

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985

Chapters 1-384

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

J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
OF THE
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1985

Any person aggrieved by an order or act of the supervising inspector or the state inspector or the bureau under this subchapter may, within 15 days after notice thereof, appeal from the order or act to the board which shall hold a hearing pursuant to Title 5, ~~section 9051 et seq~~ chapter 375, subchapter IV. The board shall, after the hearing, issue an appropriate order either approving or disapproving the order or act.

Any person who is or will be aggrieved by the application of any law, code or rule relating to the installation or alteration of elevators or tramways may file a petition for a variance with the board, whether or not compliance with that provision is required at the time of filing or at a future date when that provision becomes effective. The filing fee for a petition for a variance is \$50. The board shall hold a hearing pursuant to Title 5, chapter 375, subchapter IV. The board shall grant a variance if, owing to conditions especially affecting the particular building or installation involved, the enforcement of any law, code or rule relating to elevators or tramways, would do manifest injustice or cause substantial hardship, financial or otherwise, to the petitioner or any occupant of the petitioner's building or would be unreasonable under the circumstances or condition of the property, provided that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of that law, code or rule. In exercising its powers under this section, the board may impose limitations both of time and of use and a continuation of the use permitted may be conditioned upon compliance with rules made and amended from time to time. The board shall immediately send a copy of its decision by registered mail to all interested parties.

Any order or decision of the board or any rule formulated by the board shall be subject to review by the Superior Court pursuant to Title 5, section 8058 or ~~section 11001 et seq~~ chapter 375, subchapter VII.

Effective September 19, 1985.

CHAPTER 311

S.P. 294 - L.D. 783

AN ACT to Promote Free Enterprise in the
Banking and Insurance Industries.

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

Sec. 1. 9-A MRSA §3-311, as enacted by PL 1983, c. 150, §1, is repealed and the following enacted in its place:

§3-311. Consumer's choice of attorney in residential mortgage transaction

Every supervised lender which accepts an application for a residential mortgage loan for one to 4 residential units and which requires that an attorney search the title of the subject real estate shall permit the prospective mortgagor to select a qualified attorney of his own choice to search the title of the subject real estate and certify that title to the lender or land title insurance company, provided that the lender may require the prospective mortgagor's attorney to provide it with evidence of adequate liability insurance or land title insurance or such other written policy requirements as the lender may deem necessary to protect its interests, provided that if all such requirements are met by the attorney chosen by the mortgagor, no additional legal costs may be assessed by the lender against the mortgagor for review of the title search or any other relevant title documents by the lender, its title company or attorney.

Every supervised lender subject to this section shall provide written notice to the prospective mortgagor that he has the right to select a qualified attorney of his own choice for the performance of title work. The notice shall inform the prospective mortgagor that if the attorney chosen by the mortgagor meets the lender's requirements, then no additional fees may be charged to the mortgagor for title work. If the prospective mortgagor indicates on the written notice that he does not wish to exercise his right to select an attorney, then the lender may recommend an attorney.

Nothing in this section may be construed to require certification of title to a supervised lender if that lender does not so require, or to a land title insurance company if that company does not so require.

Sec. 2. 9-B MRSA §161, sub-§2, ¶H, as amended by PL 1983, c. 784, §2, is further amended to read:

H. The making of reports to the State Tax Assessor required under Title 36, section 3851 and the

examination of the financial records authorized by Title 36, section 112; ~~or~~

Sec. 3. 9-B MRSA §161, sub-§2, ¶I, as enacted by PL 1983, c. 784, §3, is amended to read:

I. Any disclosure of records made pursuant to Title 22, section 16. This paragraph is repealed on April 1, 1986-; and

Sec. 4. 9-B MRSA §161, sub-§2, ¶J is enacted to read:

J. Any disclosure of records made under the Federal Currency and Foreign Transactions Reporting Act, Public Law 91-508, 31 United States Code, section 5311, et seq., as amended.

Sec. 5. 9-B MRSA §241, sub-§4 is enacted to read:

4. Attorneys. Every financial institution authorized to do business in this State which accepts an application for a residential mortgage loan for one to 4 residential units and which requires that an attorney search the title of the subject real estate shall permit the prospective mortgagor to select a qualified attorney of his own choice to search the title of the subject real estate and certify that title to the institution or land title insurance company, provided that the financial institution may require the prospective mortgagor's attorney to provide it with evidence of adequate liability insurance or land title insurance or such other written policy requirements as the financial institution may deem necessary to protect its interests, provided that if all such requirements are met by the attorney chosen by the mortgagor, no additional legal costs may be assessed by the financial institution against the mortgagor for review of the title search or any other relevant title documents by the financial institution, its title company or attorney.

Every financial institution subject to this subsection shall provide written notice to the prospective mortgagor that he has the right to select a qualified attorney of his own choice for the performance of title work. The notice shall inform the prospective mortgagor that if the attorney chosen by the mortgagor meets the financial institution's requirements, then no additional fees may be charged to the mortgagor for title work. If the prospective mortgagor indicates on the written notice that he does not wish to exercise his right to select an attorney, then the financial institution may recommend an attorney.

Nothing in this subsection may be construed to require certification of title to a financial institution if that institution does not so require, or to a land title insurance company if that company does not so require.

Any violation of this section by a financial institution authorized to do business in this State is an anticompetitive or deceptive practice as defined in this chapter and subject to the remedies provided in this chapter in addition to such other remedies as may be provided otherwise by law.

Sec. 6. 9-B MRSA §439, as amended by PL 1983, c. 150, §2, is repealed.

Effective September 19, 1985.

CHAPTER 312

H.P. 1096 - L.D. 1589

AN ACT to Establish Minimum Energy Efficiency Standards for Major Appliances Sold in Maine.

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

Sec. 1. 5 MRSA §5004, sub-§3, ¶0 is enacted to read:

0. Administer the state standards for appliance energy efficiency as established by section 5012.

Sec. 2. 5 MRSA §5012 is enacted to read:

§5012. State standards for appliance energy efficiency

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "ASHRAE Standard" means standards established by the American Society of Heating, Refrigerating and Air-Conditioning Engineers.

B. "Manufacturer" means any person or business entity engaged in the original production or assembly of an appliance.