

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 2187

7
8 H.P. 1548 House of Representatives, March 14, 1986
9 Reported by Representative Rolde from the Committee on Audit and
10 Program Review pursuant to the Maine Revised Statutes Annotated, Title 3,
Chapter 23.

11 Reference to the Joint Standing Committee on Audit and Program
Review suggested and printing ordered under Joint Rule 18.

EDWIN H. PERT, Clerk

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-SIX
17

18 AN ACT Relating to Periodic Justification of
19 Departments and Agencies of State
20 Government under the Maine Sunset
21 Laws.
22

23 Emergency preamble. Whereas, Acts of the Legis-
24 lature do not become effective until 90 days after
25 adjournment unless enacted as emergencies; and

26 Whereas, the 90-day period may not terminate un-
27 til after the beginning of the next fiscal year; and

28 Whereas, certain obligations and expenses inci-
29 dent to the operation of departments and agencies
30 will become due and payable on or immediately after
31 July 1, 1986; and

32 Whereas, certain independent agencies will termi-
33 nate unless continued by the Legislature prior to
34 June 30, 1986; and

1 Whereas, in the judgment of the Legislature,
2 these facts create an emergency within the meaning of
3 the Constitution of Maine and require the following
4 legislation as immediately necessary for the preser-
5 vation of the public peace, health and safety; now,
6 therefore,

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

9 PART A

10 Sec. 1. 1 MRSA § §118, last ¶, as enacted by PL
11 1979, c. 294, is amended to read:

12 The Maine State Arts Commission ~~on the Arts and~~
13 ~~Humanities~~ shall make appropriate information availa-
14 ble to the people and the schools within the limits
15 of its budget.

16 Sec. 2. 3 MRSA §507, sub-§7, ¶A, as amended by
17 PL 1985, c. 481, Pt. A, §2, is further amended to
18 read:

19 A. The evaluations and analyses of the justifi-
20 cation reports for the programs of the following
21 Group D-1 departments shall be reviewed by the
22 Legislature no later than June 30, 1986:

23 (1) Department of Business, Occupational
24 and Professional Regulation; and

25 (2) Department of Educational and Cultural
26 Services, but limited to the ~~cultural bu-~~
27 ~~reaus; library services;~~ State Museum Bu-
28 ~~reau; and the~~ Arts and Humanities Bureau;
29 ~~Historie Preservation Commission; and the~~
30 ~~Management Information Division; higher edu-~~
31 ~~cation services and the Bryant Pond Conser-~~
32 ~~vation Scheel.~~

33 Sec. 3. 3 MRSA §507, sub-§7, ¶B, as amended by
34 PL 1985, c. 481, Pt. A, §2, is repealed and the fol-
35 lowing enacted in its place:

1 B. The evaluations and analyses of the justifi-
2 cation reports for the programs of the following
3 Group D-2 departments shall be reviewed by the
4 Legislature no later than June 30, 1987, the De-
5 partment of Educational and Cultural Services,
6 excluding the State Museum Bureau, the Arts Bu-
7 reau and the vocational-technical institutes.

8 Sec. 4. 3 MRS §507, sub-§8, ¶¶A and B, as re-
9 pealed and replaced by PL 1983, c. 819, Pt. A, §3,
10 are repealed and the following enacted in their
11 place:

12 A. Unless continued or modified by law, the fol-
13 lowing Group D-1 independent agencies shall ter-
14 minate, not including the grace period, no later
15 than June 30, 1986:

16 (1) Maine Arts Commission; and

17 (2) Maine State Museum.

18 B. Unless continued or modified by law, the fol-
19 lowing Group D-2 independent agencies shall ter-
20 minate, not including the grace period, no later
21 than June 30, 1987:

22 (1) Advisory Committee on Maine Public
23 Broadcasting;

24 (2) Real Estate Commission;

25 (3) Maine Athletic Commission;

26 (3) Electricians' Examining Board;

27 (5) State Claims Board;

28 (6) Board of Examiners on Speech Pathology
29 and Audiology;

30 (7) State Board of Social Worker Registra-
31 tion;

32 (8) Board of Accountancy;

33 (9) Arborist Examining Board;

- 1 (10) Maine State Board for Registration of
2 Architects and Landscape Architects;
- 3 (11) Board of Examiners for the Examination
4 of Applicants for Admission to the Bar;
- 5 (12) State Board of Barbers;
- 6 (13) State Board of Cosmetology;
- 7 (14) Manufactured Housing Board;
- 8 (15) State Running Horse Racing Commission;
- 9 (16) Board of Registration of Substance
10 Abuse Counselors;
- 11 (17) State Board of Registration for Pro-
12 essional Foresters;
- 13 (18) State Board of Certification for
14 Geologists and Soil Scientists;
- 15 (19) Board of Examiners in Physical Thera-
16 py;
- 17 (20) Maine Criminal Justice Planning and
18 Assistance Agency;
- 19 (21) Maine Occupational Information Coordi-
20 nating Committee;
- 21 (22) Bryant Pond Conservation School;
- 22 (23) State Historian;
- 23 (24) Historic Preservation Commission;
- 24 (25) Maine Historical Society; and
- 25 (26) Oil and Solid Fuel Board.

26 Sec. 5. 3 MRSA §507, sub-§8-A is enacted to
27 read:

28 8-A. Groups E-1 and E-2 departments and independ-
29 ent agencies.

1 A. The evaluations and analyses of the justifi-
2 cation reports for the programs of the following
3 Group E-1 department shall be reviewed by the
4 Legislature no later than June 30, 1988: That
5 part of the Department of Educational and Cultur-
6 al Services concerning the vocational-technical
7 institutes.

8 B. The evaluations and analyses of the justifi-
9 cation reports for the programs of the following
10 Group E-2 independent agencies shall be reviewed
11 by the Legislature no later than June 30, 1988:

12 (1) Board of Trustees of the University of
13 Maine;

14 (2) Board of Trustees of the Maine Maritime
15 Academy;

16 (3) State Government Internship Advisory
17 Committee;

18 (4) Maine Vocational Development Commis-
19 sion; and

20 (5) Post-secondary Education Commission of
21 Maine.

22 Sec. 6. 3 MRSA §507, sub-§9, as repealed and re-
23 placed by PL 1983, c. 819, Pt. A, §3, is amended to
24 read:

25 9. Group F-1 and F-2 departments.

26 A. The evaluations and analyses of the justifi-
27 cation reports for the programs of the following
28 Group E-~~1~~ F-1 departments shall be reviewed by
29 the Legislature no later than June 30, ~~1988~~ 1989:

30 (1) Maine State Retirement System;

31 (2) Department of the Attorney General;

32 (3) Department of Personnel; and

33 (4) Department of Labor.

1 B. The evaluations and analyses of the justifi-
2 cation reports for the programs of the following
3 Group E-2 F-2 departments shall be reviewed by
4 the Legislature no later than June 30, ~~1989~~ 1990:

5 (1) Department of Finance and Administra-
6 tion;

7 (2) (Office of) Treasurer of State; and

8 (3) Department of Audit.

9 Sec. 6-A. 3 MRSA §507, sub-§10, as repealed and
10 replaced by PL 1983, c. 819, Pt. A, §4, is amended to
11 read:

12 10. Group G-1 and G-2 independent agencies.

13 A. Unless continued or modified by law, the fol-
14 lowing Group E-2 G-1 independent agencies shall
15 terminate, not including the grace period, no la-
16 ter than June 30, ~~1988~~ 1989:

17 (1) Board of Trustees, Group Accident and
18 Sickness or Health Insurance;

19 (2) Maine Commission for Women;

20 (3) Maine Human Rights Commission;

21 (4) Maine Labor Relations Board;

22 (5) Governor's Office of State Employee Re-
23 lations;

24 (6) State Personnel Board;

25 (7) Educational Leave Advisory Board; and

26 (8) Workers' Compensation Commission.

