

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

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.~~

Sec. 4. 33 MRSA §501-A, as amended by PL 1991, c. 134, §3, is further amended by adding after the first paragraph a new paragraph 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 a corporation, 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. This paragraph takes effect October 1, 1993.

See title page for effective date.

CHAPTER 769

S.P. 936 - L.D. 2395

An Act Regarding Industrial Electrical Rates

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

Whereas, interruptible resources can and should constitute an important component of energy conservation and planning efforts in this State; and

Whereas, it is important for the State immediately to establish a clear mandate that interruptible resources be viewed as a viable and valuable conservation and planning tool in order to ensure that the maximum benefits achievable with this tool are realized; 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. 35-A MRSA §3154, sub-§7 is enacted to read:

7. Interruptible rates. In any general rate design case pending on or initiated after April 1, 1992, the commission shall determine interruptible rates consistent with and by reference to its determination of utility capacity costs. Interruptible rates must be designed so as to encourage the long-term availability of interruptible resources, including interruptible options for all customer classes.

Sec. 2. 35-A MRSA §3191, as enacted by PL 1987, c. 671, §2, is amended to read:

§3191. Energy policy

The Legislature finds that it is in the best interests of the State to ensure that Maine and its electric utilities pursue a least-cost energy plan. The Legislature further finds that a least-cost energy plan takes into account many factors, including cost, risk, diversity of supply and all available alternatives, including purchases of power from Canadian sources. When the available alternatives are otherwise equivalent, the commission shall give preference first to conservation and demand management, including interruptible capacity resources, and then to power purchased from qualifying facilities. Nothing in this section is intended to modify the commission's authority under section 3133, subsection 9.

Sec. 3. Application. The Maine Revised Statutes, Title 35-A, section 3154, subsection 7 does not apply to the Public Utilities Commission rate design case, Docket #89-68, involving Central Maine Power Company.

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

Effective March 30, 1992.

CHAPTER 770

S.P. 898 - L.D. 2317

An Act to Govern Residential Propane Gas Suppliers

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

Sec. 1. 10 MRSA §1658-A is enacted to read:

§1658-A. Marking and filling containers owned by others

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Liquefied petroleum gas" means any material that is composed predominantly of any of the following hydrocarbons or mixtures of those hydrocarbons: propane, propylene, normal butane, isobutane and butylenes.

B. "Owner" means any person who holds title to a liquefied petroleum gas container.

2. Unlawful use of containers. No person except the owner, or a person authorized in writing by the owner to do so, may fill or refill a liquefied petroleum gas con-