

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2014 to July 16, 2015

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 15, 2015

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2015

G. Spirits served as a sample must be purchased from the State or the State's contracted wholesaler.

See title page for effective date.

CHAPTER 143 H.P. 979 - L.D. 1435

An Act Regarding Ethanol-free Motor Fuel

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

Sec. 1. 10 MRSA §1457, sub-§4 is enacted to read:

4. Ethanol-free motor fuel. A motor fuel distributor, franchisor or refiner may not impose any condition, restriction, agreement or understanding that prohibits or limits the sale, resale, transfer or purchase of conventional, ethanol-free motor fuel products in the State. This subsection applies to contracts entered into or renewed after the effective date of this subsection.

See title page for effective date.

CHAPTER 144 S.P. 313 - L.D. 868

An Act To Remove Limitations on Reciprocity for Concealed Handguns Permits

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

Sec. 1. 25 MRSA §2001-A, sub-§2, ¶F, as repealed and replaced by PL 2011, c. 691, Pt. A, §24, is repealed and the following enacted in its place:

F. A handgun carried by a person to whom a valid permit to carry a concealed handgun has been issued by that person's state of residence if that person's state of residence honors a permit to carry a concealed handgun issued under this chapter;

Sec. 2. 25 MRSA §2003, sub-§11, as amended by PL 2011, c. 298, §7, is further amended to read:

11. Permit to be in permit holder's immediate possession. Every permit holder, including a nonresident who holds a permit issued by the nonresident's state of residence, shall have the holder's permit in the holder's immediate possession at all times when carrying a concealed handgun and shall display the same on

demand of any law enforcement officer. A person charged with violating this subsection may not be adjudicated as having committed a civil violation if that person produces in court the concealed handgun permit that was valid at the time of the issuance of a summons to court or, if the holder exhibits the permit to a law enforcement officer designated by the summoning officer not later than 24 hours before the time set for the court appearance, a complaint may not be issued.

See title page for effective date.

CHAPTER 145 H.P. 411 - L.D. 598

An Act To Strengthen the Maine Agriculture Protection Act

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

Sec. 1. 7 MRSA §152, sub-§2, as enacted by PL 2007, c. 649, §3, is amended to read:

2. Agricultural products. "Agricultural products" means those plants and animals and their products that are useful to humans and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, bees and bees' products, livestock and livestock products, manure and compost and fruits, berries, vegetables, flowers, seeds, grasses and other similar products, or any other plant, animal or plant or animal products that supply humans with food, feed, fiber or fur. "Agricultural products" does not include trees grown and harvested for forest products.

Sec. 2. 7 MRSA §154, as enacted by PL 2007, c. 649, §3, is amended to read:

§154. Violation of municipal ordinances

~~A method of farm operation used by a farm or farm operation or agricultural composting operation~~ located in an area where agricultural activities are permitted may not be considered a violation of a municipal ordinance if the ~~method of operation constitutes farm operation or agricultural composting operation~~ conforms to best management practices as determined by the commissioner in accordance with section 153, subsection 1.

Sec. 3. 7 MRSA §155, as enacted by PL 2007, c. 649, §3, is amended to read:

§155. Application; municipal ordinances

This chapter does not affect the application of state and federal laws. A municipality must provide the commissioner with a copy of any proposed ordi-

nance that affects farm operations or agricultural composting operations. The clerk of the municipality or a municipal official designated by the clerk shall submit a copy of the proposed ordinance to the commissioner at least 90 days prior to the meeting of the legislative body or public hearing at which adoption of the ordinance will be considered. The commissioner shall review the proposed ordinance and advise the municipality as to whether the proposed ordinance restricts or prohibits the use of best management practices. This section does not affect municipal authority to enact ordinances.

See title page for effective date.

CHAPTER 146 S.P. 302 - L.D. 858

An Act To Better Inform the Public of Election Results

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

Sec. 1. 21-A MRSA §700 is enacted to read:

§700. Posting unofficial results

As soon as practicable after the election return is prepared under section 711, if a secure place is available at the voting place or municipal office where the public may view a paper copy of the unofficial election results even when the voting place or municipal office is closed, an election official shall post a paper copy of the unofficial results of the election.

See title page for effective date.

CHAPTER 147 H.P. 194 - L.D. 276

An Act Regarding Maine's Power of Sale Foreclosure Law

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

Sec. 1. 14 MRSA §6203-A, as repealed and replaced by PL 2009, c. 476, Pt. B, §3 and affected by §9, is amended to read:

§6203-A. Power of sale; procedure; notice; form

1. Power of sale. Any holder of a mortgage on real estate that is granted by a corporation, partnership, including a limited partnership or a limited liability partnership, limited liability company or trustee of a trust and that contains a power of sale, as described in Title 33, section 501-A, or a person authorized by the power of sale, or an attorney duly authorized by a writing under seal, or a person acting in the name of

the holder of such mortgage or any such authorized person, may, upon breach of condition and without action, do all the acts authorized or required by the power; except that a sale under the power is not effectual to foreclose a mortgage unless, previous to the sale, notice has been published once in each of 3 successive weeks, the first publication to be not less than 21 days before the day of the sale in a newspaper of general circulation in the town where the land lies and which notice must ~~prominently state the street address of the real estate encumbered by the mortgage deed, if any, and the book and page number of the mortgage, if any~~ comply with the requirements of subsection 3. This provision is implied in every power of sale mortgage in which it is not expressly set forth. For mortgage deeds executed on or after October 1, 1993, the power of sale may be used only if the mortgage deed states that it is given primarily for a one or more of the following purposes: business, commercial or agricultural purpose. ~~A copy of the notice must, at least 21 days before the date of the sale under the power in the mortgage, be recorded in each registry of deeds in which the mortgage deed is or by law ought to be recorded and must be served on the mortgagor or its representative in interest, or may be sent by registered mail addressed to the mortgagor or the mortgagor's representative at the mortgagor's last known address, or to the person and to the address as may be agreed upon in the mortgage, at least 21 days before the date of the sale under the power in the mortgage.~~ Any power of sale incorporated into a mortgage is not affected by the subsequent transfer of the mortgaged premises from the corporation, partnership, including a limited partnership or a limited liability partnership, limited liability company or trustee of the trust to any other type of organization or to an individual or individuals. The power of sale may not be used to foreclose a mortgage deed granted by a trustee of a trust if at the time the mortgage deed is given the real estate is used exclusively for residential purposes, the real estate has 4 or fewer residential units and one of the units is the principal residence of the owner of at least 1/2 of the beneficial interest in the trust. If the mortgage deed contains a statement that at the time the mortgage deed is given the real estate encumbered by the mortgage deed is not used exclusively for residential purposes, that the real estate has more than 4 residential units or that none of the residential units is the principal residence of the owner of at least 1/2 of the beneficial interest in the trust, the statement conclusively establishes these facts and the mortgage deed may be foreclosed by the power of sale. The method of foreclosure of real estate mortgages provided by this section is specifically subject to the ~~order of priorities~~ rights of junior mortgagees set out in section 6205.

1-A. Notice to mortgagor and parties in interest; definition. At least 21 days before the date of the sale under the power in a mortgage, a copy of the fore-