

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

nal mortgage is filed and send to the mortgagee by registered mail, return receipt requested, a written notice limiting the amount of future advances, other than advances made pursuant to a commitment as defined in Title 11, section 9-105, subsection 1, paragraph K, secured by that mortgage to not less than the amount actually advanced as of the end of the 3rd business day following the delivery of the notice.

B. A person who, subsequent to the recording of such a mortgage, acquires any rights in or liens upon the mortgaged real estate and has perfected those rights by all required filings or recordings may send to the mortgagee by registered mail, return receipt requested, a written notice stating that future advances made by the mortgagee after the end of the 3rd business day following receipt of the notice are junior to that person's rights in or liens upon the mortgaged real estate, except that the written notice does not affect the priority of advances made pursuant to a real property construction or improvement financing agreement as defined in the United States Internal Revenue Code of 1986, Section 6323(c) and any amendments as of December 31, 1991.

For purposes of this subsection, an advance made pursuant to a credit card or a negotiable instrument drawn against a credit account secured by a mortgage is deemed to have been made on the earlier of the date on the negotiable instrument or credit card voucher and the date the debtor received value in exchange for the negotiable instrument or credit card voucher.

6. Amount of future advances in excess of mortgage amount. Until repaid, the amount by which a future advance causes the aggregate amount of all debts or obligations secured at any one time, exclusive of protective advances, to exceed the total amount stated in the mortgage does not have priority over persons who, subsequent to the recording of the mortgage, acquire any rights in or liens upon the mortgaged real estate. The mortgagee may credit repayments first to amounts exceeding the total amount of secured debts or obligations stated in the mortgage.

7. Application. This section applies to mortgages that are recorded on or after January 1, 1994.

See title page for effective date

CHAPTER 230

H.P. 986 - L.D. 1317

An Act to Amend the Laws Governing the Recording of Deeds

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

Sec. 1. 33 MRSA §651-A, as amended by PL 1983, c. 530, §8, is further amended to read:

§651-A. Grantor, grantee names; form of indexing

No instrument executed on or after October 1, 1983, may be accepted by a register of deeds for recording unless beneath the signature of the grantor, grantee, if it appears on the instrument, and the person taking the acknowledgement, the name of each signer is typed or printed. Names used for indexing ~~shall~~ **must** be indexed as typed or printed under each signature. A name may be typed or printed under a signature at the registry of deeds by the person bringing the instrument to the registry, **provided** as long as the name is typed or printed on the instrument prior to the certification on the instrument under section 653 of the time when the instrument was received. The register of deeds may return documents that are not legible for recording and archival purposes.

See title page for effective date.

CHAPTER 231

H.P. 944 - L.D. 1273

An Act to Amend the Maine Pharmacy Act

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

Sec. 1. 32 MRSA §13791, as enacted by PL 1987, c. 710, §5, is amended to read:

§13791. Return of drugs

A drug or pharmaceutical preparation ~~which that~~ has been dispensed on prescription ~~shall not~~ **may** be returned to pharmacy stock after being in possession and under the control of another person and ~~shall not~~ **may** be dispensed again, ~~unless if~~ the drug is packaged in an unbroken, sealed container or ~~unless if~~, in the case of a hospital, a licensed pharmacist determines that the drug has not been impaired.

See title page for effective date.

CHAPTER 232

H.P. 903 - L.D. 1218

An Act Related to Unavoidable Equipment Malfunctions