

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 7, 2022 to March 30, 2023

FIRST SPECIAL SESSION
April 5, 2023 to July 26, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NONEMERGENCY LAWS IS
JUNE 29, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NONEMERGENCY LAWS IS
OCTOBER 25, 2023

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

Augusta, Maine
2023

9. Appeal. Appeals from a decision to deny a confirmatory adoption are governed by section 9-309.

10. Effect on other laws. When adjudicating competing claims of parentage of a child or determining the best interest of a child in a circumstance in which parentage is presumed or legally recognized, a court may not consider as evidence information that a party did not petition for confirmatory adoption under this section.

See title page for effective date.

CHAPTER 357

S.P. 750 - L.D. 1849

An Act to Ensure Fair and Timely Payment in the Harvesting of Forest Products

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

Sec. 1. 10 MRSA c. 235 is enacted to read:

CHAPTER 235

PAYMENT FOR HARVESTING WOOD

§1500-O. Payment for harvesting wood

An entity that contracts with a person to harvest wood and place the wood roadside so that the entity is able to have the wood hauled away for use or processing must pay the person within 30 days of the person's fulfilling the contract and placing the wood roadside. The Department of Agriculture, Conservation and Forestry or a person licensed to scale wood pursuant to section 2365-A under contract with the department shall conduct random inspections to ensure that entities are complying with the requirements of this section.

See title page for effective date.

CHAPTER 358

H.P. 69 - L.D. 101

An Act to Return to the Former Owner Any Excess Funds Remaining After the Sale of Foreclosed Property

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the United States Supreme Court has ruled in *Tyler v. Hennepin County*, 598 U.S. ____ (2023) that a Minnesota local government sale of property that was acquired by the local government by foreclosure for failure of the owner to pay property taxes without returning to the former owner the surplus proceeds received by the government entity in excess of the amount owed by the former owner violated the takings clause of the Fifth Amendment to the United States Constitution stating that "private property [shall not] be taken for public use, without just compensation"; and

Whereas, statutes in this State governing the foreclosure and sale of property for failure to pay property taxes are substantially similar to the laws of Minnesota and are in jeopardy of being found unconstitutional by the United States Supreme Court; and

Whereas, the possibility of multiple legal challenges to the State's statutes regarding sale of property following foreclosure presents the possibility of significant disruption to municipal foreclosure sales, municipal expenditures resulting from challenges to foreclosure sale laws, uncertainty of title to properties sold for foreclosure pursuant to current laws, inconsistencies in municipal responses to the United States Supreme Court decision and general disruption of the foreclosure process; and

Whereas, amendment of the State's foreclosure statutes needs to take effect as soon as possible to avoid the significant negative effects of delay in ensuring that the state laws are within the bounds of the United States Constitution; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 36 MRSA §943-C, as amended by PL 2019, c. 401, Pt. A, §10, is further amended to read:

§943-C. Sale of homesteads formerly owned by persons 65 years of age or older foreclosed properties

Notwithstanding any provision of law to the contrary, after the foreclosure process under sections 942 and 943 or sections 1281 and 1282 is completed and the right of redemption has expired, if a municipality chooses to sell to someone other than the immediate former owner or owners property that immediately prior to foreclosure received a property tax exemption as a homestead under subchapter 4-B, the municipal officers