

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
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J.S. McCarthy Company
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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

CHAPTER 133

H.P. 545 - L.D. 782

An Act to Correct Language in the Laws Governing Intensive Supervision

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

Sec. 1. 17-A MRSA §1261, sub-§1, as enacted by PL 1985, c. 821, §15, is amended to read:

1. A sentence to imprisonment with ~~the~~ intensive supervision means a sentence to confinement outside an institution under a set of rigorous conditions imposed at the time of sentencing. It is an alternative to ~~imprisonment~~ institutional confinement which may be imposed in accordance with this chapter following a period of ~~imprisonment~~ institutional confinement or as the initial unsuspended portion of a split sentence. It is a sentencing alternative available to the courts for those persons who would otherwise have been sentenced to institutional confinement.

Sec. 2. 17-A MRSA §1262, sub-§4, as enacted by PL 1985, c. 821, §15, is amended to read:

4. ~~If, during~~ During the initial unsuspended term not served on intensive supervision, ~~if~~ the defendant violates the criminal law or is otherwise ~~deemed~~ determined to no longer ~~be~~ suitable for participation in the Intensive Supervision Program or the Intensive Supervision Program is ~~deemed~~ determined to no longer ~~be~~ suitable for the defendant, the Department of Corrections shall petition the court to ~~terminate the intensive supervision portion of the defendant's sentence~~ require the defendant to serve in institutional confinement the remaining portion of the unsuspended term of imprisonment including that which was to have been served on intensive supervision. ~~If, during~~ During the initial unsuspended term not served on intensive supervision, ~~if~~ the defendant ~~defendant's conduct~~ conduct does not conform ~~his conduct~~ to institutional rules, the Department of Corrections may petition the court to ~~terminate the intensive supervision portion of the defendant's sentence~~ require the defendant to serve in institutional confinement the remaining portion of the unsuspended term of imprisonment including that which was to have been served on intensive supervision.

See title page for effective date.

CHAPTER 134

H.P. 555 - L.D. 798

An Act to Amend the Power of Sale Foreclosure Laws

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

Sec. 1. 14 MRSA §6203-A, first ¶, as amended by PL 1987, c. 667, §14, is further amended to read:

Any mortgagee holder of a mortgage on real estate of that secures a loan primarily for business, commercial or agricultural purposes extended to a corporation having a mortgage containing partnership or trust and contains a power of sale, or his the assignee of the holder, or a person authorized by the power of sale, or the attorney duly authorized by a writing under seal, or the person acting in the name of such the mortgagee or person, may, upon breach of condition and without action, do all the acts authorized or required by the power; but no a sale under such the power shall be is not effectual to foreclose a mortgage unless, previous to such the sale, notice thereof has been published once in each of 3 successive weeks, the first publication to be not less than 21 days before the day of the sale in a newspaper of general circulation in the town where the land lies. This provision shall be is implied in every power of sale mortgage in which it is not expressly set forth. A copy of said the notice shall must be served on the mortgagor or its representative in interest, or may be sent by registered mail addressed to it or such the representative at its last known address, or to such the person and to such the address as may be agreed upon in said the mortgage, at least 21 days before the date of the sale under the power in the mortgage. The power of sale may not be used to foreclose on the primary residence of any mortgagor who is a natural person. Any power of sale incorporated into a mortgage executed after October 1, 1991 is not affected by the subsequent transfer of the mortgaged premises from a corporation, partnership or trust to any other type of organization or to an individual or individuals.

Sec. 2. 14 MRSA §6204, 3rd ¶, as amended by PL 1967, c. 424, §3, is further amended to read:

The mortgagor or those claiming under ~~him~~ the mortgagor have the right to redeem the mortgaged premises from any or all sales ~~thereof of the mortgaged premises~~ under and by virtue of authority and power contained in such the mortgage or from any sale of the mortgaged premises under or by virtue of a separate instrument executed at or about the same time with the mortgage, and being a part of the same transaction, by paying or tendering to the mortgagee or to those claiming under him the mortgagee as appears by record at the registry of deeds where the mortgage is properly recorded, the debt, interest, costs of foreclosure and other obligations provided in the mortgage, at any time within one year from the date of such the sale. Nothing herein shall apply in this section applies to a sale under the statutory power of sale in a corporate mortgage as provided for in sections 6203-A to 6203-E, to railroad mortgages, so called, or to bond issues of corporations, or to bonds forming a part of a mortgage indebtedness of any corporation or corporations wherein the method of sale is provided in the deed of trust or any similar instrument.

