

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

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

J.S. McCarthy Company
Augusta, Maine
1991

PUBLIC LAWS
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1991

3. Snowplow. Any vehicle once modified for the purposes of snowplowing is exempt from the weight limits imposed by this chapter when equipped with a snowplow and wing or wings and engaged in snowplowing or ice control. At all other times, the vehicles described in this subsection are exempt from section 1652, subsection 2, paragraph C.

Sec. 2. 29 MRSA §1757, as enacted by PL 1987, c. 169, is repealed.

See title page for effective date.

CHAPTER 116

H.P. 708 - L.D. 1013

An Act to Amend the Qualification of Blueberry Producers Associations in the Maine Agriculture Marketing and Bargaining Act of 1973

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

13 MRSA §1957, sub-§3, ¶D, as amended by PL 1987, c. 155, §7, is further amended to read:

D. The association, ~~except for an association of blueberry producers~~, represents 51% of the producers or produced at least 1/2 of the volume of a particular agricultural product for a specific handler involved with those producers and that agricultural product during the previous 12 months, not including any volume produced by the handler, its subsidiaries, agents or employees or procured by the handler from sources other than producers; for the purposes of this article, members of farmer cooperatives ~~shall be~~ are counted as individual farmer members; ~~in the case of an association of blueberry producers, the association represents 51% of the producers and produced at least 1/2 of the volume of a particular agricultural product for a specific handler involved with those producers and that agricultural product during the previous 12 months~~; if the board has reasonable cause to question such representation, the board shall require a secret ballot election to certify the percentage of representation; and

See title page for effective date.

CHAPTER 117

S.P. 227 - L.D. 581

An Act to Require Each Person Licensed for the Practice of Funeral Service to Participate in Continuing Professional Education

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

Sec. 1. 32 MRSA §1506 is enacted to read:

§1506. Educational requirements

1. Applicability. This section applies to all persons licensed for the practice of funeral service in accordance with section 1501.

2. Requirements. As a prerequisite to renewal on or after January 1, 1993 of any license subject to this subchapter, licensees must complete 12 hours of continuing education within 2 years prior to the date of renewal in programs or courses approved by the board. The board may, for good cause shown, grant an extension of time to any person to allow that person to comply with this subchapter.

3. Program approval. Each application for approval of a continuing education program must be submitted according to the guidelines prescribed by the board. The board may establish by rule criteria for the review and approval of courses and for the determination of the number of continuing education hours to be credited for completion of each course or program.

4. Penalties. The license for the practice of funeral service of any person who fails to comply with this section may not be renewed and terminates upon the next expiration date.

5. Rulemaking authority. The board may establish by rule reasonable procedures and standards to fulfill the purposes of this section.

Sec. 2. Report. By January 1, 1992, the State Board of Funeral Service shall make a report to the Joint Standing Committee on Business Legislation that includes the following information relative to the educational requirements of the Maine Revised Statutes, Title 32, section 1506:

1. The courses to be required, their justification relative to maintaining the skills required for the safe practice of the profession, and whether there will be any requirement for self-assessment as a means of determining the courses required for an individual practitioner;

2. Any examinations that might be proposed to assess the success of the required educational program;

3. The criteria to be used in reviewing and approving continuing education programs;

4. The percentage of the course requirements that can be taught by correspondence courses and by closed-circuit television, the percentage that will require an actual classroom presence and the current and planned arrangements for closed-circuit television and for classroom instruction in various sections of the State; and

5. The costs of this program to the State and the board and the direct and indirect costs to the individual practitioner.

Sec. 3. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1991-92	1992-93
PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF		
Board of Funeral Service		
Personal Services	\$1,400	\$1,400
All Other	10,000	10,000
TOTAL	<u>\$11,400</u>	<u>\$11,400</u>
Provides funds for additional per diems and board expenses and for rulemaking, form preparation and other administrative costs.		
Licensing and Enforcement		
Personal Services	\$3,975	\$5,800
Provides funds for the cost of a 1/4 time Clerk Typist III position.		
DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION		
TOTAL	<u>\$15,375</u>	<u>\$17,200</u>

See title page for effective date.

CHAPTER 118

H.P. 363 - L.D. 517

An Act Concerning the Payment of Interest on Mandatory Escrow Balances

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

Sec. 1. 33 MRSA §504 is enacted to read:

§504. Interest on residential mortgage escrow accounts

1. Loan provisions required. A mortgage deed resulting from a mortgage loan must contain provisions for payment of interest on the escrow balance in accordance with Title 9-B, section 429 if:

A. The mortgage is on owner-occupied residential property of not more than 4 units; and

B. The loan or note requires payments into a mandatory escrow account.

2. Applicability. The requirements of this section apply to any residential mortgage deed dated on or after January 1, 1992.

Sec. 2. 33MRSA §767, as enacted by PL 1967, c. 377, is amended to read:

§767. Mortgage deed

A deed in substance following the form entitled "Mortgage Deed" shall when duly executed have has the force and effect of a mortgage deed to the grantee, his the grantee's heirs and assigns, to him the grantee and their use and behoof forever, with covenants on the part of the grantor, for himself the grantor, with the grantee, his the grantee's heirs and assigns, that at the time of the delivery of such mortgage deed he the grantor was lawfully seized in fee of the premises, that they were free of all encumbrances, that he the grantor had good right to sell and convey the same to the grantee to hold as aforesaid, and that he the grantor and his the grantor's heirs shall and will warrant and defend the same to the said grantee, his the grantee's heirs and assigns forever, against the lawful claims and demands of all persons; and with mortgage covenants and upon the statutory condition as defined in sections 768 and 769 to secure the payment of the money or the performance of any obligation therein specified. The parties may insert in such mortgage any other lawful agreement or condition. If section 504 or Title 9-B, section 429 or a mortgage loan or mortgage note requires the payment of interest on a mandatory escrow account, that requirement must be stated in the mortgage deed.

See title page for effective date.

CHAPTER 119

H.P. 573 - L.D. 824

An Act to Require Voter Approval for Disposal of School Property

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

20-A MRSA §7 is enacted to read:

§7. Property disposal

A school board shall establish a policy for the disposal of personal school property valued at more than \$5,000. The policy must include a provision that member municipalities be notified of any planned property disposal under this section.

See title page for effective date.

CHAPTER 120

S.P. 435 - L.D. 1156

An Act to Extend the Reporting Deadline of the Commission to Study the Certificate of Need Law and the Impact of Competitive Market Forces on Ambulatory Health Services