

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

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

J.S. McCarthy Company
Augusta, Maine
2002

(4) For a period not to exceed 15 months in order to place the juvenile in a juvenile drug treatment court program. If a juvenile drug treatment court program has been ordered, the court shall on final disposition consider whether or not there has been compliance with the program so ordered.

See title page for effective date.

CHAPTER 509

H.P. 1396 - L.D. 1835

An Act to Amend the Loan Broker Law

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

Sec. 1. 9-A MRSA §10-102, sub-§1, ¶A, as enacted by PL 1989, c. 70, §3, is amended to read:

A. "Credit services organization" means any person who, with respect to the extension of consumer credit by others, provides or offers to provide, in return for the separate payment ~~by the consumer~~ of money or other valuable consideration, any of the following services:

- (1) Improving a consumer's credit record, history or rating;
- (2) Arranging for or obtaining an extension of credit for a consumer; or
- (3) Providing advice or assistance to a consumer with respect to subparagraph (1) or (2).

Sec. 2. 9-A MRSA §10-102, sub-§1, ¶B, as amended by PL 2001, c. 371, §6, is further amended to read:

B. "Credit services organization" does not include:

- (1) A supervised financial organization ~~as defined in section 1-301, subsection 38 A;~~
- (2) A supervised lender ~~as defined in section 1-301, subsection 39~~ other than a supervised financial organization, except that, with respect to any transaction in which a supervised lender ~~other than a supervised financial organization~~ is acting solely as a credit services organization, section 10-302 applies;
- (3) A person licensed by the Real Estate Commission to the extent that the person is

engaged in activities regulated by that commission;

(4) A person currently admitted to the practice of law in this State;

(5) Any nonprofit organization exempt from taxation under the United States Internal Revenue Code, Section 501(c)(3) to the extent that the organization's activities are consistent with those set forth in its application for tax exemption to the Internal Revenue Service; ~~or~~

(6) A consumer reporting agency, as defined in the Fair Credit Reporting Act, Title 10, chapter 210-;

(7) An affiliate of a supervised lender when the affiliate provides services described in paragraph A, subparagraph (1), (2) or (3) for or on behalf of that supervised lender and when the affiliate is not compensated by the consumer for those services;

(8) An employee of a supervised lender or an employee of an affiliate of a supervised lender when the employee provides services described in paragraph A, subparagraph (1), (2) or (3) for or on behalf of that supervised lender or affiliate and when the employee or the affiliate is not compensated by the consumer for those services;

(9) A person paid by a supervised lender or a consumer to document a loan, attend or conduct a loan closing, disburse loan proceeds or record or file loan documents;

(10) A person who performs marketing services for a creditor, such as a telemarketer, an advertising agency or a mailing house, when the person is not compensated by the consumer for those services;

(11) A seller of consumer goods or services that provides services described in paragraph A, subparagraph (1), (2) or (3) in connection with a sale or proposed sale of consumer goods or services by that seller when the seller is not compensated by a consumer for those services; or

(12) An employee of a seller of consumer goods or services that provides services described in paragraph A, subparagraph (1), (2) or (3) in connection with a sale or proposed sale of consumer goods or services by that seller when the employee or seller is not compensated by a consumer for those services.

For the purposes of this paragraph, "affiliate" has the same meaning as defined in Title 9-B, section 131, subsection 1-A.

See title page for effective date.

CHAPTER 510

H.P. 1476 - L.D. 1977

An Act to Designate Department of Education Chapter 180 Rules as Major Substantive Rules

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

Sec. 1. 20-A MRSA §7727, sub-§3, as enacted by PL 1991, c. 843, §3, is amended to read:

3. Rule-making authority. The commissioner may adopt rules necessary to implement this chapter in accordance with the Maine Administrative Procedure Act. Rules adopted pursuant to this chapter that establish and maintain a statewide network that ensures the provisions of Childfind for families and children from birth to 5 years of age and rules governing the eligibility for and delivery of free appropriate public education to children with disabilities from birth to 5 years of age and their families are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 511

S.P. 714 - L.D. 1916

An Act to Improve the Effectiveness of the Driver Education and Evaluation Programs

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

Sec. 1. 5 MRSA §20071, sub-§4-B, as amended by PL 1995, c. 65, Pt. A, §12 and affected by §153 and Pt. C, §15, is repealed.

Sec. 2. 5 MRSA §20075, as amended by PL 1999, c. 448, §7, is further amended to read:

§20075. Certification; recertification

All providers of the evaluation, intervention and treatment components of the Driver Education and Evaluation Programs must be certified by the office pursuant to section 20005, section 20024, section

20073-B and this subchapter. The certification period for individual providers and agencies is 2 years. The office shall adopt rules requiring continuing education for recertification.

Sec. 3. 29-A MRSA §2411, sub-§5, ¶F, as amended by PL 1997, c. 737, §10, is further amended to read:

F. For a person sentenced under paragraph B, C or D, the court shall order the defendant to participate in the alcohol and other drug program ~~for multiple offenders of the Department of Behavioral and Developmental Services, Office of Substance Abuse.~~ The court may waive the ~~multiple offender intervention program under pursuant to Title 5, section 20073 20073-B, subsections 4 and 5;~~ if the court finds that the defendant has completed ~~a residential an~~ alcohol or other drug treatment program, ~~or its equivalent,~~ subsequent to the date of the offense; and

Sec. 4. 29-A MRSA §2455, sub-§3, ¶¶B and C, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

B. When required, satisfactory completion of a substance abuse treatment program or rehabilitation program approved or licensed by the ~~Office of Substance Abuse~~ Department of Behavioral and Developmental Services; and

C. When required, attendance ~~for 2 years~~ at an after-care program arranged by the approved ~~by the Office of Substance Abuse~~ treatment or rehabilitation program.

Sec. 5. 29-A MRSA §2457, sub-§5, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

5. Restoration of license. Following the expiration of the aggregate periods of suspension imposed pursuant to this section otherwise imposed by the Secretary of State and ordered by any court, the Secretary of State may issue a conditional license to the person, subject to the conditions, restrictions or terms the Secretary of State ~~deems~~ determines advisable, if the Secretary of State has received written notice that the person has satisfactorily completed the ~~alcohol educational program of the Department of Human Services~~ Driver Education and Evaluation Program established in Title 5, section 20072 and, when required, has satisfactorily completed an alcohol treatment or rehabilitation program approved or licensed by the ~~Department of Human Services~~ Department of Behavioral and Developmental Services.