

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
OF THE
STATE OF MAINE

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ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

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

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

Whereas, the Commission to Study the Certificate of Need Law and the Impact of Competitive Market Forces on Ambulatory Health Services, established by Public Law 1989, chapter 588, Part A, section 56, was to submit a report to the Joint Standing Committee on Human Resources by December 15, 1990; and

Whereas, the commission needs additional time to complete the review and revision of its final report; 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. PL 1989, c. 588, Pt. A, §56, sub-§1, ¶B, as amended by PL 1989, c. 919, §16, is further amended to read:

B. The study commission shall study the current and potential impact of competitive market forces on outpatient volumes and the cost, quality and accessibility of ambulatory health services. Its study shall include an evaluation of the advisability of deregulating various outpatient services. Its study must also include evaluation of methods of sizing the Hospital Development Account. The study commission shall submit its recommendations, including any necessary legislation to implement its recommendations, to the Joint Standing Committee on Human Resources by ~~December 15, 1990~~ February 23, 1991. In the course of this study, the commission shall consider the likely impact of deregulating the charges made by hospitals for outpatient services and the elimination of any continuing restrictions on the establishment of preferred provider arrangements.

Sec. 2. PL 1989, c. 588, Pt. A, §56, sub-§5 is amended to read:

5. Sunset. ~~This Part A, section 56 of this Act is repealed December 15, 1990~~ February 23, 1991.

Sec. 3. Retroactivity. This Act applies retroactively to December 15, 1990.

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

Effective May 7, 1991.

CHAPTER 121

H.P. 1259 - L.D. 1827

An Act to Deappropriate Certain Expenditures and to Make Technical Corrections for the Fiscal Year Ending June 30, 1991

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses will become due and payable prior to July 1, 1991; and

Whereas, certain technical corrections to Public Law 1991, chapter 9 are needed; 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:

PART A

Sec. A-1. 5 MRSA §17001, sub-§4, ¶A, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

A. The average annual rate of earnable compensation of a member during the 3 years of creditable service as an employee in Maine, not necessarily consecutive, in which ~~his~~ the member's annual rate of earnable compensation is highest. However, if a member is subject to a temporary layoff as a result of a Governor's Executive Order, loss of pay pursuant to an agreement of February 15, 1991 between the Executive Department and the American Federation of State, County and Municipal Employees, Council 93, or days off without pay as authorized by legislative action, the 3-year average final compensation must be determined as if the member had not been temporarily laid off, reduced in pay, or provided days off without pay; or

Sec. A-2. 20-A MRSA §1311, sub-§1, ¶A, as amended by PL 1983, c. 422, §5, is further amended to read:

A. Current operating expenses of the district if the loans are repaid within ~~one year~~ 13 months of the date of borrowing and are limited to an amount reasonably required for current operating expenses;

Sec. A-3. 20-A MRSA §1702, sub-§1, ¶A, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read: