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**LD 1027, "An Act to Strengthen the Law  
Regarding Relief for Improvident Transfers of Title"**

**Joint Standing Committee on Judiciary  
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Senator Carney, Representative Kuhn and Distinguished Members of the Joint Standing Committee on Judiciary:

I am Trey Stewart; and I represent Senate District 2, which includes several communities in Penobscot and Aroostook Counties. I am here today to present LD 1027, "An Act to Strengthen the Law Regarding Relief for Improvident Transfers of Title."

In 1987 Maine enacted a law to protect certain vulnerable people from losing their property due to the actions of others. This is known as the Improvident Transfer of Title Act: PL 1987, c. 699, §1.

In the great majority of cases, older dependent people can safely rely on their family, friends, and professional advisors to help protect their financial interests. Unfortunately, occasionally there is a bad actor who takes advantage of a confidential or fiduciary relationship. Sometimes that bad actor facilitates the transfer or sale of property belonging to the older dependent person in a way that benefits the bad actor and harms the older dependent person. Specifically, there are cases where a piece of real estate or other valuable asset is transferred to a new owner for a price that does not represent the full value or where the older person gets no value from the deal.

Usually, when a person makes an unwise deal on a sale or transfer, they have very little remedy; but Maine and most other states apply a special rule where an older dependent person relies on a confidant for help with a transaction like this. The rule says that the transaction can be voided and the older dependent person can get the property back or the full value. This recognizes the unique nature of the dependent person's relationship with their confidant.

Although anyone would agree that the older person in these cases has been wronged, proving the case in court can be complicated, requiring documents, investigations, and witness testimony. It is not the kind of case an older dependent person can do on their own without the help of an attorney. But attorneys cost money.

That is where LD 1027 comes in. This bill says that if a person is able to show they were taken advantage of by this kind of a transfer, the defendant should not only return the property but should cover the person's reasonable attorney fees.

This is in line with numerous other Maine laws that say, under special circumstances, a person who is harmed may recover attorney fees if they win their case in court.

This is not about more money for attorneys. The attorney gets paid either way. This is about whether the older dependent person should be made whole at the end of the day.

This is a limited change in the law. It only applies where the plaintiff is dependent on others, and where the defendant is in a special relationship with the plaintiff. LD 1027 won't open a floodgate of new cases, but it will help some people who have been taken advantage of.

Legal Services for Maine Elders will also testify in support of this bill and can answer any questions you may have.

Thank you for your time and consideration of this legislation.