27 B. Unless continued or modified by law, the fol-
28 lowing Group E-2 G-2 independent agencies shall
29 terminate, not including the grace period, no la-
30 ter than June 30, ~~1989~~ 1990. The Board of Emer-
31 gency Municipal Finance, the Finance Authority of
32 Maine and the Maine Municipal Bond Bank shall not

1 terminate, but shall be reviewed by the Legisla-
2 ture no later than June 30, ~~1989~~ 1990:

- 3 (1) Board of Emergency Municipal Finance;
- 4 (2) Finance Authority of Maine;
- 5 (3) Maine Municipal Bond Bank;
- 6 (4) Municipal Valuation Appeals Board;
- 7 (5) Land Classification Appeals Board;
- 8 (6) State Liquor Commission;
- 9 (7) Capitol Planning Commission;
- 10 (8) State Board of Assessment Review; and
- 11 (9) Maine Health Care Finance Commission.

12 Sec. 7. 3 MRSA §507-B, sub-§9 is enacted to
13 read:

14 9. Agencies scheduled for termination on June
15 30, 1986. Pursuant to section 507, subsection 6,
16 paragraph B, the following agencies are continued or
17 modified by an Act of the Legislature passed prior to
18 June 30, 1985:

- 19 A. Maine Sardine Council;
- 20 B. Atlantic States Marine Fisheries Commission;
- 21 C. Board of Directors, Maine Municipal and Rural
22 Electrification Cooperative Agency;
- 23 D. Lobster Advisory Council;
- 24 E. Board of Environmental Protection; and
- 25 F. State Board of Examiners of Psychologists.

26 Sec. 8. 5 MRSA §12004, sub-§1, first ¶, as
27 amended, is further amended to read:

1 1. Occupational and professional licensing
 2 boards. The primary responsibilities of occupational
 3 and professional licensing boards include the exami-
 4 nation of applicants, issuance of licenses or certifi-
 5 cates, registration of licenses and regulation of
 6 licensees with respect to the practice of a particu-
 7 lar occupation or profession. The primary powers of
 8 these boards include the authority to hold hearings,
 9 the adoption of rules, the establishment of standards
 10 and procedures, the issuance of licenses and initia-
 11 tion of action for the revocation or suspension of
 12 occupational or professional licenses. For the pur-
 13 poses of any occupational or professional licensing
 14 boards which has a public member or members, "public
 15 member" means that this person shall have no sub-
 16 stantial financial interest in the profession regu-
 17 lated by the board to which they have been appointed,
 18 nor shall that person possess or have ever possessed
 19 the degree or degrees of regulation bestowed by that
 20 particular board. This meaning shall only apply to
 21 those public members appointed after July 1, 1986.

22 Sec. 9. 5 MRSA §12004, sub-§10, ¶A, sub-¶¶(15)
 23 and (53), as amended, are repealed and the following
 24 enacted in their place:

25	(15) <u>Education</u>	<u>Maine Arts</u>	<u>Expenses</u>	<u>27 MRSA</u>
26		<u>Commission</u>	<u>Only</u>	<u>§401</u>
27	(53) <u>Marine Re-</u>	<u>Lobster Advi-</u>	<u>Expenses</u>	<u>12 MRSA</u>
28	<u>Sources: In-</u>	<u>sory Council</u>	<u>Only</u>	<u>§6462</u>
29	<u>dustry</u>			
30			(a) <u>Total expenses for</u>	
31			<u>council shall not ex-</u>	
32			<u>ceed \$2,500 per year.</u>	

33 Sec. 10. 9 MRSA c. 360, as amended, is repealed.

34 Sec. 11. 9 MRSA c. 381, as amended, is repealed.

35 Sec. 12. 9-A MRSA §1-301, sub-§20-B is enacted
 36 to read:

37 20-B. "Insurance premium loan" means a consumer
 38 loan that:

1 A. Is made for the sole purpose of financing the
2 payment by or on behalf of an insured of the pre-
3 mium on one or more policies or contracts issued
4 by or on behalf of an insurer;

5 B. Is secured by an assignment by the insured to
6 the lender of the unearned premium on the policy
7 or contract; and

8 C. Contains an authorization to cancel the poli-
9 cy or contract financed.

10 Sec. 13. 9-A MRSA §2-201, sub-§7, as repealed
11 and replaced by PL 1983, c. 598, is repealed and the
12 following enacted in its place:

13 7. The finance charge on any transaction involv-
14 ing the credit sale of goods or services used in the
15 modernization, rehabilitation, repair, alteration or
16 improvement of real property, in which the seller or
17 his agent installs the goods or provides the services
18 related to the modernization, rehabilitation, repair,
19 alteration or improvement of the real property, may
20 not exceed 18% per year on the unpaid balance of the
21 amount financed.

22 Sec. 14. 9-A MRSA §2-301, first ¶, as amended by
23 PL 1983, c. 212, §3, is further amended to read:

24 §2-301. Authority to make supervised loans

25 Unless a person is a supervised financial organi-
26 zation or has first obtained a license pursuant to
27 this Act ~~or the Insurance Premium Finance Company~~
28 ~~Act, Title 9, section 4054,~~ from the administrator
29 authorizing him to make supervised loans, he shall
30 not engage in the business of:

31 Sec. 15. 9-A MRSA §2-302, sub-§2, as amended by
32 PL 1983, c. 720, §7, is further amended to read:

33 2. No license shall be issued unless the admin-
34 istrator, upon investigation, finds that the finan-
35 cial responsibility, character and fitness of the ap-
36 plicant, and of the members thereof, if the applicant
37 is a copartnership or association, and of the offi-
38 cers and directors thereof, if the applicant is a

1 corporation, are such as to warrant belief that the
2 business will be operated honestly and fairly within
3 the purposes of this Act. In determining the finan-
4 cial responsibility of an applicant proposing to en-
5 gage in making insurance premium loans, the adminis-
6 trator shall consider the liabilities the lender may
7 incur for erroneous cancellation of insurance.

8 A. Every applicant shall also, at the time of
9 filing such application, file with the adminis-
10 trator, if he so requires, a bond satisfactory to
11 the administrator in an amount not to exceed
12 \$25,000. The bond shall run to the State for the
13 use of the State and of any person or persons who
14 may have a cause of action against the licensee
15 under this Act. The bond shall be conditional
16 that the licensee will faithfully conform to and
17 abide by the provisions of this Act and to all
18 rules and regulations lawfully made by the admin-
19 istrator hereunder and will pay to the State and
20 to any such person or persons any and all amounts
21 of money that may become due or owing to the
22 State or to such person or persons from the li-
23 censee under and by virtue of this Act during the
24 calendar year for which the bond is given;

25 B. As used in this section, the term "financial
26 responsibility" means that the applicant has
27 available for the operation of the licensed busi-
28 ness net assets of at least \$25,000 and upon is-
29 suance of a license, each licensee shall maintain
30 net assets of at least \$25,000 which are either
31 used or readily available for use in the conduct
32 of the business of each office of the licensee in
33 which supervised loans are made.

34 Sec. 16. 9-A MRS §2-303, sub-§4 is enacted to
35 read:

36 4. No revocation, suspension, annulment or with-
37 drawal of a license is lawful unless, prior to the
38 institution of proceedings by the administrator, he
39 gave notice by mail to the licensee of facts or con-
40 duct which warrant the intended action, and the li-
41 censee was given an opportunity to show compliance
42 with all lawful requirements for the retention of the
43 license.

1 Sec. 17. 9-A MRSA §2-401, sub-§9 is enacted to
2 read:

3 9. Notwithstanding any other subsection, the fi-
4 nance charge on an insurance premium loan may not ex-
5 ceed 18% per year on the unpaid balances of the
6 amount financed, except for any minimum charge that
7 may be allowed pursuant to subsection 7.

8 Sec. 18. 9-A MRSA §3-207 is enacted to read:

9 §3-207. Disclosure of insurance coverage for home
10 repair financing contracts

11 Any contract used for the financing of home re-
12 pair shall state if workers' compensation and public
13 liability insurance are carried by the home repair
14 contractor and applicable to the work to be performed
15 under the contract and if the home repair contractor
16 is qualified by law as a self-insurer.

