

# 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**

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.

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## 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;

B. Must provide to any entity to whom it offers to provide services under subsection 1 notice that the entity is under no obligation to accept any of the services and that no other service provided by the bank is conditional upon or affected by the entity's acceptance or rejection of the offer;

C. May not extend credit or vary the terms of credit based on an entity's acceptance or rejection of an offer by the bank to provide services pursuant to subsection 1; and

D. May not encourage or otherwise seek to persuade any entity to accept any services offered by the bank pursuant to subsection 1, if the entity has an application with the bank for a loan, until after the bank has taken final action on approving or rejecting the application.

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

Effective May 18, 1999.

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**CHAPTER 232**

**H.P. 1162 - L.D. 1673**

**An Act to Amend the Abandoned Property Laws**

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

**Sec. 1. 33 MRSA §1953, sub-§1, ¶G,** as enacted by PL 1997, c. 508, Pt. A, §2 and affected by §3, is amended to read:

G. A gift certificate, 3 years after December 31st of the year in which the certificate was sold; the amount abandoned is the price paid by the purchaser for the gift certificate, except that the amount abandoned is 60% of the certificate's face value if the issuer of the certificate does not impose a dormancy charge or period of limitations on the owner's right to redeem the certificate at 100% of face value;

See title page for effective date.

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**CHAPTER 233**

**S.P. 635 - L.D. 1802**

**An Act to Restore the Distribution Formula Between Private and Public Colleges within the Maine Student Incentive Scholarship Program**

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

**Whereas,** the cost of higher education is a deterrent to students who seek a higher education; and

**Whereas,** making higher education accessible is necessary to increase the aspirations of Maine students; and

**Whereas,** there is an immediate need to ensure that students demonstrating financial need have access to sufficient amounts of financial assistance; 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. 20-A MRSA §11614, sub-§2,** as amended by PL 1997, c. 643, Pt. HH, §1, is repealed and the following enacted in its place:

**2. Minimum amount.** It is the intent of the Legislature that scholarships awarded under this chapter, except as provided in subsections 4, 5 and 6, may not be less than: \$1,000 for students attending public institutions of higher education within the State; \$1,250 for students attending private institutions of higher education within the State; \$500 for students attending public institutions of higher education outside the State; and \$1,000 for students attending private institutions of higher education outside the State. Amounts less than the minimum amounts required by this subsection may be awarded to meet needs as determined under section 11613. The authority may not grant awards of less than \$200 to a full-time student. A scholarship received by a student under this chapter may not be applied to reduce institutional or other grant aid to that student.

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

Effective May 18, 1999.