

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

Elder and Adult Services - Bureau of

All Other \$48,465

Provides funds for the long-term care ombudsman program.

See title page for effective date.

CHAPTER 766**H.P. 1494 - L.D. 2106****An Act Concerning Tribal Courts**

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

Sec. 1. 30 MRSA §6209, sub-§1, ¶A, as amended by PL 1987, c. 756, §§1 and 2, is further amended to read:

A. Criminal offenses against a person or property for which the maximum potential term of imprisonment does not exceed 6 months and the maximum potential fine does not exceed ~~\$500~~ **\$1,000** and ~~which that~~ are committed on the Indian reservation of the respective tribe or nation by a member of either tribe or nation against another member of either tribe or nation or against the property of another member of either tribe or nation.

(1) ~~The Passamaquoddy Tribe and the Penobscot Nation shall also have the right to exercise exclusive jurisdiction separate and distinct from the State over criminal offenses against a person or property for which the maximum potential term of imprisonment is less than one year and the maximum potential fine does not exceed \$5,000 and which that are committed on the Penobscot Indian Reservation reservation of the respective tribe or nation by a member of the Penobscot Nation either tribe or nation, except when committed against another a person who is not a member of the Penobscot Nation either tribe or nation or against the property of another a person who is not a member of the Penobscot Nation either tribe or nation.~~

(a) This subparagraph is repealed on September 30, 1995. Before that date, the Penobscot Nation, the Passamaquoddy Tribe and the Department of the Attorney General may each submit written reports to the joint standing committee of the Legislature having jurisdiction over judiciary matters concerning the effect of this subparagraph;

Sec. 2. Effective date; certification. This Act is not effective unless, within 60 days of the adjournment of the Legislature, the Secretary of State receives written certification by the Governor and Council of the Penobscot Nation and the Joint Tribal Council of the Passamaquoddy Tribe that the nation and tribe have agreed to the provisions of this Act pursuant to 25 United States Code, Section 1725(e), 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; provided that in no event may this Act become effective until 90 days after the adjournment of the Legislature.

See title page for effective date, unless otherwise indicated.

CHAPTER 767**H.P. 1524 - L.D. 2153****An Act Regarding 24-hour Pilot Projects in Workers' Compensation Insurance**

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

Sec. 1. 39 MRSA §23, sub-§1-A, ¶¶A and B, as enacted by PL 1991, c. 615, Pt. A, §23, are amended to read:

A. The Superintendent of Insurance shall adopt rules to enable employers and employees to enter into agreements to provide the employees with ~~workers' compensation medical payments benefits through comprehensive health insurance that covers health care benefits covering workplace injury and illness and nonworkplace injury and illness and other health care benefits in comprehensive pilot projects. The health care benefits may be provided by: organizations authorized to do business under Title 24; insurers or health maintenance organizations authorized to do business under Title 24-A; employee benefit plans; and benefit plans of employers who self-insure under this section.~~ The superintendent shall review all pilot project proposals and may approve a proposal only if it confers medical benefits upon injured employees substantially similar to benefits available under this Title. The superintendent shall revoke approval if the pilot project fails to deliver the intended benefits to the injured employees.

B. ~~The Notwithstanding the provisions of section 52, the comprehensive health insurance care benefits pilot project may provide for health care by a health maintenance organization or a allow for case management and cost control mechanisms, including the use of preferred provider organization or~~

ganizations. The premium for coverage of the employee must be paid entirely by the employer. The program may use deductibles, coinsurance and copayment by the employees not to exceed \$5 per visit or \$50 maximum per occurrence. The deductible for the health care of the employee may not exceed a maximum of \$50 per injury or illness and the coinsurance may not exceed \$5 per treatment of the employee by the health care provider.

Sec. 2. Report. The Director of the Bureau of Human Resources within the Department of Administrative and Financial Services shall develop a plan for a 24-hour comprehensive health care benefits pilot project for employees of the State under the Maine Revised Statutes, Title 39, section 23, subsection 1-A and submit an interim report to the First Regular Session of the 116th Legislature by February 1, 1993 and a final report by October 1, 1993.

See title page for effective date.

CHAPTER 768

H.P. 1556 - L.D. 2194

An Act to Clarify the Law Regarding 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 1991, c. 134, §1, is further amended to read:

Any holder of a mortgage on real estate that ~~secures a loan primarily for business, commercial or agricultural purposes extended to~~ is granted by a corporation, partnership or trustee of a trust and that contains a power of sale, ~~or the assignee of the holder,~~ or a person authorized by the power of sale, ~~or the an attorney duly authorized by a writing under seal, or the a person acting in the name of the mortgagee holder of such mortgage~~ or any such authorized person, may, upon breach of condition and without action, do all the acts authorized or required by the power; but a sale under the power is not effectual to foreclose a mortgage unless, previous to the sale, notice 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 is implied in every power of sale mortgage in which it is not expressly set forth. A copy of the notice must be served on the mortgagor or its representative in interest, or may be sent by registered mail addressed to it or the representative at its last known address, or to the person and to the address as may be agreed upon in 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 such corporation, partnership or trustee of a trust to any other type of organization or to an individual or individuals. This paragraph is repealed October 1, 1993.~~

Sec. 2. 14 MRSA §6203-A, as amended by PL 1991, c. 134, §1, is further amended by adding after the first paragraph a new paragraph to read:

Any holder of a mortgage on real estate that secures a loan primarily for business, commercial or agricultural purposes extended to a corporation, partnership or trust and contains a power of sale, or 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 the mortgagee or person, may, upon breach of condition and without action, do all the acts authorized or required by the power; but a sale under the power is not effectual to foreclose a mortgage unless, previous to the sale, notice 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 is implied in every power of sale mortgage in which it is not expressly set forth. A copy of the notice must be served on the mortgagor or its representative in interest, or may be sent by registered mail addressed to it or the representative at its last known address, or to the person and to the address as may be agreed upon in 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. This paragraph takes effect October 1, 1993.

Sec. 3. 33 MRSA §501-A, first ¶, as amended by PL 1991, c. 134, §3, is further amended to read:

The following "power" is known as "The Statutory Power of Sale" and may be included in any mortgage or incorporated by reference in any mortgage ~~that secures a loan primarily for business, commercial or agricultural purposes extended to~~ granted by a corporation, partnership or trustee of a trust; ~~provided that the power of sale is not used to foreclose on the primary residence of any mortgagor who is a natural person. This paragraph is repealed October 1, 1993.~~