17 Sec. 19. 9-A MRSA §3-301, sub-§1, as amended by
18 PL 1985, c. 316, §2, is further amended to read:

19 1. With respect to a consumer credit sale, a
20 seller may take a security interest in the property
21 sold. In addition, a seller may take a security in-
22 terest in goods upon which services are performed or
23 in which goods sold are installed or to which they
24 are annexed, or in land to which the goods are af-
25 fixed or which is maintained, repaired or improved as
26 a result of the sale of the goods or services, if in
27 the case of a security interest in land the debt se-
28 cured is \$1,000 or more, ~~and, where there is an ex-~~
29 ~~isting home, the transaction is subject to Title 9,~~
30 ~~chapter 360, or, in the case of a security interest~~
31 ~~in goods, the debt secured is \$300 or more. Except~~
32 ~~as provided with respect to cross-collateral, section~~
33 ~~3-302, a seller may not otherwise take a security in-~~
34 ~~terest in property of the buyer to secure the debt~~
35 ~~arising from a consumer credit sale.~~

36 Sec. 20. 9-A MRSA §4-112, sub-§2, as enacted by
37 PL 1973, c. 762, §1, is repealed.

38 Sec. 21. 9-A MRSA §5-110, sub-§3, as repealed
39 and replaced by PL 1975, c. 429, §2, is amended to
40 read:

1 3. If the consumer credit transaction is subject
2 ~~to the Insurance Premium Finance Company Act~~ an in-
3 insurance premium loan, the notice shall conform to the
4 requirements of subsection 2 and a notice in substan-
5 tially the form specified in that subsection complies
6 with this subsection, except for the following:

7 A. In lieu of a brief identification of the
8 credit transaction, the notice shall identify the
9 transaction as an insurance premium ~~financing~~
10 ~~transaction~~ loan and each insurance policy or
11 contract that may be cancelled;

12 B. In lieu of the statement in the form of no-
13 tice specified in subsection 2 that the creditor
14 may exercise his rights under the law, the state-
15 ment that each policy or contract identified in
16 the notice may be cancelled; and

17 C. The last paragraph of the form of notice
18 specified in subsection 2 shall be omitted.

19 Sec. 22. 9-A MRS §5-111, sub-§1, as amended by
20 PL 1985, c. 336, §11, is further amended to read:

21 1. With respect to a consumer credit transac-
22 tion, except as provided in subsection 2, after a de-
23 fault consisting only of the consumer's failure to
24 make a required payment, a creditor, because of that
25 default, may neither accelerate maturity of the un-
26 paid balance of the obligation, nor take possession
27 of or otherwise enforce a security interest in goods
28 that are collateral until 14 days after a notice of
29 the consumer's right to cure, as provided in section
30 5-110, is given, nor with respect to a ~~transaction~~
31 ~~subject to the Insurance Premium Finance Company Act~~
32 an insurance premium loan, give notice of cancella-
33 tion as provided in subsection 4 until 10 days after
34 a notice of the consumer's right to cure, as provided
35 in section 5-110, is given. For purposes of this
36 section, goods that are collateral shall include any
37 right of set-off that the creditor may have. Until
38 expiration of the minimum applicable period after the
39 notice is given, the consumer may cure all defaults
40 consisting of a failure to make the required payment
41 by tendering the amount of all unpaid sums due at the
42 time of the tender, without acceleration, plus any

1 unpaid delinquency or deferral charges. Cure restores
2 the consumer to his rights under the agreement as
3 though the defaults had not occurred.

4 Sec. 23. 9-A MRSA §5-111, sub-§2, as amended by
5 PL 1985, c. 336, §12, is further amended to read:

6 2. With respect to defaults on the same obliga-
7 tion ~~ether than an obligation subject to the Insur-~~
8 ~~ance Premium Finance Company Act~~ and subject to sub-
9 section 1, after a creditor has once given a notice
10 of consumer's right to cure, as provided in section
11 5-110, this section gives the consumer no right to
12 cure and imposes no limitation on the creditor's
13 right to proceed against the consumer or goods that
14 are collateral with respect to a default that occurs
15 within 12 months after an earlier default as to which
16 a creditor has given a notice of consumer's right to
17 cure, as provided in section 5-110. For the purpose
18 of this section, in open-end credit, the obligation
19 is the unpaid balance of the account.

20 Sec. 24. 9-A MRSA §5-111, sub-§4, as enacted by
21 PL 1975, c. 429, §2, is amended to read:

22 4. If a default ~~on transaction subject to the~~
23 ~~Insurance Premium Finance Company Act~~ an insurance
24 premium loan is not cured, the ~~creditor~~ lender may
25 give notice of cancellation of each insurance policy
26 or contract to be cancelled. If given, the notice of
27 cancellation shall be in writing and given to the in-
28 surer who issued the policy or contract and to the
29 insured. The insurer, within 2 business days after
30 receipt of the notice of cancellation together with a
31 copy of the insurance premium ~~finance loan~~ agreement
32 if not previously given to him, shall give any notice
33 of cancellation required by the policy, contract or
34 law and, within 10 business days after the effective
35 date of the cancellation, pay to the ~~creditor~~ lender
36 any premium unearned on the policy or contract as of
37 that effective date. Within 10 business days after
38 receipt of the unearned premium, the ~~creditor~~ lender
39 shall pay to the consumer indebted upon the insurance
40 premium ~~finance loan~~ agreement any excess of the un-
41 earned premium received over the amount owing by the
42 consumer upon the insurance premium ~~finance agreement~~
43 loan.

1 Sec. 25. 9-A MRSA §5-201, sub-§2, as enacted by
2 PL 1973, c. 762, §1, is amended to read:

3 2. If a creditor has violated the provisions of
4 this Act applying to authority to make supervised
5 loans, section 2-301, ~~the loan is void and~~ the debtor
6 is not obligated to pay ~~either the principal or~~ loan
7 finance charge. If he has paid any part of ~~the prin-~~
8 ~~cipal or of~~ the loan finance charge, he has a right
9 to recover the payment from the person violating this
10 Act or from an assignee of that person's rights who
11 undertakes direct collection of payments or enforce-
12 ment of rights arising from the debt. With respect to
13 violations arising from loans made pursuant to open-
14 end credit, no action pursuant to this subsection may
15 be brought more than 2 years after the violation oc-
16 curred. With respect to violations arising from other
17 loans, no action pursuant to this subsection may be
18 brought more than one year after the due date of the
19 last scheduled payment of the agreement pursuant to
20 which the charge was paid.

21 Sec. 26. 9-A MRSA §5-201, sub-§7, as enacted by
22 PL 1973, c. 762, §1, is amended to read:

23 7. A creditor has no liability under subsection
24 1 or subsection 4 if, within ~~15~~ 60 days after discov-
25 ering an error, and prior to the institution of an
26 action under this section or the receipt of written
27 notice of the error, the creditor notifies the person
28 concerned of the error and corrects the error. If the
29 violation consists of a prohibited agreement, giving
30 the debtor a corrected copy of the writing containing
31 the error is sufficient notification and correction.
32 If the violation consists of an excess charge, cor-
33 rection shall be made by an adjustment or refund.

34 Sec. 27. 9-A MRSA §6-103, as amended by PL 1983,
35 c. 553, §9, is further amended to read:

36 §6-103. Administration

37 There is created and established the Bureau of
38 Consumer Credit Protection within the Department of
39 Business Regulation. The Superintendent of Consumer
40 Credit Protection is the head of Consumer Credit Pro-
41 tection. As used in this Act, "administrator" means

1 the Superintendent of the Bureau of Consumer Credit
2 Protection. He shall be appointed by the Governor
3 and subject to review by the joint standing committee
4 of the Legislature having jurisdiction over business
5 legislation and to confirmation by the Legislature.
6 He shall be appointed for a term of 5 years or until
7 a successor is appointed and qualified. Any vacancy
8 occurring shall be filled by appointment for the un-
9 expired portion of the term. He may be removed from
10 office for cause by impeachment or by the Governor on
11 the address of both branches of the Legislature and
12 Title 5, section 711, paragraph B, shall not apply.
13 ~~No person may be eligible for that office unless he~~
14 ~~shall have been a resident of the State for at least~~
15 ~~2 years-~~ During his term of office the administrator
16 shall engage in no other business or profession. The
17 administrator's salary shall be paid from the General
18 Fund.

