

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**THIRD SPECIAL SESSION**  
October 1, 1992 to October 6, 1992

**FOURTH SPECIAL SESSION**  
October 16, 1992

**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
December 2, 1992 to July 14, 1993

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 13, 1993**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1993**

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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B. The manufacturer must disclose this fact when selling the vehicle to a dealer and completing the statement required by subsection 3.

**Sec. 4. 10 MRSA §1477, sub-§3**, as amended by PL 1989, c. 198, §4, is further amended to read:

**3. Private remedies.** In addition to any other remedy, if a dealer violates this chapter, that dealer is liable to the purchaser in an amount determined by the court of not less than \$100 nor more than \$1,000 as liquidated damages, and for costs and reasonable attorney's fees. No action may be brought under this subsection more than 2 years after the date of the occurrence of the violation. No dealer may be held liable under this subsection if that dealer shows by a preponderance of the evidence that the violation was unintentional and a bona fide error, notwithstanding the maintenance of procedures reasonably adopted to avoid any such error.

In addition to any other remedy, if a ~~dealer or the~~ seller of a used motor vehicle who sells the vehicle to ~~another~~ a dealer fails to disclose facts concerning that vehicle which are required to be disclosed by the provisions of section 1475, which facts were known by the ~~dealer or~~ seller at the time the disclosure was made, the ~~dealer or~~ seller is liable to the purchasing dealer in an amount determined by the court of not less than \$100 nor more than \$1,000 as liquidated damages, and for costs and reasonable attorney's fees. No action may be brought under this subsection more than 30 months after the date of the occurrence of the violation.

See title page for effective date.

## CHAPTER 113

**H.P. 519 - L.D. 703**

### **An Act to Amend the Civil Violation and Civil Forfeiture Laws for Natural Gas and Natural Gas Pipeline Utilities**

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

**Sec. 1. 35-A MRSA §4516, sub-§§1 and 2**, as enacted by PL 1987, c. 141, Pt. A, §6, are amended to read:

**1. Violation of this Title.** A natural gas pipeline utility that violates any provision of this Title relating to safety of pipeline facilities or transportation of gas or any rule issued under this Title commits a civil violation for which a ~~forfeiture~~ penalty not to exceed ~~\$1,000~~ \$25,000 for each violation may be adjudged. Each day of violation constitutes a separate offense.

**2. Maximum civil penalty.** The maximum civil ~~forfeiture~~ penalty may not exceed ~~\$200,000~~ \$500,000 for any related series of violations.

**Sec. 2. 35-A MRSA §4705, sub-§§1 and 2**, as enacted by PL 1987, c. 141, Pt. A, §6, are amended to read:

**1. Violation of this Title.** A gas utility that violates any provision of this Title relating to safety of pipeline facilities or transportation of gas or any rule issued under this Title commits a civil violation for which a ~~forfeiture~~ penalty not to exceed ~~\$1,000~~ \$25,000 for each violation may be adjudged. Each day of violation constitutes a separate offense.

**2. Maximum civil penalty.** The maximum civil ~~forfeiture~~ penalty may not exceed ~~\$200,000~~ \$500,000 for any related series of violations.

See title page for effective date.

## CHAPTER 114

**H.P. 534 - L.D. 718**

### **An Act to Amend the Recording Requirements for Proceedings Involving Real Estate**

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

**Sec. 1. 14 MRSA §2401, sub-§2**, as amended by PL 1991, c. 726, §1, is further amended to read:

**2. Identification on docket.** On and after January 1, 1992, judicial proceedings in any Maine court, including appeals from judicial proceedings, that affect title to real estate must be identified on the docket. Judicial proceedings subject to this section include but are not limited to proceedings involving:

- A. Partition actions;
- B. Boundary and access disputes;
- C. Insolvency;
- D. Mortgage foreclosure;
- E. Declaratory judgment actions;
- F. Attachment ~~and mechanic, mechanics liens and~~ other statutory liens;
- G. Dissolution; and
- H. Actions to quiet title.

This section does not apply to the descent of real estate in divorce governed by Title 19, section 725, small claims actions in District Court or proceedings over which the Probate Court has exclusive jurisdiction.

**Sec. 2. 14 MRSA §2401, sub-§3,** as amended by PL 1991, c. 824, Pt. D, §1 and affected by §2, is further amended to read:

**3. Judgment required; recording and contents.** The judgment in the proceeding must be signed by the judge and contain the following provisions:

A. The names and addresses, if known, of all parties to the action, including the counsel of record;

B. The docket number;

C. A finding that all parties have received notice of the proceedings in accordance with the applicable provisions of the Maine Rules of Civil Procedure and, if the notice was served or given pursuant to an order of a court, including service by publication, that the notice was served or given pursuant to the order;

D. An adequate description of real estate involved; and

F. A certification to be signed by the clerk after the appeal period has expired, certifying that ~~either~~ the applicable period has expired without action or the final judgment has been entered after remand following appeal.

~~(1) Any applicable appeal period has expired without action; or~~

~~(2) An appeal has been filed and naming the appellant.~~

Unless a proposed judgment with the provisions required in this subsection is presented to the court at the time of the court's decision, the court shall name the party responsible for preparing a judgment with the required provisions. ~~If an appeal is not filed, an~~ An attested copy of the judgment with the signed clerk's certification that an appeal has not been taken must be recorded in the registry of deeds for the county or counties where the subject property is located within one year of the entry of the final judgment unless otherwise ordered by the court. For the purposes of this section, a judgment is not final until all applicable appeal periods have expired and any appellate proceedings and subsequent actions on remand, if any, have been concluded. The court shall also name the party responsible for recording the attested copy of the judgment and for paying the appropriate recording fees. The judgment has no effect as to any person not a party to the proceeding who has no actual knowledge of the judgment unless an attested copy of

the judgment is recorded in accordance with this section. Failure to comply with this section does not affect the validity of the underlying judgment.

**Sec. 3. 14 MRSA §2401, sub-§§6 and 7** are enacted to read:

**6. Nonjudicial proceedings.** This section does not apply to mechanics liens, attachments or other statutory lien proceedings affecting title to real estate until the liens are enforced pursuant to judicial proceedings.

**7. Transition.** Abstracts of judgments and attested copies of judgments dated before November 1, 1993 that are signed by the clerk but not by the judge and that otherwise comply with subsection 3, paragraphs A to F are deemed to comply with the recording requirements of this section.

**Sec. 4. Effective date.** This Act takes effect November 1, 1993.

Effective November 1, 1993.

## CHAPTER 115

### S.P. 242 - L.D. 735

#### An Act to Prohibit the Display of Social Security Numbers on Credit Cards, Customer Service Cards and Debit Cards

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

**Sec. 1. 10 MRSA c. 208-A** is enacted to read:

### CHAPTER 208-A

#### PROTECTION OF SOCIAL SECURITY NUMBERS

##### §1271. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Credit card.** "Credit card" means a card, plate, coupon book or other single credit device that may be used to obtain credit.

**2. Customer service card.** "Customer service card" means a card, plate, code or other device used by a business as a means of identifying customers who receive membership, purchasing or check-cashing privileges, or other rights or privileges by possession and use of that device.