

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

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TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
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in interest and all proceedings must be in accordance with the Maine Rules of Civil Procedure. "Parties in interest" ~~include~~ includes mortgagors, holders of fee interest, mortgagees, lessees pursuant to recorded leases or memoranda thereof, lienors and attaching creditors all as reflected by the indices in the registry of deeds and the documents referred to therein affecting the mortgaged premises, through the time of the recording of the complaint or the clerk's certificate. Failure to join any party in interest does not invalidate the action nor any subsequent proceedings as to those joined. Failure of the mortgagee to join, as a party in interest, the holder of any public utility easement recorded subsequent to the mortgage and prior to commencement of foreclosure proceedings is deemed consent by the mortgagee to ~~such that~~ that easement. Any other party having a claim to the real estate whose claim is not recorded in the registry of deeds as of the time of recording of the copy of the complaint or the clerk's certificate need not be joined in the foreclosure action, and any such party has no claim against the real estate after completion of the foreclosure sale; ~~provided, except~~ that any such party may move to intervene in the action for the purpose of being added as a party in interest at any time prior to the entry of judgment.

For purposes of this section, "public utility easements" means any easements held by: public utilities, as defined in Title 35-A, section 102; sewer districts, as defined in Title 38, section 1251; or sanitary districts, as formed under Title 38, chapter 11.

The acceptance, before the expiration of the right of redemption and after the commencement of foreclosure proceedings of any mortgage of real property, of anything of value to be applied on or to the mortgage indebtedness by the mortgagee or any person holding under the mortgage constitutes a waiver of the foreclosure unless an agreement to the contrary in writing is signed by the person from whom the payment is accepted or unless the bank returns the payment to the mortgagor within 10 days of receipt. The receipt of income from the mortgaged premises by the mortgagee or the mortgagee's assigns while in possession of the premises does not constitute a waiver of the foreclosure proceedings of the mortgage on the premises.

The mortgagee and the mortgagor may enter into an agreement to allow the mortgagor to bring the mortgage payments up to date with the foreclosure process being stayed as long as the mortgagor makes payments according to the agreement. If the mortgagor does not make payments according to the agreement, the mortgagee may, after notice to the mortgagor, resume the foreclosure process at the point at which it was stayed.

See title page for effective date.

CHAPTER 392 S.P. 635 - L.D. 1791

An Act To Amend the Oil and Solid Fuel Board and Propane and Natural Gas Board Licensing Laws

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

Whereas, the need to weatherize Maine's existing housing inventory is critical to the health, safety and welfare of the citizens of the State; and

Whereas, the weatherization of existing homes across the State will require qualified individuals to perform energy efficiency and combustion testing on weatherized homes for safety reasons; and

Whereas, Maine law currently limits combustion testing of oil-fired and gas-fired heating appliances to individuals who are licensed as oil burner technicians or natural gas and propane technicians, therefore limiting the number of individuals permitted to perform combustion testing in connection with residential weatherization; and

Whereas, it is necessary to increase the number of individuals permitted to perform combustion testing on weatherized homes; 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. 32 MRSA §2401-B, sub-§2-A is enacted to read:

2-A. Limited energy auditor technician. The board may issue a limited energy auditor technician license to a person who presents to the board, at a minimum, satisfactory evidence of relevant training and written and field certification that conform to standards established by a nationally recognized building performance industry certification and quality assurance program, the equivalent Maine residential energy auditor certification program or an equivalent training and education program as determined by the board. Privileges of practice are restricted to the performance of combustion safety and efficiency testing on oil-fired space heating or water heating equipment to ensure health and safety standards and do not include any adjustment of oil-fired space heating or water heating equipment.

Sec. 2. 32 MRSA §14807, sub-§6-A is enacted to read:

6-A. Limited energy auditor technician. The board may issue a limited energy auditor technician license to a person who presents to the board, at a minimum, satisfactory evidence of training and written and field certification that conform to the standards established by a nationally recognized building performance industry certification and quality assurance program, the equivalent Maine residential energy auditor certification program or an equivalent training and education program as determined by the board. Privileges of practice are restricted to the performance of combustion safety and efficiency testing on natural gas-fired or propane gas-fired space heating or water heating equipment to ensure health and safety standards and do not include any adjustment of natural or propane gas-fired space heating or water heating equipment.

Sec. 3. Rules. The Oil and Solid Fuel Board, as established in the Maine Revised Statutes, Title 32, chapter 33, subchapter 2, shall adopt emergency rules to implement the provisions of Title 32, section 2401-B, subsection 2-A. The Propane and Natural Gas Board, as established in Title 32, chapter 130, shall adopt emergency rules to implement the provisions of Title 32, section 14807, subsection 6-A. These boards must each adopt those rules within 90 days after the effective date of this Act. Rules adopted under this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

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

Effective June 21, 2007.

CHAPTER 393

S.P. 518 - L.D. 1491

**An Act To Prohibit
Unauthorized Contact of
Persons Convicted of Sex
Offenses against Persons under
14 Years of Age with Persons
under 14 Years of Age**

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

Sec. 1. 17-A MRSA §261 is enacted to read:

§261. Prohibited contact with a minor; sex offender restricted zone

1. A person is guilty of prohibited contact with a minor if that person:

A. Has previously been convicted of an offense under this chapter or chapter 12 against another person who had not in fact attained 14 years of age or has previously been convicted in another jurisdiction for conduct substantially similar to that contained in this chapter or chapter 12 against another person who had not in fact attained 14 years of age;

B. Has a duty to register under Title 34-A, chapter 15, subchapters 1 and 2; and

C. Intentionally or knowingly has direct or indirect contact with another person who has not in fact attained 14 years of age.

Violation of this subsection is a Class E crime.

2. A person is guilty of prohibited contact with a minor in a sex offender restricted zone if that person:

A. Has previously been convicted of an offense under this chapter or chapter 12 against another person who had not in fact attained 14 years of age or has previously been convicted in another jurisdiction for conduct substantially similar to that contained in this chapter or chapter 12 against another person who had not in fact attained 14 years of age;

B. Has a duty to register under Title 34-A, chapter 15, subchapters 1 and 2; and

C. Intentionally or knowingly has any direct or indirect contact in a sex offender restricted zone with another person who has not in fact attained 14 years of age.

Violation of this subsection is a Class D crime.

3. It is an affirmative defense to prosecution under this section that the parent, foster parent, guardian or other similar person responsible for the person who had not in fact attained 14 years of age, knowing the conviction status described in subsections 1 and 2, gave consent that the defendant initiate, have or continue direct or indirect contact. It is also an affirmative defense to prosecution under this section that any contact is incidental to and directly related to the defendant's employment.

4. For purposes of this section, "sex offender restricted zone" means the real property comprising a public or private elementary or middle school; the real property comprising a child care center, a child care facility, a day care operated by a family child care provider, a nursery school or a small child care facility as defined under Title 22, section 8301-A; or an athletic field, park, playground, recreational facility, children's camp or other place where children are the primary users.

See title page for effective date.