19 Sec. 28. 9-A MRSA §6-104, sub-§§4 and 5 are en-
20 acted to read:

21 4. In addition to other rule-making requirements
22 imposed by law, the administrator shall:

23 A. Adopt as a rule a description of the organi-
24 zation of his office, stating the general course
25 and method of the operations of his office and
26 the methods whereby the public may obtain infor-
27 mation or make submissions or requests;

28 B. Adopt rules of practice setting forth the na-
29 ture and requirements of all formal and informal
30 procedures available, including a description of
31 all forms and instructions used by the adminis-
32 trator or his office;

33 C. Make available for public inspection all
34 rules and all other written statements of policy
35 or interpretations formulated, adopted or used by
36 the administrator in the discharge of his func-
37 tions; and

38 D. Make available for public inspection all fi-
39 nal orders, decisions and opinions.

1 5. No rule, order or decision of the administra-
2 tor is valid or effective against any person or par-
3 ty, nor may it be invoked by the administrator or any
4 party, for any purpose, until it has been made avail-
5 able for public inspection as herein required. This
6 provision is not applicable in favor of any person or
7 party who has actual knowledge thereof.

8 Sec. 29. 9-A MRSA §6-108, sub-§7 is enacted to
9 read:

10 7. No order may be issued under this section if
11 the creditor establishes by a preponderance of evi-
12 dence that a violation was unintentional or the re-
13 sult of a bona fide error, notwithstanding the main-
14 tenance of procedures reasonably adapted to avoid any
15 such violation or error except that this subsection
16 shall not where the violations had previously been
17 brought to the attention of the creditor by way of
18 examination, investigation or formal complaint
19 through the administrator, or where the violations
20 involve the obligation to refund excess charges, as
21 specified in section 5-201, subsections 2 and 3.

22 Sec. 30. 9-A MRSA §6-116 is enacted to read:

23 §6-116. Confidentiality of records

24 In accordance with Title 1, section 402, subsec-
25 tion 3, all records of the Bureau of Consumer Credit
26 Protection shall be public records with the exception
27 of:

28 1. Any information which is identifiable to a
29 particular customer or account unless an administra-
30 tive hearing or other judicial proceeding has been
31 commenced with respect to the consumer or account;

32 2. Any information submitted to the bureau in
33 confidence which the administrator deems as necessary
34 to maintain as confidential; and

35 3. Any other information as specified through
36 rules promulgated by the administrator.

37 Sec. 31. 9-A MRSA §6-204, sub-§§2 and 3, as
38 amended by PL 1983, c. 720, §21, are further amended
39 to read:

1 2. No penalty may be imposed if the fees re-
2 quired by section 6-203, subsections 1 to 3, are paid
3 not more than 30 days after the date established in
4 section 6-202, subsection 1, or if the expenses of
5 examination incurred by the administrator pursuant to
6 section 6-203, subsection 4, are paid within the time
7 period prescribed by the administrator which shall
8 not be less than 30 days of receipt of notice by the
9 examinee of their assessment.

10 3. If a licensee fails to pay the fees required
11 by section 6-203, subsections 1 to 3 on or before
12 February 20th of any year, or if the licensee fails
13 to pay the expenses of examination of the administra-
14 tor within the time period prescribed by the adminis-
15 trator which shall not be less than 30 days of re-
16 ceipt of the notice of assessment, the failure may be
17 treated by the administrator as grounds for revoca-
18 tion of the license.

19 Sec. 32. 9-A MRSA §6-401, as enacted by PL 1973,
20 c. 762, §1, is repealed.

21 Sec. 33. 9-A MRSA §6-402, as amended by PL 1977,
22 c. 694, §155-J, is repealed.

23 Sec. 34. 9-A MRSA §6-403, as enacted by PL 1973,
24 c. 762, §1, is repealed.

25 Sec. 35. 9-A MRSA §6-404, as repealed and re-
26 placed by PL 1977, c. 694, §155-K, is repealed.

27 Sec. 36. 9-A MRSA §6-405, as repealed and re-
28 placed by PL 1977, c. 694, §155-L, is repealed.

29 Sec. 37. 9-A MRSA §6-409, as repealed and re-
30 placed by PL 1977, c. 694, §155-P, is repealed.

31 Sec. 38. 9-A MRSA §6-410, as repealed and re-
32 placed by PL 1977, c. 694, §155-Q, is repealed.

33 Sec. 39. 9-A MRSA §6-411, as amended by PL 1983,
34 c. 212, §13, is repealed.

35 Sec. 40. 9-A MRSA §6-412, as enacted by PL 1973,
36 c. 762, §1, is repealed.

1 Sec. 41. 9-A MRSA §6-413, as enacted by PL 1973,
2 c. 762, §1, is repealed.

3 Sec. 42. 9-A MRSA §6-414, as amended by PL 1977,
4 c. 694, §§155-R and 155-S, is repealed.

5 Sec. 43. 9-B MRSA §221, sub-§1, as amended by PL
6 1977, c. 152, §1, is further amended to read:

7 1. Requirement. The superintendent shall examine
8 each financial institution subject to his supervision
9 and regulation at least once in every ~~18~~ 36 months,
10 or more frequently as he may determine. He shall
11 have full access to the vaults, books and papers of
12 such institution; and may make such inquiries as are
13 necessary to ascertain the condition of such institu-
14 tion, its safety and soundness, and its ability to
15 fulfill all engagements; and to ascertain whether the
16 institution examined has complied with applicable
17 laws. The directors, corporators, officers, employees
18 and agents of an institution being examined shall
19 furnish statements and full information to the super-
20 intendent or his examiners related to the condition
21 and standing of the institution and all matters per-
22 taining to its business affairs and management.

23 Sec. 44. 10 MRSA c. 202, first 2 lines, as en-
24 acted, are repealed and the following enacted in
25 their place:

26 CHAPTER 202

27 CONSUMER LOAN AND LEASE AGREEMENTS

28 Sec. 45. 10 MRSA §1121, as enacted by PL 1979,
29 c. 483, is amended to read:

30 §1121. Purpose

31 The purpose of this chapter is to enable the av-
32 erage consumer, who makes a reasonable effort under
33 ordinary circumstances, to read and understand the
34 terms of loan and lease documents without having to
35 obtain the assistance of a professional.

36 Sec. 46. 10 MRSA §1122, sub-§§1 and 3, as en-
37 acted by PL 1979, c. 483, are amended to read:

1 1. Agreement. "Agreement" means any writing
2 which is substantially prepared in advance of a con-
3 sumer loan or consumer lease and which a supervised
4 lender or lessor furnishes to a consumer for the con-
5 sumer to sign in connection with that loan or lease.

6 3. Consumer. "Consumer" means an individual to
7 whom a consumer loan or consumer lease is made.

8 Sec. 47. 10 MRSA §1122, sub-§3-A is enacted to
9 read:

10 3-A. Consumer lease. "Consumer lease" means a
11 lease of goods to a consumer by a lessor for person-
12 al, family or household purposes, which is for a term
13 exceeding 4 months and which is not made pursuant to
14 a lender credit card.

15 Sec. 48. 10 MRSA §1122, sub-§4-A is enacted to
16 read:

17 4-A. Lessor. "Lessor" means a person who, in
18 the ordinary course of business, regularly leases,
19 offers to lease or arranges for the lease of personal
20 property under a consumer lease.

21 Sec. 49. 10 MRSA §1123, as enacted by PL 1979,
22 c. 483, is amended to read:

23 §1123. Scope

24 1. Application. Except as provided in subsection
25 2, this chapter applies to any agreement signed in
26 connection with a consumer loan or consumer lease en-
27 tered into in this State between a consumer who is a
28 resident of this State at the time of the loan or
29 lease and a supervised lender or lessor.

