

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**September 5, 1996 to September 7, 1996**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 1996 to March 27, 1997**

**FIRST SPECIAL SESSION**  
**March 27, 1997 to June 20, 1997**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 26, 1997**

**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 1997**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

ment and the subject matter of the proposed ordinance, regulation or amendment.

See title page for effective date.

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## CHAPTER 64

S.P. 207 - L.D. 666

### An Act to Amend the Maine Consumer Credit Code to Permit Reverse Mortgages

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

**Whereas,** reverse mortgages are special open-end financing programs designed to let elderly persons unlock the equity in their homes without requiring repayment until those persons die or cease to live in the home as a principal residence; and

**Whereas,** reverse mortgages offer many elderly persons the ability to remain in their homes; and

**Whereas,** there are elderly persons in Maine urgently waiting to use reverse mortgages to stay in their homes; and

**Whereas,** federal secondary market agencies like the Federal Home Loan Mortgage Corporation and the Federal National Mortgage Association are now offering reverse mortgage programs; and

**Whereas,** current law prohibits Maine lenders and federal agencies from offering nationally accepted reverse mortgages in this State; and

**Whereas,** this legislation amends the Maine Consumer Credit Code to allow these types of reverse mortgages to be offered in this State; and

**Whereas,** this legislation needs to be enacted to allow Maine's elderly residents immediate access to reverse mortgages; 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. 9-A MRSA §1-202, sub-§8, ¶A,** as amended by PL 1987, c. 396, §2, is further amended to read:

A. With respect to advances of additional funds on the loan or credit sale made more than 30 days after the initial advance, this exclusion ~~shall apply~~ applies only to advances made:

(1) Pursuant to the terms of a construction financing agreement;

(2) To protect the security or to perform the covenants of the consumer;

(3) As negative amortization of principal under the terms of the financing agreement; ~~or~~

(4) From funds withheld at consummation pending the resolution of matters ~~which that~~ otherwise would tend to delay or prevent closing, including, without limitation, remedy of title defects or repairs to meet appraisal standards; or

(5) Pursuant to the terms of a reverse mortgage transaction, as defined in section 8-103, subsection 1, paragraph H-1, if the transaction is made pursuant to a commitment to purchase issued by, or is in a form approved for purchase by, any state or federal agency, instrumentality or government-sponsored enterprise, including, without limitation, the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation;

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective March 28, 1997.

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## CHAPTER 65

I.P. 1 - L.D. 1017

### An Act to Protect Traditional Marriage and Prohibit Same Sex Marriages

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

**Sec. 1. 19 MRSA §§2-A, 34 and 93** are enacted to read:

**§2-A. Findings and purposes**

All municipal clerks and courts of this State shall have a duty and shall be legally required to construe the provisions of Maine's marriage laws in accordance with the following findings and purposes:

**1. Findings.** The people of the State of Maine find that:

A. The union of one man and one woman joined in traditional monogamous marriage is of inestimable value to society; the State has a compelling interest to nurture and promote the unique institution of traditional monogamous marriage in the support of harmonious families and the physical and mental health of children; and that the State has the compelling interest in promoting the moral values inherent in traditional monogamous marriage.

**2. Purposes.** The purposes of this chapter are:

A. To encourage the traditional monogamous family unit as the basic building block of our society, the foundation of harmonious and enriching family life;

B. To nurture, sustain and protect the traditional monogamous family unit in Maine society, its moral imperatives, its economic function, and its unique contribution to the rearing of healthy children; and

C. To support and strengthen traditional monogamous Maine families against improper interference from out-of-state influences or edicts.

**§34. Same sex marriage prohibited**

Persons of the same sex may not contract marriage.

**§93. Certain marriages performed in another state not recognized in this State**

Any marriage performed in another state that would violate any provision of section 31 to 34 if performed in this State is not recognized in this State and is considered void if the parties take up residence in this State.

**Sec. 2. 19-A MRSA §650** is enacted to read:

**§650. Findings and purposes**

All municipal clerks and courts of this State shall have a duty and shall be legally required to construe the provisions of Maine's marriage laws in accordance with the following findings and purposes:

**1. Findings.** The people of the State of Maine find that:

A. The union of one man and one woman joined in traditional monogamous marriage is of inestimable value to society; the State has a compelling interest to nurture and promote the unique institution of traditional monogamous marriage

in the support of harmonious families and the physical and mental health of children; and that the State has the compelling interest in promoting the moral values inherent in traditional monogamous marriage.

**2. Purposes.** The purposes of this chapter are:

A. To encourage the traditional monogamous family unit as the basic building block of our society, the foundation of harmonious and enriching family life;

B. To nurture, sustain and protect the traditional monogamous family unit in Maine society, its moral imperatives, its economic function and its unique contribution to the rearing of healthy children; and

C. To support and strengthen traditional monogamous Maine families against improper interference from out-of-state influences or edicts.

**Sec. 3. 19-A MRSA §701, sub-§§1-A and 5** are enacted to read:

**1-A. Certain marriages performed in another state not recognized in this State.** Any marriage performed in another state that would violate any provisions of subsections 2 to 5 if performed in this State is not recognized in this State and is considered void if the parties take up residence in this State.

**5. Same sex marriage prohibited.** Persons of the same sex may not contract marriage.

See title page for effective date.

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