

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 1998 to June 19, 1999**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 18, 1999**

**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**  
**1999**

B. After notice and hearing, a cease and desist order from the administrator;

C. A civil action by the administrator through the Attorney General after which a court may assess a civil penalty of not more than \$5,000; and

D. Revocation, suspension or nonrenewal of the operator's registration pursuant to section 6157.

2. **Penalty.** A person who establishes a cash-dispensing machine pursuant to this subchapter without having filed notice with the administrator is guilty of a Class E crime.

#### **§6156. Examination of books, accounts and records**

1. **Compliance.** The administrator may examine the cash-dispensing machines, books, accounts and records of an operator or servicing agent and make investigations to determine compliance with this subchapter.

2. **Chargeable expenses.** The expenses of the administrator incurred in the examination or investigation of any operator or servicing agent are chargeable to the operator required to file notice under this subchapter.

#### **§6157. Suspension or revocation of registration**

After notice and hearing, the administrator may suspend or revoke an operator's registration if the administrator finds that:

1. **Violation.** The operator knowingly violated a provision of this subchapter or a rule or order adopted by the administrator pursuant to this subchapter;

2. **Refusal to permit examination or pay exam fees.** The operator or servicing agent refused to permit the administrator to make an examination authorized by this subchapter or refused to reimburse the administrator for the expenses of an examination;

3. **Failure to respond.** The operator failed to promptly and adequately respond to requests from the administrator; or

4. **Failure to submit notice.** The operator willfully failed to submit a notice required by this subchapter.

#### **§6158. Treatment of fees**

The aggregate of fees, examination expense reimbursement and other payments made pursuant to this subchapter are appropriated for the use of the administrator. Any balances of the funds do not lapse

but must be carried forward to be expended for the same purposes in the following fiscal year.

#### **§6159. Rulemaking**

The administrator may adopt reasonable rules for the implementation and administration of this subchapter. Rules adopted pursuant to this subchapter are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

#### **§6160. Exclusions**

This subchapter does not apply to any cash-dispensing machine established by a financial institution or service corporation.

#### **§6161. Effective date**

This subchapter takes effect January 31, 2000.

See title page for effective date.

## **CHAPTER 230**

**H.P. 1127 - L.D. 1586**

### **An Act to Require the Holder or Servicer of a Mortgage to Record the Discharge Within 60 Days**

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

**Sec. 1. 33 MRSA §551**, as amended by PL 1977, c. 100, §§1 and 2, is further amended to read:

#### **§551. Entry on record; neglect to discharge**

A mortgage ~~shall~~ only may be discharged by a written instrument acknowledging the satisfaction thereof and signed and acknowledged by the mortgagee or by ~~his executor, administrator~~ the mortgagee's duly authorized officer or agent, personal representative or assignee. The instrument ~~shall~~ must recite the name or identity of the mortgagee and mortgagor, or their successors in interest, ~~authenticated~~ and the record location of the mortgage discharged. The instrument, when recorded, ~~shall have~~ has the same effect as a deed of release duly acknowledged and recorded. ~~If a mortgagee or his executor, administrator or assignee, after full performance of the condition of his mortgage whether before or after breach of such condition, refuses or neglects for 7 days after being thereto requested to make such discharge or to execute and acknowledge a deed of release of the mortgage, he shall be punished by a fine of not less than \$10 nor more than \$50, to be recovered in a civil action.~~

Within 60 days after full performance of the conditions of the mortgage, the mortgagee shall record

a valid and complete release of mortgage together with any instrument of assignment necessary to establish the mortgagee's record ownership of the mortgage. As used in this paragraph, the term "mortgagee" means both the owner of the mortgage at the time it is satisfied and any servicer who receives the final payment satisfying the debt. If a release is not transmitted to the registry of deeds within 60 days, the owner and any such servicer are jointly and severally liable to an aggrieved party for damages equal to exemplary damages of \$200 per week after expiration of the 60 days, up to an aggregate maximum of \$5,000 for all aggrieved parties or the actual loss sustained by the aggrieved party, whichever is greater. If multiple aggrieved parties seek exemplary damages, the court shall equitably allocate the maximum amount. The mortgagee is also liable for court costs and reasonable attorney's fees in any successful action to enforce the liability. The mortgagee may charge the mortgagor for any recording fees incurred in recording the release of mortgage.

With respect to a mortgage securing an open-end line of credit, the 60-day period to deliver a release commences after the mortgagor delivers to the address designated for payments under the line of credit a written request to terminate the line and the mortgage together with payment in full of all amounts secured by the mortgage. The mortgagee may designate in writing a different address for delivery of written notices under this paragraph.

All discharges of recorded mortgages, attachments or liens of any nature ~~shall must~~ be recorded by a written instrument, and except for termination statements filed pursuant to Title 11, section 9-404, acknowledged in same manner as other instruments presented for record and no such discharges ~~shall may~~ be permitted by entry in the margin of the instrument to be discharged.

**Sec. 2. Application.** This Act applies to mortgages satisfied after December 31, 1999.

See title page for effective date.

## CHAPTER 231

### H.P. 497 - L.D. 704

#### An Act Relating to Governmental Aggregation Services

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

**Whereas,** the electricity industry will be deregulated in March of 2000; and

**Whereas,** an uninterrupted and reliable source of electricity is essential to the proper functioning of Maine's governmental units and the economy as a whole; and

**Whereas,** preparations for deregulation require sufficient time to be implemented before the date of deregulation; 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. 22 MRSA §2055, sub-§16,** as enacted by PL 1997, c. 385, §4, is amended to read:

**16. Bulk purchases.** To purchase, lease or otherwise acquire, finance, sell and transfer for, to or on behalf of itself and any eligible entities organized pursuant to the United States Internal Revenue Code, Section 501 or in partnership with any of its eligible entities organized pursuant to the United States Internal Revenue Code, Section 501 commodities necessary for the daily operation of the facilities of the eligible entities ~~and for their employees~~, including, but not limited to, electricity, petroleum products, fuel oil and natural gas. For purposes authorized in this subsection, the University of Maine System and its colleges and universities are eligible participating institutions under the definition of eligible participant for the authority; and

**Sec. 2. 30-A MRSA §5954-A** is enacted to read:

#### **§5954-A. Aggregation service**

**1. Authority.** In addition to its other enumerated powers, but subject to the limitations imposed under subsection 2, the bank, on behalf of or in partnership with one or more governmental units or nonprofit corporations organized under the Internal Revenue Code, Section 501, may aggregate governmental units and nonprofit corporations for the purpose of obtaining electricity necessary for the daily operation of the governmental units or nonprofit corporations.

**2. Conditions; limitations.** In exercising its authority under subsection 1, the bank:

A. Is subject to all applicable provisions of law, including the provisions of Title 35-A relating to aggregators of customers of electricity;