30 2. Exclusions. This chapter does not apply:

31 A. To consumer loans or consumer leases in which
32 the amount financed or in the case of consumer
33 leases, the capitalized cost of the leased prop-
34 erty, exceeds \$100,000; and

35 B. To language or arrangement which is specifi-
36 cally required by federal or state law, regula-

1 tion or official agency interpretation; or to
2 agreements, the form or any part of which is re-
3 quired by any governmental instrumentality as a
4 condition of the assignability of the agreement.

5 Sec. 50. 10 MRSA §1124, first ¶, as amended by
6 PL 1981, c. 551, §1, is further amended to read:

7 After October 1, 1982, every consumer loan agree-
8 ment, and after January 1, 1987, every consumer lease
9 agreement, shall be:

10 Sec. 51. 10 MRSA §1125, as enacted by PL 1979,
11 c. 483, is amended to read:

12 §1125. Enforcement

13 A supervised lender's or lessor's failure to com-
14 ply with the requirements of section 1124 shall con-
15 stitute a violation of Title 9-A which shall be en-
16 forceable under Title 9-A, section 6-108.

17 Sec. 52. 10 MRSA §1126, sub-§1, as amended by PL
18 1981, c. 551, §2, is further amended to read:

19 1. Certification. A supervised lender or lessor,
20 or any trade organization or association acting on
21 behalf of supervised lenders or lessors, may submit
22 any proposed form of agreement to the Bureau of Con-
23 sumer Credit Protection. ~~Before October 1, 1982,~~
24 ~~within 60 days,~~ and ~~after October 1, 1982,~~ within
25 45 days, the bureau shall either certify the
26 form as complying with the requirements of section
27 1124, or refuse to certify the form as complying,
28 setting forth written reasons for its refusal. Fail-
29 ure by the bureau to act under this section within 45
30 days ~~or 60 days,~~ as the case may be, shall be consid-
31 ered a certification of the form's compliance. A cer-
32 tification of compliance under this section shall be
33 an absolute bar to any legal proceeding by the super-
34 intendent for failure to comply with the requirements
35 of section 1124.

36 Sec. 53. 20-A MRSA §202, sub-§§7 and 8, as en-
37 acted by PL 1981, c. 693, §§5 and 8, are amended to
38 read:

1 7. Maine Arts Commission. The Maine State Arts
2 Commission ~~on the Arts and the Humanities~~;

3 8. Arts Bureau. The Arts and Humanities Bureau;

4 Sec. 54. 20-A MRSA §256, sub-§3, as enacted by
5 PL 1981, c. 693, §§5 and 8, are amended to read:

6 3. Limit on authority. The commissioner may not
7 exercise or interfere with the exercise of discre-
8 tionary authority granted to the Maine State Museum
9 Commission and the Maine State Arts Commission ~~on the~~
10 ~~Arts and the Humanities.~~

11 Sec. 55. 27 MRSA §86, as amended by PL 1973, c.
12 625, §173, is further amended to read:

13 §86. Acquisition, ownership and disposition of prop-
14 erty and size and storage of collection

15 1. Acquisition. The Maine State Museum is autho-
16 rized to accept donations of property for the sole
17 use of the museum provided ~~such~~ the donations are of
18 a nature to carry out and promote the purposes of
19 this chapter. The Maine State Museum may purchase
20 works of art, artifacts and specimens for the enrich-
21 ment of the collections from funds provided in the
22 budget, secured from private donations or bequests or
23 generated from the disposition of deaccessioned
24 items.

25 2. Ownership. The museum shall hold its collec-
26 tions and property for the State ~~of Maine~~ and shall
27 not sell, mortgage, transfer or dispose of in any
28 manner ~~or remove from the Maine State Museum any ar-~~
29 ~~ticle thereof, or part of same, without,~~ except as
30 provided under this section or other authority of
31 law.

32 3. Disposition. Notwithstanding any contrary
33 provisions of law, the museum may sell or exchange
34 any duplicates or other property determined to be
35 useless unnecessary which the museum may have or ob-
36 tain, and may transfer to other institutions of the
37 State property not deemed applicable or necessary for
38 the purposes of the museum. Funds generated by the
39 disposition of artifacts shall be deposited into a

1 revolving fund to be used exclusively for the in-
2 crease and care of museum collections, including the
3 purchase of other artifacts, specimens or works of
4 art, or the conservation and preservation of state
5 collections. Disposition of property may be through
6 return of property to the original donor, as deemed
7 appropriate by the Maine State Museum Commission.

8 5. Size and storage of collections. The Maine
9 State Museum shall endeavor to continually upgrade
10 the scope and quality of the collections. New acqui-
11 sitions are to be sought to fulfill this objective.
12 In order to refine existing holdings the museum shall
13 also maintain an on-going program of artifact dispo-
14 sition permitting the improvement of collections
15 within a finite storage space available for them.

16 Sec. 56. 27 MRSA §87, as amended by PL 1971, c.
17 485, §1, is further amended to read:

18 §87. Assistance from other state agencies

19 The heads of the various state departments, agen-
20 cies and institutions are authorized to consult with
21 the Maine State Museum upon request concerning any
22 aspect of museum operations. The Maine State Arts
23 Commission ~~on the Arts and Humanities~~ shall furnish
24 the Maine State Museum Commission with such assist-
25 ance as necessary to administer section 86-A.

26 Sec. 57. 27 MRSA §93, sub-§1, as enacted by PL
27 1979, c. 526, §2, is amended to read:

28 1. Selection. The executor, administrator or
29 trustee of any estate, desiring to pay all or part of
30 an estate tax or inheritance tax owed the State in
31 one or more works of art, shall notify the commission
32 of his desire to do so. The commission shall, within
33 a reasonable period of time and after consulting with
34 the Maine State Arts Commission ~~on the Arts and the~~
35 ~~Humanities~~, notify the executor, administrator or
36 trustee, and the State Tax Assessor, as to whether,
37 in the judgment of the commission, it would be advan-
38 tageous to the State to accept one or more works of
39 art as payment for the estate or inheritance tax. The
40 commission's decision shall be final and
41 nonappealable.

1 Acceptance of a work of art is advantageous to the
2 State if its acceptance:

3 A. Encourages the preservation of original or
4 noteworthy works of art;

5 B. Furthers the preservation and understanding
6 of fine arts traditions which have existed in
7 Maine;

8 C. Furthers the understanding of the fine arts
9 by the people of Maine; or

10 D. Aids in establishment of important state col-
11 lections of works of art.

12 Sec. 58. 27 MRSA c. 15, first 2 lines, as
13 amended, are repealed and the following enacted in
14 their place:

15 CHAPTER 15

16 THE ARTS

17 Sec. 59. 27 MRSA §401, as amended by PL 1983, c.
18 812, §169, is further amended to read:

19 §401. Commission

20 A state commission, to be known as the "Maine
21 State Arts Commission on the Arts and the
22 Humanities," as established by Title 5, section
23 12004, subsection 10, shall consist of not less than
24 15 nor more than 21 members, broadly representative
25 of all artistic and cultural fields each of whom
26 shall have a continuing interest in the fields of art
27 and culture in the State, to be appointed by the Gov-
28 ernor from among citizens of Maine who are widely
29 known for their competence and experience in connec-
30 tion with these fields. In making such appointments,
31 due consideration shall be given to the recommenda-
32 tions made by representative civic, educational and
33 professional associations and groups concerned with
34 or engaged in artistic and cultural fields generally.

35 Sec. 60. 27 MRSA §452, sub-§3, as enacted by PL
36 1979, c. 525, is amended to read:

1 3. Commission. "Commission" means the Maine
2 State Arts Commission on the Arts and the Humanities.

3 Sec. 61. 32 MRSA c. 43, as amended, is repealed.

4 Sec. 62. 32 MRSA §3840, as enacted by PL 1985,
5 c. 481, Pt. A, §64, is repealed and the following en-
6 acted in its place:

7 §3840. Coordinated licensure-certification processes

8 1. Established. There is established a Joint
9 Committee on Licensure-Certification for School Psy-
10 chological Service Providers.

11 2. Purpose. The purpose of the Joint Committee
12 on Licensure-Certification for School Psychological
13 Service Providers shall be to coordinate the licens-
14 ing and certification processes of the Board of Exam-
15 iners of Psychologists and the Department of Educa-
16 tional and Cultural Services respectively to provide
17 accessible and timely services to meet the needs of
18 the school systems in the State.

