

# 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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1993**

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.

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## 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.

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## 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: