



132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 1027

S.P. 445

In Senate, March 13, 2025

An Act to Strengthen the Law Regarding Relief for Improvident Transfers of Title

Received by the Secretary of the Senate on March 12, 2025. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator STEWART of Aroostook.
Cosponsored by Representative GRAMLICH of Old Orchard Beach and
Senators: BAILEY of York, GROHOSKI of Hancock, MOORE of Washington,
Representatives: BABIN of Fort Fairfield, CARUSO of Caratunk, HENDERSON of Rumford,
LEE of Auburn, POIRIER of Skowhegan.

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

2 **Sec. 1. 33 MRSA §1023, sub-§2**, as amended by PL 2003, c. 236, §2, is further
3 amended to read:

4 **2. Relief available; protected transfers and executions.** When a court finds that a
5 transfer of property or execution of a guaranty was the result of undue influence, it shall
6 grant appropriate relief enabling the elderly dependent person to avoid the transfer or
7 execution, including the rescission or reformation of a deed or other instrument, the
8 imposition of a constructive trust on property or an order enjoining use of or entry on
9 property or commanding the return of property. The court shall award reasonable attorney's
10 fees and costs to be paid by the person who exercised undue influence over the elderly
11 dependent person or by any transferee who paid less than full consideration, as found by
12 the court. When the court finds that undue influence is a good and valid defense to a
13 transferee's suit on a contract to transfer the property or a suit of a person who benefits from
14 the execution of a guaranty on that guaranty, the court shall refuse to enforce the transfer
15 or guaranty.

16 ~~No relief~~ Relief obtained or granted under this section may not in any way affect or limit
17 the right, title and interest of good faith purchasers, mortgagees, holders of security interests
18 or other 3rd parties who obtain an interest in the transferred property for value after its
19 transfer from the elderly dependent person. ~~No relief~~ Relief obtained or granted under this
20 section may not affect any mortgage deed to the extent of value given by the mortgagee.

21 **SUMMARY**

22 This bill requires a court that finds that a person who exercised undue influence over
23 an elderly person who is dependent on others or that a person obtained title to property for
24 less than full consideration from an elderly person who is dependent on others to require
25 that person to pay attorney's fees and costs.