19 3. Membership. The joint committee shall consist
20 of 6 members. Three shall be appointed by the State
21 Board of Examiners of Psychologists from the present
22 membership of the State Board of Examiners of Psy-
23 chologists and 3 shall be appointed by the State
24 Board of Education from the present membership of the
25 State Board of Education.

26 4. Chairman. The joint committee shall convene
27 for the first time at the call of the chairman of the
28 State Board of Examiners of Psychologists at which
29 time the Joint Committee on Licensure-Certification
30 for School Psychological Service Providers shall se-
31 lect a chairman.

32 5. Term of office. Members shall be appointed
33 for a minimum term of one year or until the expira-
34 tion of their term on the board of appointment,
35 whichever comes first.

36 6. Meetings. The committee shall meet as neces-
37 sary to fulfill its purposes and duties.

1 7. Quorum. Attendance to 2 members of the State
2 Board of Examination of Psychologists and 2 members
3 of the State Board of Education shall be necessary to
4 conduct official business.

5 8. Compensation. Committee members shall be com-
6 pensated according to the provisions of Title 5,
7 chapter 379. Compensation shall be paid by the board
8 of appointment.

9 9. Records. The joint committee shall keep
10 records and minutes of its activities and meetings.
11 The records and minutes shall be housed by the De-
12 partment of Educational and Cultural Services or the
13 Department of Business, Occupational and Professional
14 Regulation and made easily accessible to the public
15 and shall be provided expeditiously upon request.

16 10. Vacancies. Vacancies shall be filled by the
17 appointing authority to complete the term of the ap-
18 pointee who vacated the position.

19 11. Responsibilities and duties. The responsi-
20 bilities and duties of the joint committee are as
21 follows.

22 A. The Joint Committee on Licensure - Certifica-
23 tion for School Psychological Service Providers
24 shall be responsible for developing and
25 overseeing a plan for coordinating the licensing
26 of psychologists and psychological examiners and
27 the certification of persons providing school
28 psychological services. The plan shall be pre-
29 sented to the 2 appointing boards in the form of
30 recommendations for standards and procedures to
31 be included in the rules of the respective
32 boards.

33 B. The criteria for certification to provide
34 school psychological services adopted by the
35 State Board of Education shall be based, in part,
36 on the granting of a license as a psychologist or
37 psychological examiner.

38 C. The joint committee shall issue a written re-
39 port of its recommendations to the State Board of
40 Examination of Psychologists and the State Board

1 of Education. The joint committee shall meet pe-
2 riodically to accomplish its purposes.

3 D. The joint committee shall report to the joint
4 standing committees of the Legislature having ju-
5 risdiction over audit and program review and
6 business and commerce and education by the First
7 Regular Session of the 113th Legislature.

8 Sec. 63. 32 MRSA §4682, as amended by PL 1983,
9 c. 553, §46, is further amended to read:

10 §4682. State registration

11 Every person including the self-employed, or
12 those who employ one or more transient sellers of
13 consumer merchandise shall apply to the Department of
14 Business, Occupational and Professional Regulation
15 and acquire a state ~~license~~ registration in the man-
16 ner set forth in section 4684 before engaging in
17 sales of consumer merchandise in this State.

18 Sec. 64. 32 MRSA §4682-A, as amended by PL 1985,
19 c. 236, §1, is further amended to read:

20 §4682-A. Registrations

21 1. Issuance. The Department of Business, Occu-
22 pational and Professional Regulation shall issue to
23 each transient seller and employee of that transient
24 seller a ~~license~~ registration which, among other
25 things, shall indicate that the person whose name ap-
26 pears thereon is a ~~licensed~~ registered seller or em-
27 ployee of a ~~licensed~~ registered seller under this
28 chapter.

29 2. Possession and presentation. Every transient
30 seller of consumer merchandise and each of the
31 seller's employees shall have a valid ~~license~~ license
32 registration, as required by this chapter, in his im-
33 mediate possession at all times when engaging in
34 sales of consumer merchandise in this State and shall
35 present the ~~license~~ registration for inspection upon
36 request of any person.

37 3. Penalty. A violation of subsection 2 is a
38 civil violation for which a forfeiture of not more
39 than \$200 may be adjudged.

1 Sec. 65. 32 MRSA §4682-B, as enacted by PL 1985,
2 c. 269, is amended to read:

3 §4682-B. Disclosure of registration number and per-
4 manent place of business

5 1. Registration number and permanent place of
6 business disclosed in advertisements. Every time a
7 transient seller of consumer merchandise advertises
8 in this State for the sale of merchandise, whether in
9 print or electronic media, the advertisement shall
10 disclose the transient seller's license registration
11 number in the following manner: "State Department of
12 Business, Occupational and Professional Regulation
13 Transient Seller's License Registration Number:
14 (Fill in number)" and shall disclose the address of
15 the seller's permanent place of business.

16 2. Registration number and place of business
17 disclosed in written receipt. Every time a transient
18 seller of consumer merchandise sells merchandise to a
19 consumer in this State, he shall provide the purchas-
20 er with a written receipt, at the time of sale, dis-
21 closing the transient seller's license registration
22 number in the following manner: "State Department of
23 Business, Occupational and Professional Regulation
24 Transient Seller's License Registration Number: (Fill
25 in number)" and disclosing the transient seller's
26 name and permanent place of business.

27 Sec. 66. 32 MRSA §4683, as enacted by PL 1977,
28 c. 440, §2, is amended to read:

29 §4683. Local registration

30 Nothing in this chapter shall affect the right of
31 any town or municipality to make such regulations
32 relative to transient sellers of consumer merchandise
33 as may be permissible under the general law or under
34 any municipal charter.

35 Sec. 67. 32 MRSA §4684, first ¶, as amended by
36 PL 1983, c. 553, §46, is further amended to read:

37 Each application for a transient seller of con-
38 sumer merchandise license registration shall be made
39 upon a form prescribed by the Department of Business,

1 Occupational and Professional Regulation and shall be
2 sworn thereto and shall include:

3 Sec. 68. 32 MRSA §4684, last ¶, as enacted by PL
4 1977, c. 440, §2, is amended to read:

5 Any false statement in an application, either
6 original or supplementary, for a license registration
7 shall subject the applicant to the same penalty as if
8 he had no license registration.

9 Sec. 69. 32 MRSA §4685, as amended by PL 1983,
10 c. 553, §46 is further amended to read: is amended to
11 read:

12 §4685. Registration fee and security deposit

13 1. Fee. Every person, including the self-
14 employed or those who employ one or more transient
15 sellers of consumer merchandise, shall pay to the De-
16 partment of Business, Occupational and Professional
17 Regulation the following fees at the time an appli-
18 cation is made for the license registration or renew-
19 al:

20 A. For an original or renewal transient seller's
21 license registration, \$15; and

22 B. For a license registration of each employee
23 of transient sellers and for renewals thereof,
24 \$5.

25 2. Dedicated revenues. All fees received under
26 this chapter shall be paid to the Treasurer of State
27 to be used for carrying out this chapter. Any bal-
28 ance of these fees shall not lapse, but shall be car-
29 ried forward as a continuing account to be expended
30 for the same purpose in the following fiscal year.

31 3. Security deposit. Every person, including
32 the self-employed or those who employ one or more
33 transient sellers of consumer merchandise, shall also
34 make a security deposit of \$10,000 or of a sum equal
35 to the anticipated yearly gross revenues in this
36 State, whichever is less, with the Department of
37 Business, Occupational and Professional Regulation
38 for the protection of consumers as described in sec-

1 tion 4687. The security deposit may be made by a bond
2 as drawn by the Department of Business, Occupational
3 and Professional Regulation and as secured by a sure-
4 ty approved by the Department of Business, Occupa-
5 tional and Professional Regulation. Only one securi-
6 ty deposit shall be required of each business entity
7 engaged in transient sales of consumer merchandise.

