

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

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

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

juvenile has not attained the level of mental or emotional development normally associated with persons 18 years of age or older.

Sec. 6. 15 MRSA §3003, sub-§20, as enacted by PL 1977, c. 520, §1, is repealed.

Sec. 7. 15 MRSA §3003, sub-§22, as enacted by PL 1977, c. 520, §1, is repealed.

Sec. 8. 15 MRSA §3103-A is enacted to read:
§3103-A. Provisions of Title 17-A, Part 1 made applicable

The following provisions of Title 17-A, Part 1 are applicable to juvenile crimes:

1. Chapter 1. Chapter 1, except section 1; section 2, subsections 3-C and 5-B; and sections 6, 8, 9 and 17;

2. Chapter 2. Chapter 2, except section 40;

3. Chapter 3. Chapter 3, except section 60; and

4. Chapter 5. Chapter 5.

Sec. 9. 15 MRSA §3305, as amended by PL 2011, c. 336, §3, is further amended to read:

§3305. Answer

An answer to a petition need not be entered by a juvenile or by the juvenile's parents, guardian or legal custodian. A juvenile must personally appear, and the juvenile or the juvenile's counsel may enter an answer asserting the absence of criminal responsibility by reason of insanity or denying, admitting or not contesting the allegations of the petition, in accordance with Rules 11 and 11A, Maine Rules of Criminal Procedure, except that, if the case has been continued for investigation and for a bind-over hearing pursuant to section 3101, subsection 4, paragraph A, the court may not accept an answer to the petition other than a denial or assertion of the absence of criminal responsibility by reason of insanity until the court has conducted a bind-over hearing and has decided to retain jurisdiction of the juvenile in the Juvenile Court or until the prosecuting attorney has withdrawn the request to have the juvenile tried as an adult. An answer may be both a denial and an assertion of the absence of criminal responsibility by reason of insanity. If the juvenile or the juvenile's counsel declines to enter an answer, the court shall enter an answer of denial.

Upon the acceptance of such an answer If the court accepts an answer admitting or not contesting the allegations of the petition, a dispositional hearing shall must be set at the earliest practicable time that will allow for the completion of a predisposition study conducted pursuant to section 3311 and for service of notice as required by section 3314, subsection 1, paragraph C-1 or C-2. If the answer entered is a denial or an assertion of the absence of criminal responsibility by reason of insanity, or both, or if the court declines

to accept an answer admitting or not contesting the allegations of the petition, the matter must be set for further proceedings.

Sec. 10. 15 MRSA §3315, sub-§1, as amended by PL 2001, c. 696, §6 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

1. Right to review. Every disposition pursuant to section 3314 and 3318-B, other than unconditional discharge, must be reviewed not less than once in every 12 months until the juvenile is discharged. The review must be made by a representative of the Department of Corrections unless the juvenile ~~was~~ has been committed to the ~~Department~~ Department custody of the ~~Commissioner~~ Commissioner of Health and Human Services, in which case such review must be made by a representative of the Department of Health and Human Services. A report of the review must be made in writing to the juvenile's parents, guardian or legal custodian. A copy of the report must be forwarded to the program or programs that were reviewed, and the department whose personnel made the review shall retain a copy of the report in their files. The written report must be prepared in accordance with subsection 2. When a juvenile is placed in the custody of the ~~Department~~ Department ~~Commissioner~~ Commissioner of Health and Human Services, reviews and permanency planning hearings must be conducted in accordance with Title 22, section 4038. Title 22, sections 4005, 4039 and 4041 also apply.

Sec. 11. 15 MRSA §3402, sub-§5, as amended by PL 1991, c. 202, is further amended to read:

5. Time for appeals. An appeal from the juvenile court to the Superior Court must be taken within 5 ~~7~~ days ~~of~~ after the entry of an order of disposition or other appealed order or such further time as the Supreme Judicial Court may provide pursuant to a rule of court.

See title page for effective date.

CHAPTER 235

H.P. 991 - L.D. 1388

An Act To Clarify Civil Liability of Persons Making False Claims to the Department of Health and Human Services

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

Sec. 1. 22 MRSA §15, first ¶, as amended by PL 1995, c. 191, §1, is further amended to read:

Any person, firm, association, partnership, corporation or other legal entity who makes or causes to be