

# 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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**CHAPTER 372****S.P. 252 - L.D. 771****An Act to Enhance Voters' Rights in Budget Approval of School Districts**

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** this legislation amends current law concerning the procedure for adopting an annual school administrative district budget; and

**Whereas,** school administrative districts are now or soon will be considering budgets for the 1993-94 school year; and

**Whereas,** failure to enact this legislation as an emergency will prevent school administrative districts from realizing the benefits of this improved budget process until 1994; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 20-A MRSA §1305, sub-§2,** as amended by PL 1983, c. 770, §2, is further amended to read:

**2. Application.** Following the board of director's declaration that the article has passed, the board shall cause the voting at all future district budget meetings and to be called within each municipality within the district. The voting ~~shall~~ must be held in accordance with the procedures set out in sections 1351 to 1354, except that the warrant and absentee ballots for the meeting ~~shall~~ must be prepared and distributed to the municipal clerks at least 14 days prior to the date of the referendum. The board may hold informational meetings on voting procedure and budget prior to voting. The board shall be responsible for the form of the articles to be voted on in the municipalities, except as otherwise provided by law.

**Sec. 2. 20-A MRSA §1305, sub-§3,** as repealed and replaced by PL 1983, c. 770, §3, is amended to read:

**3. Failure to approve a budget.** If the budget or a portion of the budget fails to receive a majority vote at the referendum, the board of directors shall decide in a public proceeding whether subsequent votes on the portion of the budget which that was defeated ~~shall~~ must be conducted in accordance with the referendum procedure

in subsection 2; or at a district budget meeting held at a single place in the district; in accordance with procedures in sections 1303 and 1304. Subsequent votes conducted in accordance with the referendum procedure in subsection 2 must be held within 45 days. Subsequent votes conducted in accordance with sections 1303 and 1304 must be held within 30 days. These referenda or meetings ~~shall~~ must be held solely for the purpose of approving an alternative operating school budget to replace the part of the proposed budget ~~which that~~ the voters failed to approve. The board may continue in this manner until an alternative budget is adopted.

**Sec. 3. 20-A MRSA §1309,** as amended by PL 1983, c. 806, §19, is further amended to read:

**§1309. Special budget meeting**

The school board may call a special budget meeting when ~~they declare it declares~~ an emergency ~~to exist~~ exists. The voters of the district may authorize the directors at a special district budget meeting to expend additional funds from the district's undesignated fund balance or to pledge the credit of the district to obtain additional moneys money for the operation of schools. The special budget meeting ~~shall~~ must be held in accordance with sections 1302 to 1307.

**Sec. 4. 20-A MRSA §1311, sub-§1, ¶C,** as amended by PL 1983, c. 422, §5, is further amended to read:

C. Minor capital costs as defined in section ~~15503~~ 15603, subsection ~~14~~ 18.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective June 16, 1993.

**CHAPTER 373****H.P. 934 - L.D. 1257****An Act to Clarify the Laws Pertaining to Mortgages and the Laws Pertaining to Taxation of Real Estate Transfers**

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

**Sec. 1. 14 MRSA §6111, sub-§1,** as enacted by PL 1991, c. 707, §1, is amended to read:

**1. Notice; payment.** With respect to mortgages upon residential property located in this State when the mortgagor is occupying all or a portion of the property as the mortgagor's primary residence, the mortgagee may

not accelerate maturity of the unpaid balance of the obligation or otherwise enforce the mortgage because of a default consisting of the mortgagor's failure to make any required payment, tax payment or insurance premium payment, by any method authorized by this chapter until at least 30 days after the date that written notice is given by the mortgagee to the mortgagor at the last known address of the mortgagor that the mortgagor has the right to cure the default by full payment of all amounts that are due without acceleration, including reasonable interest and late charges specified in the mortgage or note as well as reasonable attorney's fees. If the mortgagor tenders payment of the amounts before the date specified in the notice, the mortgagor is restored to all rights under the mortgage deed as though the default had not occurred.

