

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

Where service facilities are established on the Maine Turnpike and on the interstate highway system in the State, the State Police shall enforce any handicapped parking restrictions at those facilities.

(3) Any vehicle or motorcycle parked in a parking space clearly marked as a handicapped parking space and that does not bear a special registration plate or placard issued under Title 29-A, section 521 or 523, or a similar plate issued by another state, must be cited for a forfeiture of not less than ~~\$50~~ \$100. "Clearly marked" includes painted signs on pavement and vertical standing signs that are visible in existing weather conditions.

See title page for effective date.

CHAPTER 61

H.P. 318 - L.D. 440

An Act to Require Responsibility of the Employers of Persons who Collect Signatures

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

Sec. 1. 21-A MRSA §904-A, as enacted by PL 1993, c. 599, §1, is amended to read:

§904-A. Payment per signature; prohibition

A person may not pay a circulator of an initiative or a referendum petition or ~~a~~ another person who causes the circulation of an initiative or referendum petition ~~may not receive payment~~ for the collection of signatures if that payment is based on the number of signatures collected. Nothing in this section prohibits a circulator of an initiative or a referendum petition or a person who causes the circulation of an initiative or referendum petition from being paid a salary that is not based on the number of signatures collected.

See title page for effective date.

CHAPTER 62

H.P. 572 - L.D. 763

An Act to Amend the Procedure for Foreclosure by Publication

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

Sec. 1. 33 MRSA §353-A, sub-§7, as enacted by PL 1995, c. 304, §2, is amended to read:

7. Foreclosure by publication. In all cases of foreclosure of real estate mortgages by publication, a certificate of the publication of foreclosure made by the mortgagee or by an officer of the mortgagee, if the mortgagee is a corporation, or made by an officer or employee of the newspaper that published the notice recorded on or before January 1, 1990 is prima facie evidence of the publication of foreclosure to the same extent as if the certificate had in fact been made by the register of deeds and recorded; certificates made by the mortgagee or by an officer of the mortgagee, if the mortgagee is a corporation, or made by an officer or employee of the newspaper that published the notice ~~and~~ recorded on or before January 1, 1990 have the same force and effect as if made by the register of deeds and are valid.

See title page for effective date.

CHAPTER 63

S.P. 72 - L.D. 211

An Act to Permit Municipalities to Restrict the Sale of Tobacco Products

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

Sec. 1. 22 MRSA §1556, as enacted by PL 1995, c. 470, §9 and affected by §19, is amended to read:

§1556. Municipal regulation

Except as otherwise provided in this section, nothing in this chapter affects the authority of municipalities to enact ordinances or regulations that are more restrictive than this chapter. ~~Municipalities are expressly prohibited from enacting ordinances and regulations regarding tobacco displays, product placement and the time of tobacco product sales after the effective date of this Act.~~

When a municipality intends to consider an ordinance or regulation or intends to amend an ordinance or regulation so that the ordinance or regulation would be more restrictive than this chapter, the municipality shall give notice of that intention by mail, at least 30 days prior to consideration of the ordinance, regulation or amendment, to the last known address of each retail tobacco licensee doing business within the municipal corporate limits. This notice must state the time, place and date of a hearing or proposed enact-

ment and the subject matter of the proposed ordinance, regulation or amendment.

See title page for effective date.

CHAPTER 64

S.P. 207 - L.D. 666

An Act to Amend the Maine Consumer Credit Code to Permit Reverse Mortgages

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

Whereas, reverse mortgages are special open-end financing programs designed to let elderly persons unlock the equity in their homes without requiring repayment until those persons die or cease to live in the home as a principal residence; and

Whereas, reverse mortgages offer many elderly persons the ability to remain in their homes; and

Whereas, there are elderly persons in Maine urgently waiting to use reverse mortgages to stay in their homes; and

Whereas, federal secondary market agencies like the Federal Home Loan Mortgage Corporation and the Federal National Mortgage Association are now offering reverse mortgage programs; and

Whereas, current law prohibits Maine lenders and federal agencies from offering nationally accepted reverse mortgages in this State; and

Whereas, this legislation amends the Maine Consumer Credit Code to allow these types of reverse mortgages to be offered in this State; and

Whereas, this legislation needs to be enacted to allow Maine's elderly residents immediate access to reverse mortgages; 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. 9-A MRSA §1-202, sub-§8, ¶A, as amended by PL 1987, c. 396, §2, is further amended to read:

A. With respect to advances of additional funds on the loan or credit sale made more than 30 days after the initial advance, this exclusion ~~shall apply~~ applies only to advances made:

(1) Pursuant to the terms of a construction financing agreement;

(2) To protect the security or to perform the covenants of the consumer;

(3) As negative amortization of principal under the terms of the financing agreement; ~~or~~

(4) From funds withheld at consummation pending the resolution of matters ~~which that~~ otherwise would tend to delay or prevent closing, including, without limitation, remedy of title defects or repairs to meet appraisal standards; or

(5) Pursuant to the terms of a reverse mortgage transaction, as defined in section 8-103, subsection 1, paragraph H-1, if the transaction is made pursuant to a commitment to purchase issued by, or is in a form approved for purchase by, any state or federal agency, instrumentality or government-sponsored enterprise, including, without limitation, the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation;

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

Effective March 28, 1997.

CHAPTER 65

I.P. 1 - L.D. 1017

An Act to Protect Traditional Marriage and Prohibit Same Sex Marriages

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

Sec. 1. 19 MRSA §§2-A, 34 and 93 are enacted to read:

§2-A. Findings and purposes

All municipal clerks and courts of this State shall have a duty and shall be legally required to construe the provisions of Maine's marriage laws in accordance with the following findings and purposes: