

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

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-

cal, chemical and other special weapons defense; evacuation of persons from stricken areas; recovery, identification and disposition of human remains; economic stabilization; allocation of critical materials in short supply; emergency transportation; existing or properly assigned functions of plant protection; other activities related to civilian protection; and other activities necessary to the preparation for the carrying out of these functions.

Sec. 2. 37-B MRSA §704, as amended by PL 1991, c. 376, §65, is further amended by adding at the end 2 new paragraphs to read:

The director, in consultation with the Office of Chief Medical Examiner, shall prepare a plan for the recovery, identification and disposition of human remains in a disaster. The Office of Chief Medical Examiner is responsible for execution of the plan, with full cooperation and assistance from all other members of the civil emergency preparedness forces.

This plan must be reviewed and updated as necessary. The director shall see that the plan and the reviews receive suitable dissemination on a timely basis.

See title page for effective date.

CHAPTER 581

S.P. 686 - L.D. 1917

An Act to Amend the Election Laws

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

Sec. 1. 21-A MRSA §303, sub-§3, as amended by PL 1995, c. 459, §20, is further amended to read:

3. Petition. After the filing of the declaration described in subsection 1, ~~the voter or a group of voters~~ Secretary of State or the Secretary of State's designee shall review the declaration and determine the form of the petitions to be submitted to the voters. The voter or voters proposing to form the party shall print the petitions in the form approved by the Secretary of State and may then circulate the petitions. These petitions must be signed, verified and certified in the same manner as primary petitions under section 335, subsections 3, 4 and 7. Each page of the petition must have a caption, in conspicuous type, that contains the designation of the proposed party followed by the words "Petition to participate in the primary election." ~~The Secretary of State shall prepare forms for these petitions.~~ The petitions must be filed in the office of the Secretary of State before 5 p.m. on the 180th day preceding a primary election

and must contain the signatures and legal addresses of voters equal in number to at least 5% of the total vote cast in the State for Governor at the last preceding gubernatorial election.

Sec. 2. 21-A MRSA §901, sub-§1, as amended by PL 1993, c. 352, §1, is further amended to read:

1. Limitation on petitions. An application for a people's veto referendum petition must be filed in the Department of the Secretary of State within 10 ~~working business~~ days after adjournment of the legislative session at which the Act in question was passed. A direct initiative of legislation must meet the filing deadlines specified in the Constitution of Maine, Article IV, Part Third, Section 18.

Sec. 3. 21-A MRSA §901, sub-§3-A, as enacted by PL 1993, c. 352, §1, is amended to read:

3-A. Review for proper form. The Secretary of State shall review the proposed law for a direct initiative of legislation within ~~45 working~~ 10 business days after receipt of the application and either reject the application or provide a first revised draft of the initiative legislation to the applicant within that time. The Secretary of State may reject the application if the Secretary of State determines that the proposed law:

A. Does not conform to the form prescribed by the Secretary of State;

B. Does not conform to the essential aspects of the drafting conventions established for the Maine Revised Statutes. The drafting conventions include but are not limited to:

- (1) Correct allocation to the statutes and correct integration with existing statutes;
- (2) Bill titles and statute section headnotes that objectively reflect the content of the bill, section or sections to which they apply;
- (3) Conformity to the statutory numbering system; and
- (4) Ensuring that bills enacting statutes do not contain provisions that describe intent or make testimonial statements without creating a legal requirement or duty.

By consent of the applicant the proposed law may be modified to conform with the requirements of this section. The Secretary of State may request assistance from the Revisor of Statutes in reviewing the proposed law. The applicant shall submit each subsequent draft of the legislation to the Secretary of State for review following the same process. The Secretary of State shall review each subsequent draft from the applicant and provide a revised draft or written response