

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 1-452

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH
IN ACCORDANCE WITH MAINE REVISED STATUTES
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

§4815. Enforcement

Any person who orders or conducts any activity in violation of a municipal ordinance adopted under this chapter shall be subject to a civil forfeiture of not less than \$100 nor more than \$1,000 for each offense.

The Attorney General, the district attorney and the municipal officers may enforce ordinances adopted under this chapter. The court may award municipalities reasonable attorney fees for actions under this section, and ordinances may provide that civil forfeitures shall inure to the municipality.

Effective September 23, 1983.

CHAPTER 307

H.P. 790 - L.D. 1082

AN ACT to Override the Federal Preemption of State Authority to Regulate Alternative Mortgage Transactions.

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

Whereas, the United States Garn-St. Germain Depository Institutions Act of 1982, Public Law 97-320, Section 804, has preempted certain provisions of the Maine Banking Code and Consumer Credit Code relating to alternative mortgage instruments; and

Whereas, the federal preemption is effective unless a state overrides the preemption by an explicit state law; and

Whereas, state laws and regulations designed to protect consumers can be ignored during this preemption period and can only be reinstated upon the effective date of this override; 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. 9-A MRSA §1-110, as enacted by PL 1981, c. 218, is amended by adding at the end a new paragraph to read:

The Legislature declares that the preemption provided by the United States Garn-St. Germain Depository Institutions Act of 1982, Public Law 97-320, Section 804, shall not apply. The Legislature further declares that the applicable provisions of the Maine Consumer Credit Code relating to alternative mortgage instruments shall apply, including, but not limited to, sections 3-308 and 3-310.

Sec. 2. 9-B MRSA §241, sub-§3 is enacted to read:

3. Alternative mortgage instruments. The Legislature declares that the preemption provided by the United States Garn-St. Germain Depository Institutions Act of 1982, Public Law 97-320, Section 804, shall not apply. The Legislature further declares that the superintendent shall have the power to promulgate regulations in accordance with section 251, which define, limit or otherwise authorize the use of alternative mortgage instruments by financial institutions. The Legislature further finds and declares that regulations promulgated prior to the preemption of the United States Garn-St. Germain Depository Institutions Act of 1982 shall continue to have full force and effect.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective May 18, 1983.

CHAPTER 308

S.P. 515 - L.D. 1530

AN ACT Relating to the Humane Treatment of Animals.

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

Sec. 1. 7 MRSA §1, as amended by PL 1979, c. 731, §§2 and 3, is further amended to read:

§1. Department of Agriculture, Food and Rural Resources

The Department of Agriculture, Food and Rural