8 4. Registration issued. The Department of Busi-
9 ness, Occupational and Professional Regulation shall
10 issue to a transient seller of consumer merchandise
11 and to employees of that transient seller a ~~license~~
12 registration upon receipt of a completed application
13 in proper form, appropriate fees and a security de-
14 posit.

15 Sec. 70. 32 MRSA §4686, as enacted by PL 1983,
16 c. 553, §46, is further amended to read:

17 §4686. Expiration

18 1. Registrations. Licenses Registrations issued
19 under section 4685 shall expire:

20 A. On the date that the ~~licensee~~ registrant es-
21 tablishes a permanent place of business and sur-
22 renders his ~~license~~ registration to the Depart-
23 ment of Business, Occupational and Professional
24 Regulation-;

25 B. When the ~~licensee~~ registrant fails to file a
26 renewal application as required by section
27 4684-A-; or

28 C. Upon the surrender of the ~~license~~
29 registration for cancellation.

30 Sec. 71. 32 MRSA §4687, as amended by PL 1983,
31 c. 553, §46, is further amended to read:

32 §4687. Security deposit subject to claims; order of
33 preference; return of security deposit

34 Each security deposit made under section 4685
35 shall be subject, so long as it remains in the hands
36 of the Department of Business, Occupational and Pro-
37 fessional Regulation, to the attachment and execution

1 in behalf of consumers whose claims arise in connec-
2 tion with the transient sale of consumer merchandise
3 in this State. The Department of Business, Occupa-
4 tional and Professional Regulation may be impleaded
5 as a trustee in any civil action brought against any
6 licensee registrant, and shall pay over, under order
7 of court, such sum of money as the Department of
8 Business, Occupational and Professional Regulation
9 may be found chargeable. The security deposit shall
10 be subject to the payment of any and all fines and
11 penalties incurred by the licensee registrant through
12 any of the provisions of this chapter, and the clerk
13 of the court in which such fine or penalty is imposed
14 shall thereupon notify the Department of Business,
15 Occupational and Professional Regulation of the name
16 of the licensee registrant against whom such fine or
17 penalty is adjudged and of the amount of such fine or
18 penalty. The Department of Business, Occupational and
19 Professional Regulation, if they have in their hands
20 a sufficient sum deposited by such licensee
21 registrant, shall pay the sum so specified to the
22 clerk. If the Department of Business, Occupational
23 and Professional Regulation shall not have a suffi-
24 cient sum so deposited, they shall make payment of so
25 much as they have in their hands. All claims upon the
26 deposit shall be satisfied after judgment, fine and
27 penalty, in the order in which the order of court is
28 entered in the respective suits, until all claims are
29 satisfied or the security deposit is exhausted. No
30 security deposit shall be paid over by the Department
31 of Business, Occupational and Professional Regulation
32 to a licensee registrant so long as there are any
33 outstanding claims or notices of claims which are
34 subject of suit against the licensee registrant, in
35 which case the Department of Business, Occupational
36 and Professional Regulation shall retain only such
37 sum of the security deposit as is subject of claim.

38 The security deposit shall be returned to the
39 person so designated in the licensee's registrant's
40 application for license registration 12 months fol-
41 lowing the expiration of the license registration.

42 Sec. 72. 32 MRSA §4688, as enacted by PL 1977,
43 c. 440, §2, is amended to read:

44 §4688. Violations and penalties

1 Any person engaging in transient sales of consum-
2 er merchandise without a ~~license~~ registration lawfully
3 issued pursuant to this chapter shall be punished
4 for each offense as a Class D crime pursuant to Title
5 17-A.

6 Failure to comply with this chapter shall consti-
7 tute a violation of Title 5, chapter 10, Unfair Trade
8 Practices Act.

9 Sec. 73. 32 MRSA §4691, sub-§7 is enacted to
10 read:

11 7. Superintendent. "Superintendent" means the
12 Superintendent of Banking.

13 Sec. 74. 32 MRSA §4696, as amended by PL 1983,
14 c. 553, §46, is further amended to read:

15 §4696. Registration

16 Every seller shall register with the ~~Department~~
17 ~~of Business, Occupational and Professional Regulation~~
18 superintendent prior to selling, offering to sell ad-
19 vertising or undertaking any other act relating to
20 the promotion of business opportunities in this
21 State. Registration shall be complete upon paying a
22 \$25 fee, filing a copy of the disclosure statement
23 required by section 4692 and providing evidence of a
24 bond or escrow account satisfying the requirements of
25 section 4695. The seller shall update the disclosure
26 statement as material information changes.

27 Sec. 75. 32 MRSA §4700-A, as amended by PL 1983,
28 c. 553, §46, is further amended to read:

29 §4700-A. Service of process

30 ~~The Department of Business, Occupational and Pro-~~
31 ~~fessional Regulation~~ superintendent shall be an agent
32 of each seller who sells, offers for sale, advertises
33 or promotes business opportunities in this State for
34 service of any process, notice or demand required or
35 permitted by law to be served and this service shall
36 be binding upon the seller. Service of any such pro-
37 cess, notice or demand shall be made as provided for
38 service upon the Secretary of State under the Maine
39 Rules of Civil Procedure, Rule 4(d)(8).

1		Deauthorizes vacant Busi-	
2		ness Manager I and Museum	
3		Specialist III positions.	
4		Deauthorizes Museum Tech-	
5		nician I position to ac-	
6		complish the reorganiza-	
7		tion of the Maine State	
8		Museum.	
9	01267.1	Museum Administration	
10		Positions	(3)
11		Personal Services	\$ 75,521
12		Provides for the authori-	
13		zation of the positions	
14		of Assistant Director,	
15		Museum Specialist I and	
16		Clerk IV to accomplish	
17		the reorganization of the	
18		Maine State Museum	
19	01267.3	Exhibit Design and	
20		Preparation-Museum	
21		Positions	(-1)
22		Personal Services	\$ (38,543)
23		Deauthorizes Museum Spe-	
24		cialist III position to	
25		accomplish the reorgani-	
26		zation of the Maine State	
27		Museum.	
28	01267.3	Exhibit Design and	
29		Preparation-Museum	
30		Positions	(1)
31		Personal Services	<u>\$ 39,892</u>
32		Authorizes an Architect	
33		position to accomplish	
34		the reorganization of the	
35		Maine State Museum.	
36	TOTAL PART B		\$ (10,910)

37 PART C

1 Adjustments to the Insurance Regulatory Fund. In
2 order to provide for necessary adjustments of the In-
3 surance Regulatory Fund to implement the recommenda-
4 tions of the Joint Standing Committee on Audit and
5 Program Review, allocations are adjusted by the
6 amounts designated in the following tabulation.

	<u>1986-87</u>
7	
8 <u>BUSINESS, OCCUPATIONAL AND</u>	
9 <u>PROFESSIONAL REGULATION,</u>	
10 <u>DEPARTMENT OF</u>	
11 Bureau of Insurance	
12 Positions	(-1)
13 Personal Services	<u>\$(12,200)</u>
14 Deauthorizes a va-	
15 cant Clerk Typist I	
16 position	
17 TOTAL PART C	\$(12,200)

18 **Emergency clause.** In view of the emergency cited
19 in the preamble, this Act shall take effect July 1,
20 1986.

21 STATEMENT OF FACT

22 PART A

23 Section 1 changes the title of the Commission on
24 the Arts and the Humanities.

25 Sections 2 to 7 reorganize the sunset schedule by
26 continuing the review of the Department of Education-
27 al and Cultural Services and the review of indepen-
28 dent agencies such as the Bryant Pond Conservation
29 School, the State Historian, the Historic Preserva-
30 tion Commission, the Maine Historical Society and the
31 Oil and Solid Fuel Board into the next year to be
32 completed no later than June 30, 1987. In addition,
33 these sections advance the review schedules for the
34 vocational-technical institutions, the Maine Maritime
35 Academy and the University System by one year to be
36 completed no later than June 30, 1988. Further,
37 these sections move up the remaining audit schedule,

1 each by one year to accommodate the work load in the
2 next 2 years. Finally, section 7 continues those in-
3 dependent agencies scheduled for review this year and
4 this terminates the State Energy Resources Advisory
5 Committee by failing to continue it.

