

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 18, 2021

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

Augusta, Maine
2021

may rely on the recorded materials in determining whether the requirements of this subsection have been met.

4. Termination. The following provisions govern the termination of an option contract for the purchase of real property or rent-to-own real property.

A. An option contract for the purchase of real property or rent-to-own real property may be terminated only pursuant to the eviction process set forth chapter 709 if:

(1) The vendor has entered into not more than one contract in any calendar year or 2 contracts in any 5-year period;

(2) The option contract for the purchase of real property or rent-to-own real property does not require an initial payment of more than 4 times the monthly rent charged for the real property;

(3) The option contract for the purchase of real property or rent-to-own real property requires the vendor to maintain the real property pursuant to the provisions of section 6021, unless a waiver pursuant to the provisions of section 6021, subsection 5 has been entered into, and section 6021-A; and

(4) The vendor has otherwise complied with the requirements of this section.

B. If paragraph A does not apply, an option contract for the purchase of real property or rent-to-own real property may be terminated only pursuant to the foreclosure process set forth in section 6203-F.

5. Violations. A violation of this section is a violation of the Maine Unfair Trade Practices Act. In addition to any other rights and remedies a purchaser may have in the law, upon a finding that a violation of this section by a vendor has occurred, a court shall find one or more of the following:

A. The purchaser is entitled to recover all actual damages or \$1,000, whichever is greater;

B. The purchaser may rescind the option contract for the purchase of real property or rent-to-own real property and recover all payments made on the contract; and

C. The purchaser is entitled to recover the aggregate amount of costs, expenses and attorney's fees determined by the court to have reasonably been incurred on the purchaser's behalf in connection with the prosecution or defense of the matter.

Sec. 3. 33 MRSA §483 is enacted to read:

§483. Prohibited acts

1. Bad faith avoidance. A person may not in bad faith attempt to avoid the application of this chapter

including engaging in subterfuge or designing or structuring a transaction with the purpose of evading the provisions of this chapter.

2. Survival of foreclosure. A land installment contract may not require a purchaser to enter into a promissory note or any other financial instrument or obligation that survives the foreclosure of the purchaser's interest in the real estate, or enforce any such obligation, unless:

A. The term of the promissory note does not exceed the term of the land installment contract;

B. Payments of principal made during the term of the promissory note are credited to reduce the principal due on the note; and

C. After obtaining a judgment for foreclosure and the expiration of the period of redemption set forth in Title 14, section 6203-F, the vendor conducts a sale in the same manner as required for a mortgage in Title 14, section 6323 and complies with the provisions of Title 14, section 6324 except with the equity of redemption being 60 days.

See title page for effective date.

CHAPTER 351

S.P. 458 - L.D. 1408

An Act To Increase the Protection of Children from Domestic Abuse and Violence

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

Sec. 1. 4 MRSA §1553, sub-§2, ¶B, as enacted by PL 2013, c. 406, §1, is amended to read:

B. Core training; and. Core training must include no less than 6 hours on domestic abuse and violence, developed and provided in collaboration with a statewide coalition of domestic violence resource centers, on the following topics:

(1) The domestic abuse tactics affecting adult and child safety and security after separation;

(2) The effects of domestic abuse and violence on children and conditions that support resilience;

(3) Best practices for recognizing, asking about and assessing the effects of abuse on the parenting relationship; and

(4) Methods for reducing post-separation abuse of the nonabusive parent and promoting child safety and security; and

Sec. 2. 4 MRSA §1553, sub-§3, as enacted by PL 2013, c. 406, §1, is amended to read:

3. Continuing education. Continuing education requirements, including no less than 2 hours of training annually on the impact of domestic abuse and violence on children, the services available in the State for victims of domestic abuse and violence and their children and interventions for those who commit domestic abuse and violence;

Sec. 3. Effective date. This Act takes effect January 1, 2022.

Effective January 1, 2022.

**CHAPTER 352
S.P. 470 - L.D. 1420**

**An Act To Conform State Law
to the Peer-to-Peer Car
Sharing Program Model Act**

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

Sec. 1. 24-A MRSA §7402, sub-§5, ¶B, as enacted by PL 2019, c. 367, §1, is amended to read:

B. When the shared vehicle is returned to a location as alternatively agreed upon by the shared vehicle owner and shared vehicle driver as communicated through a program, as long as the alternatively agreed location is incorporated into the car sharing program agreement; and

Sec. 2. 24-A MRSA §7402, sub-§8, as enacted by PL 2019, c. 367, §1, is amended to read:

8. Peer-to-peer car sharing. "Peer-to-peer car sharing" means the authorized use of a motor vehicle by an individual other than the registered owner through a program. "Peer-to-peer car sharing" does not include the business of renting motor vehicles within the meaning of Title 29-A, section 254.

Sec. 3. 24-A MRSA §7402, sub-§9, as enacted by PL 2019, c. 367, §1, is amended to read:

9. Peer-to-peer car sharing program; program. "Peer-to-peer car sharing program" or "program" means a business, including a business platform, that, digitally or otherwise, connects registered owners of motor vehicles with individuals to enable the sharing of motor vehicles for financial consideration. "Peer-to-peer car sharing program" does not include the business of renting motor vehicles within the meaning of Title 29-A, section 254.

Sec. 4. 24-A MRSA §7402, sub-§11, as enacted by PL 2019, c. 367, §1, is amended to read:

11. Shared vehicle. "Shared vehicle" means a motor vehicle that is: available for sharing through a peer-to-peer car sharing program.

A. Available for sharing through a peer-to-peer car sharing program;

B. Used nonexclusively for peer-to-peer car sharing pursuant to a car sharing program agreement; and

C. Used by the shared vehicle owner for personal use outside of peer-to-peer car sharing.

Sec. 5. 24-A MRSA §7402, sub-§12, as enacted by PL 2019, c. 367, §1, is amended to read:

12. Shared vehicle driver. "Shared vehicle driver" means an individual authorized to use a shared vehicle by the shared vehicle owner under a car sharing program agreement.

Sec. 6. 24-A MRSA §7402, sub-§13, as enacted by PL 2019, c. 367, §1, is amended to read:

13. Shared vehicle owner. "Shared vehicle owner" means the registered owner of a shared vehicle, or a person or entity designated by the registered owner of a vehicle made available for sharing to shared vehicle drivers through a peer-to-peer car sharing program. "Shared vehicle owner" does not include a person engaged in the business of renting motor vehicles within the meaning of Title 29-A, section 254.

Sec. 7. 24-A MRSA §7403, as enacted by PL 2019, c. 367, §1, is repealed.

Sec. 8. 24-A MRSA §7403-A is enacted to read:

§7403-A. Insurance requirements for peer-to-peer car sharing

1. Insurance coverage during car sharing period; liability. The following requirements apply to insurance coverage and liability during a car sharing period.

A. A peer-to-peer car sharing program shall assume the liability, except as provided in paragraph B, of a shared vehicle owner for bodily injury or property damage to 3rd parties or uninsured and underinsured motorists or personal injury protection losses during the car sharing period in an amount stated in the car sharing program agreement as long as the amount is not less than minimum requirements in Title 29-A, section 1605.

B. Notwithstanding the definition of "car sharing termination time" as set forth in section 7402, subsection 5, the assumption of liability under paragraph A does not apply when:

- (1) A shared vehicle owner makes an intentional or fraudulent material misrepresentation or omission to the peer-to-peer car sharing program before the car sharing period in which the loss occurred; or