**Sec. 2. 14 MRSA §6323**, as repealed and replaced by PL 1883, c. 447, §4, is amended to read:

**§6323. Sale following expiration of period of redemption**

Upon expiration of the period of redemption, if the mortgagor, ~~his~~ or the mortgagor's successors, heirs or assigns have not redeemed the mortgage, any remaining rights of the mortgagor to possession ~~shall~~ terminate, and the mortgagee shall cause notice of a public sale of the premises stating the time, place and terms ~~thereof~~ of the sale to be published once in each of 3 successive weeks in a newspaper of general circulation in the county in which the premises are located; the first ~~such~~ publication to be made not more than 90 days after the expiration of the period of redemption. The public sale ~~shall~~ must be held not less than 30 days nor more than 45 days after the first date of that publication and may be adjourned, for any time not exceeding 7 days and from time to time until a sale is made, by announcement to those present at each adjournment. The mortgagee, in its sole discretion, may allow the mortgagor to redeem or reinstate the loan after the expiration of the period of redemption but before the public sale. The mortgagee may convey the property to the mortgagor (~~redemption~~) or execute a waiver of foreclosure (~~reinstatement~~) and all other rights of all other parties ~~shall~~ remain as if no foreclosure had been commenced. The mortgagee shall sell the premises to the highest bidder at the public sale and deliver a deed of that sale to the purchaser; ~~which, The deed shall must~~ convey the premises free and clear of all interests of the parties in interest joined in the action. The mortgagee or any other party in interest may bid at the public sale. Should If the mortgagee be is the highest bidder at the public sale, there shall be is no obligation to account for any surplus upon a subsequent sale by the mortgagee. Any rights of the mortgagee to a deficiency claim against the mortgagors, shall be are limited to the amount established as of the date of the public sale. The date of the "public sale" shall be is the date on which bids are received to establish the sales price, no matter when the sale is completed by the delivery of the deed to the highest bidder.

**Sec. 3. 33 MRSA §482, sub-§1, ¶L**, as enacted by PL 1983, c. 368, is amended to read:

L. A statement of the rights of the buyer established by Title 14, section 6111 to cure a default by the buyer;

**Sec. 4. 36 MRSA §943**, as amended by PL 1991, c. 245, §1 and affected by §2, is further amended by adding at the end a new paragraph to read:

When a municipality conveys the premises back to the former record titleholder or to a successor of that holder who obtained title before the foreclosure for a consideration of the taxes and costs due, the rights of the other parties claiming an interest of record in the premises at the time of foreclosure, including mortgagees, lien creditors or other secured parties, are revived as if the tax lien mortgage had not been foreclosed.

**Sec. 5. 36 MRSA §4641-C, sub-§§2 and 4**, as enacted by PL 1977, c. 318, §1, are amended to read:

**2. Mortgage deeds.** Mortgage deeds, discharges of mortgage deeds and partial releases of mortgage deeds, deeds from a mortgagor to a mortgagee in lieu of foreclosure and deeds from a mortgagee to itself at a public sale held pursuant to Title 14, section 6323. In the event of a deed to a 3rd party at such a public sale, the tax imposed upon the grantor by section 4641-A applies only to that portion of the proceeds of sale that exceeds the sums required to satisfy in full the claims of the mortgagee and all junior claimants originally made parties in interest in the proceedings, or having subsequently intervened in the proceedings, as established by the judgment of foreclosure and sale. The tax must be deducted from the excess proceeds;

**4. Deeds between family members.** Deeds between husband and wife, or parent and child, without actual consideration ~~therefor~~ for the deed, and deeds between spouses in divorce proceedings;

See title page for effective date.

## CHAPTER 374

H.P. 864 - L.D. 1173

### An Act Related to the Adoption of Municipal Ordinances and Comprehensive Plans and to Revise Notice Requirements for Certain Zoning Changes

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