

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2011

Pt. B, §6, is repealed and the following enacted in its place:

3. Division. "Division" means the division of environmental health within the Department of Health and Human Services.

Sec. 2. 22 MRSA §775, as enacted by PL 1989, c. 657, §1, is amended to read:

§775. Radon mitigation; registration required

A person may not offer advice or plans to reduce the level of radon in new or existing structures or contract to modify an existing structure in a manner intended to reduce the level of radon unless registered with the division.

Sec. 3. 22 MRSA §776, sub-§2, as enacted by PL 1989, c. 657, §1, is amended to read:

2. New construction. A builder utilizing preventive or safeguarding measures in new construction as recommended in "~~Radon resistant Residential New Construction~~" EPA/60018-881087 published by the United States Environmental Protection Agency or an equivalent publication as determined by the department specified in the Maine Uniform Building and Energy Code, adopted pursuant to Title 10, chapter 1103;

See title page for effective date.

CHAPTER 145

H.P. 566 - L.D. 759

An Act To Increase Efficiency and Effectiveness in the Licensing of Certain Health and Human Services Providers

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

Sec. 1. 5 MRSA §20024, as amended by PL 1991, c. 850, §5, is further amended by adding at the end a new paragraph to read:

A treatment facility or program that receives and maintains accreditation from a national accrediting body approved by the department must be deemed in compliance with comparable state licensing rules upon its submission to the department of written evidence of compliance including, but not limited to, national accreditation approval, reports, findings and responses. The department may review compliance under this paragraph in response to a complaint against the facility or program.

Sec. 2. 22 MRSA §7801, sub-§6 is enacted to read:

6. National accreditation. A person, firm, corporation or association operating a program or facility described under subsection 1 that receives and maintains accreditation from a national accrediting body approved by the department must be deemed in compliance with comparable state licensing rules upon its submission to the department of written evidence of compliance including, but not limited to, national accreditation approval, reports, findings and responses. The department may review compliance under this subsection in response to a complaint against the program or facility.

Sec. 3. 34-B MRSA §1203-A, sub-§8 is enacted to read:

8. National accreditation. An agency or facility required to obtain a license under this section that receives and maintains accreditation from a national accrediting body approved by the department must be deemed in compliance with comparable state licensing rules upon its submission to the department of written evidence of compliance including, but not limited to, national accreditation approval, reports, findings and responses. The department may review compliance under this subsection in response to a complaint against the agency or facility.

See title page for effective date.

CHAPTER 146

H.P. 748 - L.D. 1012

An Act To Require a Mortgagee To Provide the Original Release of Mortgage to the Mortgagor after the Release Is Recorded

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

Sec. 1. 33 MRSA §551, 2nd ¶, as enacted by PL 1999, c. 230, §1 and affected by §2, is amended to read:

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. Within 30 days after receiving the recorded release of the mortgage from the registry of deeds, the mortgagee shall send the release by first class mail to the mortgagor's address as listed in the mortgage agreement or to an address specified in writing by the mortgagor for this purpose. 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. If the release is not sent by first class mail to the mortgagor's address as listed in the mortgage agreement or to an address specified in writing by the mortgagor for this purpose within 30 days after receiving the recorded release, the mortgagee is liable to an aggrieved party for damages equal to exemplary damages of \$500. The mortgagee is also liable for court costs and reasonable attorney's fees in any successful action to enforce the liability imposed under this paragraph. The mortgagee may charge the mortgagor for any recording fees incurred in recording the release of mortgage and any postage fees incurred in sending the release to the mortgagor.

See title page for effective date.

CHAPTER 147

H.P. 919 - L.D. 1228

**An Act To Streamline the
Liquor Licensing Reporting
Procedure**

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

Sec. 1. 28-A MRSA §1364, as amended by PL 1997, c. 373, §119, is further amended to read:

§1364. Invoices and reports

1. Furnish invoices. All certificate of approval holders shall promptly file with the bureau a copy of every invoice sent to wholesale licensees and the original copy of the Maine purchase order. The invoice must include the licensee's name and the purchase number.

2. File monthly reports. All certificate of approval holders shall furnish a monthly report on or before the ~~40th~~ 15th day of each calendar month in the form prescribed by the bureau.

3. Certification that excise tax paid. ~~No~~ A certificate of approval holder may not ship or cause to be transported into the State any malt liquor or wine until the bureau has certified that:

- A. The excise tax has been paid; or
- B. The Maine wholesale licensee, to whom shipment is to be made, has filed a bond to guarantee

payment of the excise tax as provided in section 1405.

4. Reports of low-alcohol spirits products. Each certificate of approval holder that manufactures low-alcohol spirits products shall submit to the bureau, on or before the ~~40th~~ 15th day of each calendar month, a form specifying the number of gallons of low-alcohol spirits product sold to wholesale licensees in the State with a copy of each invoice relating to each such sale.

Sec. 2. 28-A MRSA §1405, sub-§3, ¶A, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

A. The wholesale licensee shall pay the excise tax and premium by the ~~40th~~ 15th day of the calendar month following the month in which shipment occurs.

Sec. 3. 28-A MRSA §1652, sub-§2-A, as enacted by PL 1987, c. 623, §17, is amended to read:

2-A. Payment due. On the ~~40th~~ 15th day of each month, every brewery and winery shall pay the excise taxes and premium due on malt liquor and wine ~~which~~ that that brewery or winery removed from areas required to be bonded by the Federal Government.

See title page for effective date.

CHAPTER 148

H.P. 983 - L.D. 1342

**An Act To Amend the
Washington County
Development Authority**

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

Sec. 1. 5 MRSA §13083-C, sub-§1, ¶F-4 is enacted to read:

F-4. Enter into a memorandum of understanding with a municipality to perform the function of a local development corporation under section 13120-B, subsection 9;

Sec. 2. 5 MRSA §13120-B, sub-§9, as enacted by PL 2001, c. 703, §6, is amended to read:

9. Local development corporation. "Local development corporation" means any nonprofit organization created by a municipality that is incorporated under Title 13, chapter 81 or that is incorporated under Title 13-B or otherwise chartered by the State, which is designed to foster, encourage and assist the settlement or resettlement of industrial, manufacturing, fishing, agricultural, recreational and other business enterprises within the State. A majority vote of the municipal officers is sufficient to form a local development