

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION

December 12, 1991 to January 7, 1992

SECOND REGULAR SESSION

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1992

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
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

required by state law as a condition of state funding, must be deducted in computing any payment to be made to the respective tribe or nation by the State. This subsection takes effect July 1, 1998, and applies to state education funding beginning in fiscal year 1998-99.

1992-93

Sec. 3. Report. On or before February 1, 1997, the school systems affected by this Act shall submit a report prepared by the system's independent financial auditor to the Department of Education and the joint standing committee of the Legislature having jurisdiction over education matters. The report must describe the effect of this Act during each of the fiscal years that have been completed since enactment of this Act by comparing how the affected schools were actually funded with how the same schools would have maximized combined federal and state funding under applicable laws without the amendment to the Maine Revised Statutes, Title 30, section 6211 made by this Act, listing for each alternative the number of students at each affected school for which federal financial support was or would have been received, the program under which it was or would have been received, the amount of the financial support and the impact of those federal funds upon the state educational subsidy computed under the then-existing state law governing school financing. The Department of Education shall also submit a report by February 1, 1997 to the joint standing committee of the Legislature having jurisdiction over education matters describing the effect of this Act in each of the fiscal years that have been completed since enactment of this Act.

Sec. 4. Application; retroactivity. The Maine Revised Statutes, Title 30, section 6211, subsection 2, as amended by this Act, applies to state education funding beginning in state fiscal year 1992-93. If this Act does not become effective before the beginning of that fiscal year, this Act applies retroactively to state education funding beginning in fiscal year 1992-93.

Sec. 5. Effective date. This Act does not take effect unless, within 60 days after adjournment of the Legislature, the Secretary of State receives written notification by the Joint Tribal Council of the Passamaquoddy Tribe and by the Governor and council of the Penobscot Nation that the tribe and nation have agreed to the provisions of this Act pursuant to 25 United States Code, section 1725(e)(1), copies of which must be submitted by the Secretary of State to the Secretary of the Senate and the Clerk of the House of Representatives. In no event may this Act become effective until 90 days after adjournment of the Legislature.

Sec. 6. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

EDUCATION, DEPARTMENT OF

General Purpose Aid for Local Schools

All Other (\$76,859)

Provides for the deappropriation of funds no longer needed due to the change in the Indian Land Claims offset adjustment.

See title page for effective date, unless otherwise indicated.

CHAPTER 706

H.P. 1465 - L.D. 2077

An Act to Correct an Inconsistency Between the Maine Employment Security Law and the Federal Unemployment Tax Act

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

26 MRSA §1043, sub-§11, ¶F, as amended by PL 1991, c. 173 and c. 193, §1, is further amended by amending subparagraph (21), division (i), subdivision (iv) to read:

(iv) As an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood or similar emergency or medical emergency; or

See title page for effective date.

CHAPTER 707

H.P. 1466 - L.D. 2078

An Act to Require a Right-to-cure Notice in Residential Mortgages

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

Sec. 1. 14 MRSA §6111 is enacted to read:

§6111. Notice of mortgagor's right to cure

1. Notice; payment. With respect to mortgages upon residential property located in this State when the mortgagor is occupying all or a portion of the property

as the mortgagor's primary residence, the mortgagee may not accelerate maturity of the unpaid balance of the obligation or otherwise enforce the mortgage because of a default consisting of the mortgagor's failure to make any required payment, tax payment or insurance premium payment, by any method authorized by this chapter until at least 30 days after the date that written notice is given by the mortgagee to the mortgagor at the last known address of the mortgagor that the mortgagor has the right to cure the default by full payment of all amounts that are due without acceleration, including reasonable interest and late charges specified in the mortgage or note. If the mortgagor tenders payment of the amounts before the date specified in the notice, the mortgagor is restored to all rights under the mortgage deed as though the default had not occurred.

2. No application to supervised lender or supervised financial organization. This section does not apply to transactions involving a supervised lender or supervised financial organization as those terms are defined in Title 9-A, section 1-301.

3. Notice procedure. A mortgagee gives notice to a mortgagor under this section by mailing the notice by certified mail, return receipt requested. If the notice is undeliverable by certified mail, the mortgagee must send the notice to the mortgagor by ordinary mail. The time when notice is given is the date the mortgagor signs the receipt or, if the notice is undeliverable by certified mail, the date the notice was sent by ordinary mail.

Sec. 2. 14 MRSA §6203-F, as enacted by PL 1967, c. 544, §38, is repealed and the following enacted in its place:

§6203-F. Foreclosure of bond for deed and contracts for sale of real estate

1. Foreclosure procedure. If the purchaser of real estate under a contract for the sale of real estate, including a bond for a deed, is in default of any of the terms of that contract, the seller or the seller's heirs or assigns may foreclose the rights of the purchaser in the contract not less than 30 days after giving the notice required by subsection 2 by any of the means provided by law for the foreclosure of mortgages, except that the redemption period is 60 days. Within the redemption period, the purchaser or a person claiming under the purchaser may apply to any Justice of the Supreme Judicial Court or Superior Court for an extension of time to redeem, and after such notice as the court may order, for good cause shown, the court may extend the redemption period to a maximum of one year. An extension order is not binding against any person without actual notice of the order unless, within the 60-day period, a written notice describing the land, identifying the instrument under which foreclosure proceedings have been brought and setting forth the fact that application for extension of the redemption period has been made, is recorded in the regis-

try of deeds in the county in which the land is located. This section may not be construed to extend the life of options with an ascertainable time of termination. The remedy afforded by this section supplements other legal remedies that may be available to the seller.

2. Notice of right to cure; application. Before foreclosing the rights of the purchaser described in subsection 1, the seller or the seller's heirs or assigns must give written notice to the purchaser at the last known address of the purchaser that the purchaser has 30 days to cure the default by full payment of all amounts past due including reasonable interest and late charges specified in the contract. If the purchaser tenders payment of the amount before the date specified in the notice, the purchaser is restored to all rights under the contract as though the default had not occurred.

A. A seller gives notice to the purchaser under this section by mailing the notice by certified mail, return receipt requested. If the notice is undeliverable by certified mail, the seller must send the notice to the purchaser by ordinary mail. The time when notice is given is the date the purchaser signs the receipt or, if the notice is undeliverable by certified mail, the date the notice was sent by ordinary mail.

B. This subsection applies only to contracts for the sale of residential real estate located in this State, when the purchaser is in possession of the subject real estate. All other transactions are governed by the terms of the contract and applicable law.

See title page for effective date.

CHAPTER 708

H.P. 1470 - L.D. 2082

An Act Pertaining to Pole Attachment Rate Disputes

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

Sec. 1. 35-A MRSA §711, sub-§4 is enacted to read:

4. Rules. The commission shall adopt a rule governing the resolution of pole attachment rate disputes. The commission shall consider various formulas, including, but not limited to, the formula adopted by the Federal Communications Commission as codified in 47 Code of Federal Regulations, Part 1, Subpart J, as amended.

Sec. 2. Public Utilities Commission; rule. The Public Utilities Commission shall adopt a rule governing