

2020 Maine Legislative Update

129th Maine Legislature/Second Regular Session

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NOTE: Unless otherwise stated below, the Effective Date for General Non-Emergency Laws passed during the Second Regular Session of the 129th Maine Legislature was June 16, 2020.

CHAPTER 561 (LD 1054) – An Act to Clarify the Use of Burying Grounds and Family Burying Grounds

This law adds descendants of veterans buried in ancient burying grounds to the list of entities and persons with whom a municipality collaborates when keeping veterans' graves in ancient burying grounds in good condition. This law clarifies that a caretaker designated by a municipality, but not a caretaker designated by a county, must be designated pursuant to a writing signed by the municipal officers. This law changes the definition of "ancient burying ground." It also permits the existence of an ancient burying ground to be documented through a variety of records or through physical evidence.

[LINK TO TEXT OF CHAPTER 561:](#)

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP0777&item=4&snum=129>

CHAPTER 571 (LD 1864) – An Act to Correct the Maine Revised Unclaimed Property Act to Reflect Recent Changes

This law amends the Maine Revised Unclaimed Property Act, which was enacted during the First Regular Session of the 129th Maine Legislature and became effective September 19, 2019. This amendment to the law clarifies the procedure for disposing of funds presumed abandoned in a lawyer's trust account. This law was passed with an emergency clause, so it took effect when approved (2-27-20).

[LINK TO TEXT OF CHAPTER 571:](#)

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1335&item=3&snum=129>

CHAPTER 598 (LD 1863) – An Act to Amend the Maine Uniform Probate Code

This law makes several amendments to the Maine Uniform Probate Code, which originally became effective September 1, 2019. Of note, are two changes to the Maine Uniform Power of Attorney Act, which is a part of the Maine Uniform Probate Code. This law amends Title 18-C, section 5-906, subsection 5 of the Maine Uniform Power of Attorney Act. Section 5-906, subsection 5 validates a durable power of attorney executed in Maine 2 years after execution if the notices to principal and agent are included but incomplete or defective. The amendment clarifies that this validation provision also applies to powers of attorney executed before September 1, 2019 under the former Title 18-A, section 5-905, subsection (b). In addition, this law amends Title 18-C, section 5-931 to clarify that the authority of an agent under a power of attorney to create or change a beneficiary designation includes the authority to create, change or revoke a transfer on death deed. As the Maine Uniform Power of Attorney Act formerly read, there was ambiguity as to whether an agent under a power of attorney had the authority to create, change or revoke a transfer on death deed. There are several powers that an agent may exercise only if the authority to exercise the power is expressly granted in the power of attorney, including the power to create or change a beneficiary designation. A transfer on death deed is a type of beneficiary designation. So, the law was amended to make it clear that an agent who has the authority to create or change a beneficiary designation also has the authority to create, change or revoke a transfer on death deed.

[LINK TO TEXT OF CHAPTER 598:](#)

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1334&item=3&snum=129>

CHAPTER 622 (LD 1053) – An Act to Reduce the Duration of Execution Liens

This law provides that an execution lien created on or after September 1, 2020, for any underlying judgment, expires at the end of 10 years unless it is renewed before the expiration of the 10-year period. The renewal period is also 10 years. The lien can be renewed once. This law also provides that the current law, which provides for a 20-year duration and a 20-year renewal period, applies only to liens created before September 1, 2020.

[LINK TO TEXT OF CHAPTER 622:](#)

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP0776&item=3&snum=129>

Find the full text of these new laws at www.mainelegislature.org (search by LD number). Select "Bill Text and Other Docs." Then scroll to the bottom of the screen to locate the final Public Chaptered Law.