

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

Sec. 6. Effective date. That section of this Act that amends the Maine Revised Statutes, Title 36, section 4544, subsection 2, paragraph A takes effect July 4, 1993.

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

Effective June 7, 1993, unless otherwise indicated.

CHAPTER 275

H.P. 783 - L.D. 1056

An Act to Expand the Use of Telecommunications by Hearing-impaired and Speech-impaired Customers

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

Sec. 1. 35-A MRSA §7302, as amended by PL 1989, c. 66, is further amended to read:

§7302. Toll-call rates for deaf, hard-of-hearing or speech-impaired persons

1. Rate reduction. The commission shall establish a 70% rate reduction for intrastate toll calls made on lines, or via credit cards assigned to lines, used for making calls to and from certified deaf, hearing-impaired and speech-impaired hard-of-hearing or speech-impaired persons who must rely on teletypewriters for residential telephone communications. In addition, the 70% rate reduction must apply to all calls using the state telecommunications relay service. This reduction ~~shall~~ must also apply to intrastate toll calls made by agencies, certified by the Division of Deafness in the Department of Human Services as eligible to receive a discount, while providing vocal relay services to deaf, ~~hearing-impaired and speech-impaired~~ hard-of-hearing or speech-impaired persons, as well as to community service centers serving deaf, ~~hearing-impaired and speech-impaired~~ hard-of-hearing or speech-impaired persons, certified by the Division of Deafness of the Department of Human Services as eligible to receive a discount. The costs incurred by a telephone company under this subsection are just and reasonable expenses for rate-making purposes.

2. Customers qualifying for the reduction. To qualify for the reduction, a customer must file an affidavit, on a form approved by the ~~Department of Human Services, Division of Deafness~~ Public Utilities Commission, with the telephone utility, stating that, due to deafness ~~or~~, hearing impairment or speech impairment, ~~he~~ the customer or a member of the household must rely on a teletypewriter for telephone communications; and that

the equipment is connected or acoustically coupled to ~~his~~ the customer's telephone.

See title page for effective date.

CHAPTER 276

S.P. 213 - L.D. 684

An Act Concerning the Purchase of Liquor by Establishments Licensed to Sell Liquor on Premises

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

Sec. 1. 28-A MRSA §459 is enacted to read:

§459. Delivery of liquor by agency liquor stores

Agency liquor stores may deliver liquor to establishments that are licensed to serve liquor on premises.

Sec. 2. 28-A MRSA §606, sub-§1, as repealed and replaced by PL 1991, c. 824, Pt. A, §57, is repealed and the following enacted in its place:

1. Purchase of liquor. Subject to the restrictions provided in subsection 1-A, a person licensed to sell spirits must purchase liquor from a state or agency liquor store. This subsection does not apply to public service corporations operating interstate.

Sec. 3. 28-A MRSA §606, sub-§1-A, as amended by PL 1991, c. 791, §2, is repealed and the following enacted in its place:

1-A. On-premises licensee; purchase from agency store. A person licensed to sell spirits for consumption on the premises may purchase spirits from an agency liquor store only in accordance with this subsection.

A. The sale price of spirits sold to a licensee under this subsection must equal the price for which a licensee would purchase liquor at a state store.

B. Upon completion of a transaction, the agency liquor store and the on-premise licensee shall each retain a copy of the licensee order form.

See title page for effective date.

CHAPTER 277

H.P. 843 - L.D. 1148

An Act to Amend 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. 768, §1, is further amended to read:

Any holder of a mortgage on real estate that is granted by a corporation, partnership or trustee of a trust and that contains a power of sale, or a person authorized by the power of sale, or an attorney duly authorized by a writing under seal, or a person acting in the name of the 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 except that 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. For mortgage deeds executed on or after October 1, 1993, the power of sale may be used only if the mortgage deed states that it is given primarily for a business, commercial or agricultural purpose. 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. Any power of sale incorporated into a mortgage is not affected by the subsequent transfer of the mortgaged premises from such the corporation, partnership or trustee of a the trust to any other type of organization or to an individual or individuals. This paragraph is repealed October 1, 1993. The power of sale may not be used to foreclose a mortgage deed granted by a trustee of a trust if at the time the mortgage deed is given the real estate is used exclusively for residential purposes, the real estate has 4 or fewer residential units and one of the units is the principal residence of the owner of at least 1/2 of the beneficial interest in the trust. If the mortgage deed contains a statement that at the time the mortgage deed is given the real estate encumbered by the mortgage deed is not used exclusively for residential purposes, that the real estate has more than 4 residential units or that none of the residential units is the principal residence of the owner of at least 1/2 of the beneficial interest in the trust, the statement conclusively establishes these facts and the mortgage deed may be foreclosed by the power of sale.

Sec. 2. 14 MRSA §6203-A, 2nd ¶, as enacted by PL 1991, c. 768, §2, is repealed.

Sec. 3. 33 MRSA §501-A, first ¶, as amended by PL 1991, c. 768, §3, is further amended to read:

The following "power" is known as "The Statutory Power of Sale" and may be included in any mort-

gage or incorporated by reference in any mortgage granted by a corporation, partnership or trustee of a trust. This paragraph is repealed October 1, 1993. The power of sale may not be used to foreclose a mortgage deed granted by a trustee of a trust if at the time the mortgage deed is given the real estate is used exclusively for residential purposes, the real estate has 4 or fewer residential units and one of the units is the principal residence of the owner of at least 1/2 of the beneficial interest in the trust. If the mortgage deed contains a statement that at the time the mortgage deed is given the real estate encumbered by the mortgage deed is not used exclusively for residential purposes, that the real estate has more than 4 residential units or that none of the residential units is the principal residence of the owner of at least 1/2 of the beneficial interest in the trust, the statement conclusively establishes these facts and the mortgage deed may be foreclosed by the power of sale.

Sec. 4. 33 MRSA §501-A, 2nd ¶, as enacted by PL 1991, c. 768, §4, is repealed.

See title page for effective date.

CHAPTER 278

S.P. 234 - L.D. 727

An Act to Require Postgraduate Residency Training for Podiatric Medical Licensure and to Permit Temporary Residency Licensure

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

Sec. 1. 32 MRSA 3651-A is enacted to read:

§3651-A. Requirements and licensure

1. Residency requirement. Each applicant who has graduated after January 1, 1991 from podiatric medical school as set forth in section 3651 seeking licensure to practice podiatry must provide the board with evidence of satisfactory completion of at least one year of postgraduate clinical training in a podiatric residency training program approved by the accrediting body of the American Podiatric Medical Association, or its successor organization.

2. Residency licensure. A doctor of podiatric medicine who has graduated after January 1, 1991 from podiatric medical school as set forth in section 3651 may not practice podiatric medicine in a podiatric residency program without first having applied for and obtained a residency license from the board.

A. An applicant for a residency license must be a doctor of podiatric medicine who is a graduate of a school of podiatry, as set forth in this chapter. An examination is not required for applicants for