

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.

J.S. McCarthy Company
Augusta, Maine
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

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.

3. Debit card. “Debit card” means a card, code or other device, other than a check, draft or similar paper instrument, by the use of which a person may institute an electronic fund transfer.

§1272. Prohibition

A business operating in this State may not display a social security number on a credit card, customer service card or debit card issued or distributed by that business on or after January 1, 1994.

§1273. Administrative enforcement

The Superintendent of the Bureau of Consumer Credit Protection may take appropriate action to ensure compliance with this chapter, including without limitation: to receive and act on complaints; negotiate an assurance in writing that a violator will not engage in the same or similar conduct in the future; conduct hearings in accordance with the Maine Administrative Procedure Act and issue a cease and desist order for violation of this chapter; refer cases to the Attorney General, who may bring a civil action against a person for knowingly violating a written assurance of discontinuance. If a court finds a violation of this chapter it may assess a civil forfeiture of not more than \$1,000.

See title page for effective date.

CHAPTER 116

H.P. 582 - L.D. 786

An Act to Authorize Modifications to Tolls on the Maine Turnpike

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

Sec. 1. 23 MRSA §1961, sub-§1, as enacted by PL 1987, c. 793, Pt. A, §6, is amended to read:

1. Legislative findings. The Legislature makes the following findings of fact. The economic and social well-being of the citizens of the State ~~require~~ requires that the transportation system be developed in a comprehensive manner and ~~depend~~ depends upon the safety, efficiency and modern functional state of the turnpike. The turnpike should be maintained as a ~~closed~~ toll facility whether or not there are turnpike bonds outstanding. Toll revenues should be utilized to pay for retirement of any outstanding debt, including interest thereon; to pay for operation and maintenance of the turnpike; to pay for reconstruction of the turnpike; and to repay the Federal Government for grants or loans, the proceeds of which were used for the construction or reconstruction of the turnpike or portions of the turnpike, interchanges and certain interconnecting access roads, but only to the

extent that the repayment is required as a result of maintaining tolls on the turnpike.

Sec. 2. Transportation policy. In order to further the transportation policy created by the Sensible Transportation Policy Act, the Legislature intends by this Act to authorize open barrier toll collection systems on the turnpike to the extent the authority believes that the installation of toll collection systems would be financially feasible and consistent with the requirements of the Maine Revised Statutes, Title 23, chapter 24. This measure may not impair the rights of present or future bondholders under any existing indenture or resolution for the issuance of turnpike authority bonds or other obligations.

See title page for effective date.

CHAPTER 117

H.P. 627 - L.D. 847

An Act to Authorize the Offset of Insurance Premiums

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

Sec. 1. 24-A MRSA §13 is enacted to read:

§13. Retention of unpaid premium

Any insurance company, broker or agent may retain an amount equal to any undisputed unpaid premium due on the policy under which a claim is being presented, in connection with claims by and settled with an insured, as long as the unpaid premium remains unpaid 60 days after the effective date of that policy or the date of the original billing for the unpaid premium, whichever occurs later. The unpaid premium may not be retained as against any loss payee or mortgagee named in the policy up to the amount of the unpaid balance owed to that loss payee or mortgagee on the date the loss that gave rise to the claim occurred. This section does not apply to a health insurance policy.

See title page for effective date.

CHAPTER 118

H.P. 670 - L.D. 908

An Act to Eliminate the Seasonal Legal Researcher Position at the Public Utilities Commission and to Make Certain Other Changes

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