

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**Sec. 2. 14 MRSA §6323**, as repealed and replaced by PL 1883, c. 447, §4, is amended to read: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

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## 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:**

**Sec. 1. 30-A MRSA §3002, sub-§1**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

**1. Posted.** The proposed ordinance must be attested and posted in the manner provided for town meetings. If a proposed ordinance or comprehensive plan exceeds 10 pages in length, it is sufficient to satisfy this posting requirement that the warrant and the warrant article related to the adoption of the ordinance or plan includes a statement that copies of the text of the ordinance or plan and map, if any, are available from the town clerk.

**Sec. 2. 30-A MRSA §3003, sub-§2, ¶A**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

A. At least ~~3~~ copies one copy of the code, portion or amendment, which that is incorporated or adopted by reference, shall must be filed in the office of the municipal clerk and kept there available for public use, inspection and examination. The required ~~copies~~ copy of the codes, portion or amendment or public record must be filed with the municipal clerk for 30 days before the adoption of the ordinance which that incorporates the code, portion or amendment by reference.

**Sec. 3. 30-A MRSA §4352, sub-§9**, as enacted by PL 1991, c. 504, §2, is repealed and the following enacted in its place:

**9. Notice; general requirements.** Before adopting a new zoning ordinance or map or amending an existing zoning ordinance or map, including ordinances or amendments adopted under the laws governing growth management contained in chapter 187, subchapter II or the laws governing shoreland zoning contained in Title 38, chapter 3, subchapter I, article 2-B, the municipal reviewing authority must post and publish notice of the public hearing required under subsection 1 in accordance with the following provisions.

A. The notice must be posted in the municipal office at least 14 days before the public hearing.

B. The notice must be published at least 2 times in a newspaper that complies with Title 1, section 601 and that has a general circulation in the municipality. The date of the first publication must be at least 14 days before the hearing and the date of the 2nd publication must be at least 7 days before the hearing. That notice must be written in plain English, understandable by the average citizen.

**Sec. 4. 30-A MRSA §4352, sub-§10** is enacted to read:

**10. Additional notice; limited areas.** Notice must be given in accordance with this subsection and subsec-

tion 9 when a municipality has proposed an amendment to an existing zoning ordinance or map that, within a geographically specific portion of the municipality, has the effect of either prohibiting all industrial, commercial or retail uses where any of these uses is permitted or permitting any industrial, commercial or retail uses where any of these uses is prohibited.

A. The notice must contain a copy of a map indicating the portion of the municipality affected by the proposed amendment.

B. For each parcel within the municipality that is in or abutting the portion of the municipality affected by the proposed amendment, the notice must be mailed by first class mail at least 14 days before the public hearing to the last known address of the person to whom property tax on each parcel is assessed. The municipal officers shall prepare and file with the municipal clerk a written certificate indicating those persons to whom the notice was mailed and at what addresses, when it was mailed, by whom it was mailed and from what location it was mailed. This certificate constitutes prima facie evidence that notice was sent to those persons named in the certificate. Notice is not required under this paragraph for any type of zoning ordinance adopted under the laws governing growth management contained in chapter 187, subchapter II or the laws governing shoreland zoning contained in Title 38, chapter 3, subchapter I, article 2-B.

Any action challenging the validity of an amendment to a zoning ordinance or map based on a municipality's failure to comply with paragraph B must be brought in Superior Court within 30 days after the adoption of the amended ordinance or map. The Superior Court may invalidate an amended ordinance or map if the appellant demonstrates that the appellant was entitled to receive a notice under paragraph B, that the municipality failed to send the notice as required, that the appellant had no knowledge of the proposed amendment to the ordinance or map and that the appellant was materially prejudiced by that lack of knowledge. Nothing in this subsection alters the right of a person to challenge the validity of any ordinance based on the failure of the municipality to provide notice as required in paragraph A and subsection 9.

See title page for effective date.

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## CHAPTER 375

H.P. 226 - L.D. 294

**An Act Concerning the Structure of the State Court Library Committee and the System of State Law Libraries**