

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

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

any time within the middle 1/3 of a river, stream, brook or other watercourse, as measured at mean ~~low~~ high tide, within the coastal waters of the State. It is unlawful for a person to obstruct the middle 1/3 of any river, stream, brook or other watercourse within the coastal waters of the State, as measured at mean low tide.

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

Effective February 27, 1998.

CHAPTER 576

S.P. 681 - L.D. 1906

An Act Clarifying the Public Service Corporation Exception

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

Sec. 1. 32 MRSA §1102, sub-§1-A, as enacted by PL 1997, c. 119, §3, is amended to read:

1-A. Public service corporations. A public service corporation or an employee of a public service corporation making electrical installations in the course of the employee's employment, ~~but only to the extent the electrical installations are made in the course of rendering a service subject to regulation by the Public Utilities Commission or the Federal Communications Commission~~ including installations of conductors and equipment that are not under the exclusive control of the electric utilities and are used to connect the electric utility supply system to the service entrance conductors of the premises served, including such installations of conductors and equipment that are outside a building or terminate immediately inside a building. This exception does not apply to the installation of mobile home service equipment;

See title page for effective date.

CHAPTER 577

S.P. 688 - L.D. 1924

An Act to Permit the Consideration of Any Location in the State for the Location of the New Criminal Justice Academy

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

Sec. 1. 25 MRSA §2801, first ¶, as amended by PL 1989, c. 503, Pt. B, §105, is further amended to read:

There is created within the Department of Public Safety a law enforcement and criminal justice training facility to be known as the "Maine Criminal Justice Academy," as authorized by Title 5, section 12004-C, subsection 5, which shall be established ~~at some convenient and suitable place in the Augusta area~~ in the State.

See title page for effective date.

CHAPTER 578

H.P. 1364 - L.D. 1914

An Act Regarding the Possession of Tobacco Products by a Juvenile

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

Sec. 1. 22 MRSA §1555-B, sub-§5, as amended by PL 1997, c. 562, Pt. D, §3 and affected by §11, is further amended to read:

5. Possession and use of cigarettes, cigarette papers or tobacco products; use of false identification by minors prohibited. ~~—A Except as provided in paragraph A,~~ a person under 18 years of age may not purchase, possess or use cigarettes, cigarette paper or any tobacco product or offer false identification in an attempt to purchase any tobacco products or to purchase, possess or use cigarettes, cigarette paper or any other tobacco product.

A. A person under 18 years of age may transport or permit to be transported in a motor vehicle cigarettes, cigarette paper or tobacco products in the original, sealed package in which they were placed by the manufacturer if the transportation is in the scope of that person's employment.

See title page for effective date.

CHAPTER 579

H.P. 1376 - L.D. 1929

An Act Concerning Notices Given in Connection with Mortgage Foreclosures

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

Sec. 1. 14 MRSA §6111, sub-§1, as amended by PL 1995, c. 654, §1, is further 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 and the mortgage secures a loan for personal, family or household use, 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 and any cosigner against whom the mortgagee is enforcing the obligation secured by the mortgage at the last known addresses of the mortgagor and any cosigner 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 §6111, sub-§3, as amended by PL 1995, c. 654, §3, is further amended to read:

3. Notice procedure. A mortgagee ~~gives shall provide notice to a mortgagor and any cosigner under this section by mailing the notice by certified mail, return receipt requested. If the notice is undeliverable by certified mail, the mortgagee must send the notice to the mortgagor and any cosigner by ordinary mail. The time when notice is given is the date the mortgagor or any cosigner signs the receipt or, if the notice is undeliverable by certified mail, the date the notice was sent by ordinary mail. to the last known addresses of the mortgagor and cosigner by:~~

A. Certified mail, return receipt requested. For the purposes of this paragraph, the time when the notice is given to the mortgagor or cosigner is the date the mortgagor or cosigner signs the receipt or, if the notice is undeliverable, the date the post office last attempts to deliver it; or

B. Ordinary first class mail, postage prepaid. For the purposes of this paragraph, the time when the notice is given to the mortgagor or cosigner is the date when the mortgagor or cosigner receives that notice. A post office department certificate of mailing to the mortgagor or cosigner is conclusive proof of receipt on the 3rd calendar day after mailing.

Sec. 3. 14 MRSA §6111, sub-§4, as enacted by PL 1995, c. 654, §4, is repealed.

Sec. 4. 14 MRSA §6111, sub-§5 is enacted to read:

5. Exceptions. This section does not apply to:

A. A mortgage subject to the provisions of Title 9-A, section 5-111 or a mortgage, other than a first lien mortgage, that is made subject to the provisions of Title 9-A, section 5-111 by agreement of the parties to the mortgage;

B. A mortgage that contains a requirement that a reinstatement notice, a notice of right to cure or an equivalent notice be given to the mortgagor at least 30 days prior to accelerating the maturity of the unpaid balance of the obligation or otherwise enforcing the mortgage against the mortgagor, if the mortgagee gives such a notice to the mortgagor and to any cosigner against whom the mortgagee seeks to enforce the obligation secured by the mortgage; or

C. A mortgage when the mortgagee accelerates the maturity of the unpaid balance of the obligation or otherwise enforces the mortgage on or after July 4, 1996 if the mortgage meets the requirements of paragraph A or B.

See title page for effective date.

CHAPTER 580

H.P. 1429 - L.D. 1993

An Act to Require the Development of a Plan for the Recovery, Identification and Disposition of Human Remains in a Disaster

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

Sec. 1. 37-B MRSA §703, sub-§1, as enacted by PL 1983, c. 460, §3, is amended to read:

1. Civil emergency preparedness. "Civil emergency preparedness" means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to minimize and repair injury and damage resulting from disasters or catastrophes caused by enemy attacks, sabotage, riots or other hostile action, or by fire, flood, earthquake or other natural or ~~man-made~~ human-made causes. These functions include, without limitation, fire fighting, police, medical and health, emergency welfare, rescue, engineering, air raid warning and communications services; radiologi-