Sec. 3. 33 MRSA §501-A, first ¶, as enacted by PL 1967, c. 424, §4, is amended to read:

The following "power" ~~shall be is~~ known as "The Statutory Power of Sale" and may be included in any mort-

gage or incorporated by reference in any mortgage wherein that secures a loan primarily for business, commercial or agricultural purposes extended to a corporation is the mortgagor, partnership or trust, provided that the power of sale is not used to foreclose on the primary residence of any mortgagor who is a natural person.

See title page for effective date.

CHAPTER 135

H.P. 408 - L.D. 591

An Act Restricting the Use of the Names of Maine Banks on Credit Cards

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

9-B MRSA §241, sub-§7 is enacted to read:

7. Restrictions on use of names of Maine financial institutions on credit cards. A credit card may be titled and may have on its face the name of a financial institution authorized to do business in this State only if the terms of the credit card contract comply with the laws applicable to that financial institution. This section becomes effective for any new credit card programs implemented after November 1, 1991 or at the next renewal for any credit card accounts existing at that time.

See title page for effective date.

CHAPTER 136

H.P. 464 - L.D. 658

An Act to Clarify the Lien Rights of Water Utilities

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

35-A MRSA §6111 is enacted to read:

§6111. Liens on multi-unit residential rental property

Notwithstanding section 706, when a landlord has applied for and is granted water utility service to a multi-unit residential rental property, the water utility has a lien on the property and on any interest the landlord has in the multi-unit residential rental property to secure payment for the water utility's service to that property with costs and with interest at a rate not to exceed the highest lawful rate set by the Treasurer of State for municipal taxes.

The method for obtaining, enforcing and receiving payment on the lien must be performed in the same manner, have the same effect and create the same rights as is provided in Title 38, section 1208, pertaining to the collection of unpaid

rates by a sanitary district, except that a sanitary district lien created under Title 38, section 1208 has priority over a water utility lien created under this section.

See title page for effective date.

CHAPTER 137

H.P. 566 - L.D. 809

An Act to Amend Maine's Antitrust Laws

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

Sec. 1. 10 MRSA §1103 is repealed.

Sec. 2. 10 MRSA §1104, sub-§2, ¶D is enacted to read:

D. Any person who violates the terms of an injunction issued under this section must forfeit and pay to the State, to be applied in carrying out this chapter, a civil penalty of not more than \$50,000 for each violation.

Sec. 3. 10 MRSA §1104, sub-§3, as enacted by PL 1987, c. 60, §1, is amended to read:

3. Civil penalty. Each course of conduct which that constitutes a violation of sections section 1101 and or 1102 is a civil violation for which a civil penalty of not more than ~~\$50,000~~ \$100,000 for each defendant ~~shall~~ may be adjudged.

A. In any action initiated by the Attorney General pursuant to this section to prevent and restrain violations of sections 1101 and 1102, the Attorney General may include an action to recover civil penalties by each defendant for each course of conduct alleged.

B. An action to recover a civil penalty from a defendant under this section ~~shall bar~~ bars a criminal prosecution pursuant to section 1101 or 1102 against that defendant for the same course of conduct on which the action to recover the civil penalty is based.

C. A criminal prosecution against a defendant pursuant to section 1101 or 1102 ~~shall bar~~ bars any action to recover a civil penalty under this section from that defendant for the same course of conduct on which the criminal prosecution is based.

Sec. 4. 10 MRSA §1107, as amended by PL 1977, c. 175, §4, is further amended to read:

§1107. Investigation by Attorney General

The Attorney General upon his the Attorney General's own initiative or upon petition of 50 or more citizens of this State, shall investigate all seeming violations of sections 1102-A and 1105 to 1107, all contracts, combi-