection from Harassment Actions

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

Sec. 1. 5 MRSA §4655, sub-§1-A is enacted to read:

1-A. Judgment against plaintiff. If a judgment is entered against the plaintiff and the court finds that the complaint is frivolous, the court may order the

plaintiff to pay court costs, reasonable attorney's fees or both.

See title page for effective date.

CHAPTER 264

H.P. 983 - L.D. 1407

An Act To Assess the Physical Education Capacity of Elementary Schools in Maine and To Establish the Obesity and Chronic Disease Fund within the Department of Education

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

Sec. 1. 20-A MRSA c. 223, sub-c. 7-C is enacted to read:

SUBCHAPTER 7-C

ELEMENTARY SCHOOL PHYSICAL EDUCATION

§6631. Obesity and Chronic Disease Fund

1. Fund established. The Obesity and Chronic Disease Fund, referred to in this section as "the fund," is established as an interest-bearing account administered by the department.

2. Revenue. Any private or public funds appropriated, allocated or dedicated to the fund must be deposited into the fund as well as income from any other source directed to the fund. All interest earned by the fund becomes part of the fund. Any balance remaining in the fund at the end of the fiscal year does not lapse but is carried forward into subsequent fiscal years.

3. Use of fund; physical education. Balances in the fund may be used for the necessary expenses of the department in the administration of the fund. Balances in the fund may be used to pay for new equipment, new staff training, new personnel, new administrative costs and other expenses not related to an existing physical education program and for the implementation of a new physical education program for elementary schools.

Sec. 2. Assessment. The Commissioner of Education shall conduct a statewide assessment, using a survey or sampling methodology, of the current physical education capacities of elementary schools in the State. The assessment must include:

1. The average teacher-to-student ratio for academic classes and the average teacher-to-student ratio for physical education classes;