

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
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TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2015

CHAPTER 228
H.P. 711 - L.D. 1028

**An Act To Amend the Laws
Concerning the Registration of
Professional Engineers**

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 State Board of Licensure for Professional Engineers currently lacks the statutory ability to provide an equitable solution for licensure renewal that does not unfairly burden a licensee whose license has lapsed prior to renewal and who was licensed under a prior experience-based pathway to licensure; and

Whereas, this legislation will restore fairness to the statutes governing the State Board of Licensure for Professional Engineers by providing the board with the discretion to waive overly burdensome renewal requirements and should be enacted immediately in order to protect engineers who are in danger of losing their licenses; 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 §1357, as amended by PL 2013, c. 296, §6, is further amended to read:

§1357. Expiration and renewals

Licenses expire on the last day of December of ~~each odd-numbered year following their issuance or renewal and become invalid on that date unless renewed year and a licensee may not practice professional engineering with an expired license.~~ The board shall notify every person licensed under this chapter of the date of the expiration of that person's license and the amount of the fee that is required for its renewal for a 2 year period, ~~except when the applicant has become licensed during the first year of the 2 year period, then the renewal fee is for the remaining one year of that 2 year period.~~ The notice must be provided at least one month in advance of the date of the expiration of the license. ~~Renewal may be effected at any time~~ A license may be renewed after completion of ~~continuing education~~ professional development requirements and after receipt of notice by the payment of a fee established by rule by the board, which may not exceed \$50 ~~\$200~~ annually. Licenses may be renewed up to 90 days after the date of expiration upon payment of a late fee ~~of \$10~~ established by rule by the

board in addition to the renewal fee. Any person who submits an application for renewal more than 90 days after the license renewal date is subject to all requirements governing new applicants under this chapter, except that if the renewal application is made within 3 years from the date of the expiration the board may in its discretion, giving due consideration to the protection of the public, waive examination if the renewal application is made within 3 years from the date of the expiration any additional qualifications if the licensee has held a license for at least 10 years, has completed all professional development requirements and has never been subject to discipline in this or any other jurisdiction.

Sec. 2. Retroactivity. This Act applies retroactively to January 1, 2011.

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

Effective June 22, 2015.

CHAPTER 229

H.P. 267 - L.D. 401

**An Act To Create
Transparency in the Mortgage
Foreclosure Process**

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

Sec. 1. 14 MRSA §6321, 3rd ¶, as amended by PL 2009, c. 476, Pt. B, §5 and affected by §9, is further amended to read:

The foreclosure must be commenced in accordance with the Maine Rules of Civil Procedure, and the mortgagee shall within 60 days of commencing the foreclosure also record a copy of the complaint or a clerk's certificate of the filing of the complaint in each registry of deeds in which the mortgage deed is or by law ought to be recorded and such a recording thereafter constitutes record notice of commencement of foreclosure. The mortgagee shall further certify and provide evidence that all steps mandated by law to provide notice to the mortgagor pursuant to section 6111 were strictly performed. In order to state a claim for foreclosure upon which relief can be granted, the complaint must contain a certification of proof of ownership of the mortgage note. The mortgagee shall certify proof of ownership of the mortgage note and produce evidence of the mortgage note, mortgage and all assignments and endorsements of the mortgage note and mortgage. The complaint must allege with specificity the plaintiff's claim by mortgage on such real estate, describe the mortgaged premises intelligibly, including the street address of the mortgaged

premises, if any, which must be prominently stated on the first page of the complaint, state the book and page number of the mortgage, if any, state the existence of public utility easements, if any, that were recorded subsequent to the mortgage and prior to the commencement of the foreclosure proceeding and without mortgagee consent, state the amount due on the mortgage, state the condition broken and by reason of such breach demand a foreclosure and sale. If a clerk's certificate of the filing of the complaint is presented for recording pursuant to this section, the clerk's certificate must bear the title "Clerk's Certificate of Foreclosure" and prominently state, immediately after the title, the street address of the mortgaged premises, if any, and the book and page number of the mortgage, if any. Service of process on all parties in interest and all proceedings must be in accordance with the Maine Rules of Civil Procedure. "Parties in interest" 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 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, 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. Within 10 days of submitting the complaint for filing with the court, the mortgagee shall provide a copy of the complaint or of the clerk's certificate as submitted to the court that prominently states, immediately after the title, the street address of the mortgaged premises, if any, and the book and page number of the mortgage, if any, to the municipal tax assessor of the municipality in which the property is located and, if the mortgaged premises is manufactured housing as defined in Title 10, section 9002, subsection 7, to the owner of any land leased by the mortgagor. The failure to provide the notice required by this section does not affect the validity of the foreclosure sale.

See title page for effective date.

CHAPTER 230
H.P. 856 - L.D. 1256

**An Act To Improve the Safety
and Survival of 9-1-1 Callers
and First Responders**

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

Sec. 1. 25 MRSA §2927, sub-§3-C is enacted to read:

3-C. Payment for standardized dispatch protocols for fire 9-1-1 calls. To assist public safety answering points in the adoption and implementation of standardized dispatch protocols for answering fire 9-1-1 calls, the bureau shall use up to 5¢ of each surcharge collected under subsections 1-E and 1-F to provide public safety answering points dispatcher training consistent with the protocols, necessary software and printed support materials. The bureau shall provide quality assurance training and software to assist public safety answering points in ensuring compliance with the protocols.

A. The bureau shall adopt rules related to the adoption, implementation and administration of standardized dispatch protocols for answering fire 9-1-1 calls. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. Protocol phase-in. The Public Utilities Commission, Emergency Services Communication Bureau shall phase in over a 3-year period the required adoption and implementation of standardized dispatch protocols for answering fire 9-1-1 calls by all public safety answering points under the Maine Revised Statutes, Title 25, section 2927, subsection 3-C. In developing criteria pursuant to section 2927, subsection 3-C to phase in over a 3-year period the adoption and implementation of standardized dispatch protocols for answering fire 9-1-1 calls, the bureau shall seek input from the management of all public safety answering points.

Sec. 3. Report. By January 15, 2019, the Public Utilities Commission, Emergency Services Communication Bureau shall submit a report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters that includes the cost to adopt and implement standardized dispatch protocols for answering police 9-1-1 calls, the time it would take to phase in the adoption and implementation of standardized dispatch protocols for answering police 9-1-1 calls based on available funding from the surcharge in the Maine Revised Statutes, Title 25, section 2927, subsections 1-E and 1-F, whether there should be a certification and licensing requirement for all standardized dispatch protocols and any recommendations to ensure the efficient and effective over-