6 Section 8 creates a definition of public member
7 for all occupational and professional licensing
8 boards.

9 Section 9 changes the title of the Commission of
10 the Arts and the Humanities, and also increases the
11 limit on annual expenditures of the Lobster Advisory
12 Council.

13 Section 10 repeals the Home Repair Financing Act.

14 Section 11 repeals the Insurance Premium Finance
15 Company Act.

16 Section 12 defines insurance premium loan under
17 the Maine Consumer Credit Code.

18 Section 13 replaces language which refers to the
19 repealed Home Repair Financing Act with a section re-
20 allocated from that Act.

21 Section 14 deletes a reference to the Insurance
22 Premium Finance Company Act.

23 Section 15 amends the Maine Consumer Credit Code
24 to include authority for the superintendent to con-
25 sider the particular liabilities for those creditors
26 who wish offer insurance premium loans.

27 Sections 16 and 41 reallocate a section of the
28 Maine Consumer Credit Code which specifies due pro-
29 cess for licenses to a section of the Code that deals
30 with licenses.

31 Section 17 amends the Maine Consumer Credit Code
32 to set limits on finance charges made on insurance
33 premium loans.

34 Section 18 amends the Maine Consumer Credit Code
35 to require that contracts for home repair financing
36 must state whether the contractor has workers' com-

1 pensation or liability insurance coverage or both.

2 Section 19 deletes unnecessary references to the
3 Home Repair Financing Act.

4 Section 20 repeals an unnecessary requirement
5 that the Superintendent of Insurance follow provi-
6 sions of the Code which are also repealed in this
7 bill.

8 Section 21 deletes references to the Insurance
9 Premium Finance Company Act and amends references in
10 the Maine Consumer Credit Code to insurance premium
11 financing transactions.

12 Sections 22 and 23 delete references to the In-
13 surance Premium Finance Company Act and amends refer-
14 ences in the Maine Consumer Credit Code to insurance
15 premium financing transactions.

16 Section 24 deletes references to the Insurance
17 Premium Finance Company Act and amends references in
18 the Maine Consumer Credit Code to insurance premium
19 financing transactions.

20 Section 25 modifies the penalty for making unli-
21 censed loans to ensure a reasonable penalty.

22 Section 26 increases the grace period by which a
23 creditor can correct error without penalty from 15
24 days to 60 days.

25 Section 27 removes the 2-year residency require-
26 ment for the Superintendent of the Bureau of Consumer
27 Credit Protection.

28 Sections 28 and 34 reallocate a section of the
29 Maine Consumer Credit Code which specifies powers and
30 duties of the administrator to the part of Code that
31 list these powers clearly.

32 Section 29 allows certain bona fide, first-time
33 creditor errors without penalty.

34 Section 30 establishes the confidentiality of
35 certain records kept by the Bureau of Consumer Credit
36 Protection.

1 Section 31 increases the time limit by which
2 creditors must pay invoices to the Bureau of Consumer
3 Credit Protection.

4 Section 32 repeals legislation which duplicates
5 the Maine Administrative Procedure Act.

6 Section 33 repeals legislation which duplicates
7 the Maine Administrative Procedure Act.

8 Section 35 repeals unnecessary legislation which
9 refers to the Maine Administrative Procedure Act.

10 Section 36 repeals unnecessary legislation.

11 Section 37 repeals legislation which duplicates
12 the Maine Administrative Procedure Act.

13 Section 38 repeals unnecessary legislation which
14 makes reference to the Maine Administrative Procedure
15 Act.

16 Section 39 repeals legislation which duplicates
17 the Maine Administrative Procedure Act.

18 Section 40 repeals legislation which duplicates
19 the Maine Administrative Procedure Act.

20 Section 42 repeals legislation which duplicates
21 the Maine Administrative Procedure Act.

22 Section 43 changes the mandated examination cycle
23 for financial institutions from at least once in ev-
24 ery 18 months to at least once in every 36 months to
25 provide increased flexibility.

26 Section 44 includes consumer leases under the
27 plain language law.

28 Section 45 includes consumer leases under the
29 plain language law.

30 Section 46 includes consumer leases under the
31 plain language law.

32 Section 47 includes consumer leases under the
33 plain language law.

1 Section 48 includes consumer leases under the
2 plain language law.

3 Section 49 includes consumer leases under the
4 plain language law.

5 Section 50 includes consumer leases under the
6 plain language law.

7 Section 51 includes consumer leases under the
8 plain language law.

9 Section 52 includes consumer leases under the
10 plain language law.

11 Section 53 changes the title of the Commission on
12 the Arts and the Humanities.

13 Section 54 changes the title of the Commission on
14 the Arts and the Humanities.

15 Section 55 clarifies and strengthens the process
16 of artifact acquisition and disposition for the Maine
17 State Museum.

18 Section 56 changes the title of the Commission on
19 the Arts and the Humanities.

20 Section 57 changes the title of the Commission on
21 the Arts and the Humanities.

22 Sections 58 and 59 changes the title of the Com-
23 mission on the Arts and the Humanities and broadens
24 the criteria for members of the commission.

25 Section 60 changes the title of the Commission on
26 the Arts and the Humanities.

27 Section 61 repeals the Maine Revised Statutes,
28 Title 32, chapter 43, which requires the licensure of
29 itinerant photographers.

30 Section 62 clarifies the intent of the law re-
31 specting the establishment of a joint committee on
32 the licensing and certification of school psychologi-
33 cal services. The original law, Public Law 1985,
34 chapter 481, section 64, appeared to require one

1 joint licensing-certification process administered by
2 an autonomous joint committee. The joint committee
3 was established without all the powers and authority
4 necessary to implement and enforce the
5 license-certificates it was to issue. The law also
6 inconsistently referred to a "simultaneous" process
7 of licensing and certification to be administered by
8 the existing Board of Examiners of Psychologists and
9 the Department of Educational and Cultural Services,
10 suggesting continuation of existing procedures.

11 This section clarifies the law so as to require
12 the joint committee to devise a plan for coordination
13 of the licensing and certification processes adminis-
14 tered by the Board of Examiners of Psychologists and
15 the Department of Educational and Cultural Services.

16 Section 63 changes the level of regulation for
17 transient sellers from licensure to registration.

18 Section 64 changes the level of regulation for
19 transient sellers from licensure to registration.

20 Section 65 changes the level of regulation for
21 transient sellers from licensure to registration.

22 Section 66 changes the level of regulation for
23 transient sellers from licensure to registration.

24 Sections 67 and 68 change the level of regulation
25 for transient sellers from licensure to registration.

26 Section 69 changes the level of regulation for
27 transient sellers from licensure to registration.

28 Section 70 changes the level of regulation for
29 transient sellers from licensure to registration.

30 Section 71 changes the level of regulation for
31 transient sellers from licensure to registration.

32 Section 72 changes the level of regulation for
33 transient sellers from licensure to registration.

34 Section 73 defines superintendent as the Superin-
35 tendent of Banking.

1 Section 74 transfers responsibility for registra-
2 tion of sellers of business opportunities from the
3 Department of Business, Occupational and Professional
4 Regulation to the Bureau of Banking.

5 Section 75 transfers responsibility for registra-
6 tion of sellers of business opportunities from the
7 Department of Business, Occupational and Professional
8 Regulation to the Bureau of Banking.

9 Section 76 specifies the intent of the Legisla-
10 ture to reorganize the Maine State Museum and in-
11 cludes a transition clause for present employees.

12 Section 77 ensures that the Maine State Museum
13 and the Law and Legislative Reference Library will
14 have adequate storage facilities.

15 PART B

16 Part B accomplishes the reorganization of the
17 Maine State Museum. This reorganization will result
18 in net savings to the General Fund of \$10,910 for
19 fiscal year 1986-87 without eliminating positions for
20 current employees.

21 PART C

22 Part C deauthorizes the vacant position of Clerk
23 Typist I in the Bureau of Insurance. This
24 deauthorization will reduce the bureau's requirements
25 from the Insurance Regulatory Fund by \$12,200 in fis-
26 cal year 1986-87.

27 5905031286