

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2012 to July 10, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 9, 2013**

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

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**Augusta, Maine**  
**2013**

**CHAPTER 233****H.P. 1038 - L.D. 1444****An Act Relating to Title  
Insurers Issuing Closing or  
Settlement Protection****Be it enacted by the People of the State of  
Maine as follows:****Sec. 1. 24-A MRSA §3202** is enacted to read:**§3202. Closing protection letters**

**1. Title insurer may issue closing or settlement protection.** A title insurer may issue closing or settlement protection on a form of closing protection letter approved by the superintendent pursuant to section 2412. Only a buyer, borrower or lender that is a party to a transaction in which a title insurance policy will be issued by or on behalf of the title insurer issuing the closing or settlement protection is eligible to receive the benefit of closing or settlement protection. Closing or settlement protection issued pursuant to this subsection must benefit each buyer, borrower and lender that is a party to the transaction for which that closing or settlement protection is issued.

**2. Indemnity.** The closing or settlement protection issued pursuant to subsection 1 may indemnify a buyer, borrower or lender against loss because of one of the following acts of a policy-issuing title insurance agent or other settlement service provider under the terms and conditions of the closing protection letter as issued by the title insurer:

**A. Theft or misappropriation of settlement funds** in connection with a transaction, but only to the extent that the theft relates to the status of the title to an insured interest in land or to the validity, enforceability and priority of the lien of the mortgage on an insured interest in land; and

**B. Failure to comply with the written closing instructions** when agreed to by the settlement agent or title agent, but only to the extent that the failure to comply with the instructions relates to the status of the title to an insured interest in land or the validity, enforceability and priority of the lien of the mortgage on an insured interest in land.

**3. Fee.** The fee charged by a title insurer for closing or settlement protection coverage must be filed with the superintendent pursuant to section 2304-A. The fee may not be subject to any agreement requiring a division of fees or premiums collected on behalf of the title insurer. A title insurer may charge only one fee for a closing or settlement protection letter for the protection of all parties receiving the benefit of closing or settlement protection in connection with the real property transaction giving rise to the issuance of the closing or settlement protection letter.

**4. Provision of other protection prohibited.**

Except as provided in this section, a title insurer may not provide any protection that purports to indemnify against improper acts or omissions of a person with regard to settlement or closing services.

See title page for effective date.

**CHAPTER 234****H.P. 782 - L.D. 1112****An Act To Amend the Maine  
Juvenile Code and Related  
Statutes****Be it enacted by the People of the State of  
Maine as follows:**

**Sec. 1. 15 MRSA §101-C, sub-§1,** as amended by PL 2009, c. 268, §2, is further amended to read:

**1. Written demand for records.** When a person or entity has been ordered to perform an examination or evaluation pursuant to section 101-D, a diagnostic evaluation pursuant to section 3309-A, a competency examination pursuant to 3318-A, an evaluation and treatment pursuant to section 3318-B, or an examination of a juvenile with reference to insanity or abnormal condition of mind, and the person to be examined has sought the examination, joined in a request or order for the examination or has entered a plea or answer of not criminally responsible by reason of insanity, that person or entity may make written demand upon any individual, partnership, association, corporation, institution or governmental entity to produce the records or copies of the records, in whatever medium preserved, of the subject of the examination or evaluation.

**Sec. 2. 15 MRSA §3003, sub-§1,** as enacted by PL 1977, c. 520, §1, is amended to read:

**1. Adjudicatory hearing.** "Adjudicatory hearing" means a hearing to determine whether the allegations of a petition under chapter 507 are supported by evidence ~~beyond a reasonable doubt~~ that satisfies the standard of proof required.

**Sec. 3. 15 MRSA §3003, sub-§9,** as enacted by PL 1977, c. 520, §1, is repealed.

**Sec. 4. 15 MRSA §3003, sub-§17,** as amended by PL 1989, c. 113, §1, is repealed.

**Sec. 5. 15 MRSA §3003, sub-§19-A** is enacted to read:

**19-A. Mental disease or defect.** "Mental disease or defect" has the same meaning as in Title 17-A, section 39, subsection 2 except that "mental disease or defect" does not include, in and of itself, the fact that a