

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

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

residency licensure. The fee for residency licensure is the same as the registration fee for licensure for that year. The residency license application and the license must be in forms prescribed by the board. A residency license may be denied for any reason for which a podiatric medical license may be disciplined under section 3655-A.

B. A residency license is valid only for the practice of podiatric medicine as part of the postgraduate residency program. A residency license is subject to discipline for any reason for which a podiatric medical license may be disciplined under section 3655-A. If the holder of a residency license is terminated from or otherwise ceases to be a resident in the postgraduate residency program, the residency license becomes void as of the date the resident is terminated or ceases to be a resident.

C. A residency license is valid for up to one year, and may be renewed annually before the first day of July of every year thereafter, not to exceed an aggregate of 4 years. Renewal of a residency license is subject to the same requirements and conditions as the initial residency license.

Sec. 2. 32 MRSA §3654, as amended by PL 1983, c. 378, §57, is further amended to read:

§3654. Reciprocity; endorsement; residency requirement

Any podiatrist licensed to practice podiatry in a state maintaining a standard equal to that maintained by this State may, upon making application to the secretary of the Board of Registration in Medicine, be licensed to practice podiatry in this State without examination, upon payment of the required fee and the presentation of his that person's license to practice podiatry in such other state, provided such if that other state extends the same privilege to persons licensed to practice podiatry in this State, and if a podiatrist who has graduated after January 1, 1991 from podiatric medical school as set forth in section 3651 has met the residency requirements of section 3651-A.

The board, at its discretion, may issue a certificate to practice podiatry by endorsement to an applicant who has successfully passed the written examination of a recognized national certifying agency in podiatry, provided the written examination of the certifying agency was, in the opinion of the board, equivalent to its own examination, and provided further that the applicant satisfies in all other respects, the requirements for examination as set forth in section 3651. An applicant for licensure by endorsement who graduated after January 1, 1991 from podiatric medical school as set forth in section 3651 is required to provide the board evidence of satisfactory completion of at least one year of postgraduate clinical

training in a podiatric residency training program, as set forth in section 3651. Such application Applications for licensure by reciprocity and endorsement to the board shall must be accompanied by an application fee of \$100.

Sec. 3. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	1993-94	1994-95
PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF		
Board of Examiners of Podiatrists		
All Other	\$200	\$300
Provides allocation for additional licensure processing requirements.		
DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION		
TOTAL	\$200	\$300

Sec. 4. Effective date. This Act takes effect July 1, 1995.

Effective July 1, 1995.

CHAPTER 279

S.P. 206 - L.D. 677

An Act to Provide for Interstate Cooperation Agreements between Neighboring Municipalities

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

Sec. 1. 30-A MRSA §2202, sub-§1, ¶A, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

A. Any political subdivision of the State or any adjoining state;

See title page for effective date.

CHAPTER 280

H.P. 276 - L.D. 354

An Act to Assess the Health Risks Associated with Ingestion of Fish Caught by Noncommercial Anglers