

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTIETH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 2020 to March 30, 2021**

**FIRST SPECIAL SESSION**  
**April 28, 2021 to July 19, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 18, 2021**

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

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**Augusta, Maine**  
**2021**

CHAPTER 201  
S.P. 322 - L.D. 1027

An Act To Amend the Laws  
Governing Local Bridges

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

Sec. 1. 23 MRSA §563, sub-§1, as enacted by PL 2001, c. 314, §2, is amended to read:

1. **Municipal-maintained structures.** For a structure for which a municipality has maintenance responsibility, the department shall advise the municipality of its inspection findings, and noted deficiencies and recommendations regarding posting or closure. ~~The municipality has sole responsibility and authority to determine whether a structure must be posted or closed, except that the department may close the structure in cases of emergency or when the department reasonably determines closure is necessary to protect the traveling public from imminent hazard. If the department becomes aware of deficiencies in a structure that could impact posting or closure decisions, the department shall promptly notify the municipality. The department shall notify the municipality when a structure requires a posting or closure, and the municipality shall post or close the structure. The department may post or close a structure to protect the traveling public from an imminent hazard.~~ The municipality is responsible for all costs and expenses related to the posting and closure, including any needed notifications, procedures, signing and barricades.

Sec. 2. 23 MRSA §566, sub-§1, as enacted by PL 2001, c. 314, §2, is amended to read:

1. **Changes to structures.** If a structure is improved in a manner that ~~affects whether it is defined as changes a culvert or a minor span or to a bridge,~~ the responsibilities set forth in this subchapter regarding the structure do not change unless the department determines that there exists a reasonable engineering basis for the improvement and the department approves the design plans and specifications of the improvement prior to the construction. The department may approve improvements to a structure only if the improvements are made in accordance with department standards and sealed by a professional engineer licensed under Title 32, chapter 19. After construction, the department shall inspect the structure and, if the structure is found to conform with the approved design, the department shall accept responsibility for the structure. If the inspection reveals the structure was not improved in accordance with the department-approved design, the municipality shall make any necessary corrections to the structure required by the department before the department accepts responsibility for the structure.

Sec. 3. 23 MRSA §566, sub-§2, as enacted by PL 2001, c. 314, §2, is amended to read:

2. **New structures.** If a municipality constructs a new bridge on a town way, the department shall assume the responsibilities set forth in ~~the this~~ subchapter only if the department determines that there is a reasonable engineering basis for the bridge, as opposed to a minor span, and if the department approves the design and construction of the bridge prior to the construction of the bridge. The department may approve the design and construction of a bridge only if the bridge is designed in accordance with department standards and sealed by a professional engineer licensed under Title 32, chapter 19. After construction, the department shall inspect the bridge. If the inspection reveals the bridge was not constructed in accordance with the department-approved design, the municipality shall make any necessary corrections to the bridge required by the department before the department accepts responsibility for the bridge.

See title page for effective date.

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CHAPTER 202  
H.P. 794 - L.D. 1065

An Act To Clarify the  
Qualifications and Oversight of  
Sheriffs

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

Sec. 1. 30-A MRSA §371-B, sub-§3, ¶D, as amended by PL 2011, c. 342, §33, is further amended to read:

D. The candidate submits written certification from the Maine Criminal Justice Academy that the candidate ~~has~~:

- (1) ~~Met~~ Is currently certified as a law enforcement officer and has met the basic law enforcement training standards under Title 25, section 2804-C; or
- (2) ~~Met the basic corrections training standards under Title 25, section 2804-D; and~~
- (3) Was previously certified as a law enforcement officer and agrees to meet the basic law enforcement training standards under Title 25, section 2804-C within one year of taking of office; and

Sec. 2. 30-A MRSA §371-B, sub-§3-A is enacted to read:

3-A. **Ongoing training.** A person appointed to the office of sheriff shall continually meet the in-service law enforcement training standards under Title 25, section 2804-E and any other statutory requirements of preservice, basic or in-service law enforcement training required for certification or continued certification as a law enforcement officer.

Sec. 3. 30-A MRSA §371-B, sub-§4, as amended by PL 2003, c. 510, Pt. C, §11, is further amended to read:

4. Exception. Any person who served as a full-time law enforcement officer employed by a municipal police department or a state agency, including the University of Maine System, on or before July 1, 1990 or is serving in the office of sheriff on June 26, 1997 2021 or who served prior to that date is deemed to meet the minimum qualifications of subsection 3.

See title page for effective date.

CHAPTER 203
S.P. 334 - L.D. 1066

An Act To Clarify the Definition of "Mortgage Servicer" in the Laws Governing Mortgage Foreclosures

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

Sec. 1. 14 MRSA §6113, as enacted by PL 2019, c. 363, §1, is amended to read:

§6113. Mortgage servicer duty of good faith

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing.

B. Except as provided in subsection 5, "mortgage servicer" means a person that is responsible for:

- (1) Receiving scheduled periodic payments from an obligor pursuant to the terms of a mortgage described in section 6111, subsection 1, including amounts for escrow accounts;
(2) Making or advancing payments to the owner of the loan or other 3rd parties with respect to the amounts received from the obligor pursuant to a loan servicing contract; and
(3) Evaluating obligors for loss mitigation or loan modification options.

B-1. Except as provided in subsection 5, "mortgage servicer" means a person responsible for servicing an obligation, including a person that holds or owns an obligation or originates a mortgage loan if the person also services the obligation.

C. "Obligation" means a debt or other duty or liability of an obligor secured by a mortgage of the

type described in section 6111, subsection 1 and includes a mortgage deed even if the debt secured by the mortgage deed has been discharged in bankruptcy.

D. "Obligor" means a person that:

- (1) Owes payment or performance of an obligation;
(2) Has provided property other than the mortgaged property to secure payment of the obligation;
(3) Has granted a mortgage interest with respect to the mortgaged property; or
(4) Is otherwise accountable in whole or in part for payment of the obligation.

E. Except as provided in subsection 5, "servicer" means a person responsible for servicing an obligation, including a person that holds or owns an obligation or originates a mortgage loan if the person also services the obligation.

F. "Servicing" means any combination one or more of the following:

- (1) Receiving a periodic payment from an obligor under the terms of an obligation, including an amount received for an escrow account;
(2) Making or advancing payments to the owner of an obligation on account of an amount due from the obligor under a mortgage servicing loan document or a servicing contract;
(3) Making a payment to the obligor under a home equity conversion mortgage or reverse mortgage;
(4) Evaluating the obligor for loss mitigation or communicating with the obligor with respect to loss mitigation;
(5) Collecting funds from a homeowner for deposit into an escrow account and making payments out of an escrow account; and
(6) Taking any other action with respect to an obligation that affects the obligor's payment or performance of the obligation or that relates to the enforcement of the rights of the loan owner arising under the obligation.

2. Duty of good faith. A mortgage servicer shall act in good faith toward an obligor in the servicing of an obligation secured by a mortgage and in any foreclosure action relating to such an obligation.

3. Effect of violation during foreclosure. If during a foreclosure action a mortgage servicer controlling or managing the action on its own behalf or on behalf of the owner of the obligation subject to foreclosure is shown to have committed a violation of its duty of good