

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

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

CHAPTER 532

H.P. 1247 - L.D. 1674

**An Act to Exempt Eye Banks from
Sales Tax****Be it enacted by the People of the State of
Maine as follows:****Sec. 1. 36 MRSA §1760, sub-§77** is enacted to read:

77. Eye banks. Sales to nonprofit organizations whose primary purpose is to obtain, medically evaluate and distribute eyes for use in corneal transplantation, research and education.

See title page for effective date.

CHAPTER 533

S.P. 573 - L.D. 1617

**An Act to Clarify the Display of
Social Security Numbers on
Insurance-related Identification Cards**

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

Whereas, in 1993, a change in the law prohibited the use of social security numbers as a means of identification under certain circumstances; and

Whereas, many administrative systems utilize the social security numbers for the purpose of identifying individuals eligible for health insurance coverage; and

Whereas, any change to the administrative systems will result in system conversions at a time when costs are a major concern to most businesses and government; and

Whereas, a change in the law is required promptly to clarify the use of this important component of health insurance coverage identification; 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. 10 MRSA §1272-A** is enacted to read:**§1272-A. Exemptions from prohibition**

Until July 1, 1995, social security numbers may be used as an identification for medical insurance including health insurance, dental insurance and prescription drug coverage.

Sec. 2. Review alternatives; report. The state employee health insurance program shall review alternatives to using social security numbers for identification for medical insurance purposes. The state employee health insurance program shall report its findings to the joint standing committee of the Legislature having jurisdiction over banking and insurance matters by February 1, 1995.

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

Effective March 18, 1994.

CHAPTER 534

H.P. 1299 - L.D. 1754

**An Act Regarding the Discharge
of Mortgages****Be it enacted by the People of the State of
Maine as follows:****Sec. 1. 33 MRSA §553** is repealed.**Sec. 2. 33 MRSA §553-A** is enacted to read:**§553-A. Discharge by attorney**

1. Affidavit. A recorded mortgage on a residential owner-occupied one-to-four-family dwelling may be discharged in the office of the registry of deeds by an attorney-at-law licensed to practice in the State if the mortgagee, after receipt of payment of the mortgage in accordance with the payoff statement furnished to the mortgagor by the mortgagee, fails to make that discharge or to execute and acknowledge a deed of release of the mortgage. The attorney shall execute and record an affidavit in the registry of deeds affirming that:

A. The affiant is an attorney-at-law in good standing and licensed to practice in the State;

B. The affidavit is made at the request of the mortgagor or the mortgagor's executor, administrator, successor, assignee or transferee or the transferee's mortgagee;

C. The mortgagee has provided a payoff statement with respect to the loan secured by the mortgage;

D. The mortgagee has received payment that has been proved by a bank check, certified check or attorney client funds account check negotiated by the mortgagee or by evidence of receipt of payment by the mortgagee;

E. More than 30 days have elapsed since the payment was received by the mortgagee; and

F. The mortgagee has received written notification by certified mail 15 days in advance, sent to the mortgagee's last known address, that the affiant intends to execute and record an affidavit in accordance with this section, enclosing a copy of the proposed affidavit; the mortgagee has not delivered a discharge or deed of release in response to the notification; and the mortgagor has complied with any request made by the mortgagee for additional payment at least 15 days before the date of the affidavit.

2. Name; address; mortgagee; mortgagor.

The affidavit must include the names and addresses of the mortgagor and the mortgagee, the date of the mortgage, the title reference and similar information with respect to recorded assignment of the mortgage.

3. Copy. The affiant shall attach to the affidavit the following, certifying that each copy is a true copy of the original document:

A. Photostatic copies of the documentary evidence that payment has been received by the mortgagee, including the mortgagee's endorsement of a bank check, certified check or attorney client funds account check; and

B. A photostatic copy of the payoff statement if that statement is made in writing.

4. Effect. An affidavit recorded under this section has the same effect as a recorded discharge.

5. Exception. A mortgage may not be discharged as provided by this section if the holder of the mortgage at the time a discharge is sought is a financial institution authorized to do business in the State as defined by Title 9-B, section 131, subsection 17-A.

See title page for effective date.

CHAPTER 535

S.P. 618 - L.D. 1720

An Act to Encourage Innovation and Competitiveness by Electric Utilities

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

Sec. 1. 35-A MRSA §1311-A is enacted to read:

§1311-A. Protective orders; confidential information

Records placed under a protective order by the commission pursuant to the Maine Rules of Civil Procedure, Rule 26 (c) are within the scope of a privilege against discovery within the meaning of Title 1, section 402, subsection 3, paragraph B and are not public records while under the protective order.

See title page for effective date.

CHAPTER 536

H.P. 847 - L.D. 1152

An Act to Clarify the Authority of the Department of Transportation to Determine Condition of Property Prior to Acquiring

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

Whereas, it is necessary for this legislation to be enacted as an emergency measure so that the Department of Transportation can effectively and efficiently accomplish its mission of providing transportation services to the citizens of Maine; 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. 23 MRSA §153, as amended by PL 1991, c. 462, is repealed.

Sec. 2. 23 MRSA §153-B is enacted to read: