

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fifth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Fifth Legislature
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1. **Administration.** Administrative expenses, including probate fees and taxes;
2. **Last sickness.** Expenses of the last sickness;
3. **Funeral.** Funeral expenses, not exceeding \$400, exclusive of clergymen's honorarium and cemetery expenses;
4. **Claims.** Claims filed against such estate under Title 22, section 3453.

The Attorney General shall collect any claim which the State may have hereunder against such estate. No such claim shall be enforced against any real estate while it is occupied as a home by the surviving spouse of the patient or person legally liable for ~~support~~ **care and treatment** under this chapter and said spouse does not marry again.

Sec. 9. R. S., T. 34, § 2516, amended. Section 2516 of Title 34 of the Revised Statutes is amended to read as follows:

§ 2516. **Debt to State**

Charges made under this chapter shall be a debt of the patient or of any person legally liable for ~~support~~ **care and treatment** under this chapter, recoverable in any court of competent jurisdiction in a civil action, in the name of the State of Maine.

Sec. 10. R. S., T. 34, § 2517, amended. Section 2517 of Title 34 of the Revised Statutes is amended to read as follows:

§ 2517. **Military and Naval Children's Home**

This chapter shall be applicable to the support of children admitted to the Military and Naval Children's Home; the word "support" as used in this section shall be synonymous with the words "care and treatment" as used in this chapter.

Effective September 23, 1971

Chapter 63

AN ACT Relating to Definitions and Credit Cards Under Truth-in-Lending Law.

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

Sec. 1. R. S., T. 9, § 3903, sub-§ 1, ¶¶ I - N, additional. Subsection 1 of section 3903 of Title 9 of the Revised Statutes, as enacted by section 35 of chapter 423 of the public laws of 1969, is amended by adding 6 new paragraphs, I to N, to read as follows:

I. Adequate notice. The term "adequate notice", as used in section 3927, means a printed notice to a cardholder which sets forth the pertinent facts clearly and conspicuously so that a person against whom it is to operate could reasonably be expected to have noticed it and understood its meaning. Such notice may be given to a cardholder by printing the notice on any credit card, or on each periodic statement of account, issued to the cardholder, or by any other means reasonably assuring the receipt thereof by the cardholder.

J. Credit card. The term "credit card" means any card, plate, coupon book or other credit device existing for the purpose of obtaining money, property, labor or services on credit.

K. Accepted credit card. The term "accepted credit card" means any credit card which the cardholder has requested and received or has signed or has used, or authorized another to use, for the purpose of obtaining money, property, labor or services on credit.

L. Cardholder. The term "cardholder" means any person to whom a credit card is issued or any person who has agreed with the card issuer to pay obligations arising from the issuance of a credit card to another person.

M. Card issuer. The term "card issuer" means any person who issues a credit card, or the agent of such person with respect to such card.

N. Unauthorized use. The term "unauthorized use", as used in section 3927, means a use of a credit card by a person other than the cardholder who does not have actual, implied or apparent authority for such use and from which the cardholder receives no benefit.

Sec. 2. R. S., T. 9, §§ 3926 and 3927, additional. Title 9 of the Revised Statutes is amended by adding 2 new sections, to be numbered 3926 and 3927, to read as follows:

§ 3926. Issuance of credit cards

No credit card shall be issued except in response to a request or application therefor. This prohibition does not apply to the issuance of a credit card in renewal of, or in substitution for, an accepted credit card.

§ 3927. Liability of holder of credit card

A cardholder shall be liable for the unauthorized use of a credit card only if the card is an accepted credit card, the liability is not in excess of \$50, the card issuer gives adequate notice to the cardholder of the potential liability, the card issuer has provided the cardholder with a self-addressed, prestamped notification to be mailed by the cardholder in the event of the loss or theft of the credit card, and the unauthorized use occurs before the cardholder has notified the card issuer that an unauthorized use of the credit card has occurred or may occur as the result of loss, theft, or otherwise. Notwithstanding the foregoing, no cardholder shall be liable for the unauthorized use of any credit card which was issued on or after the effective date of this section, and, after January 24, 1972, no cardholder shall be liable for the unauthorized use of any credit card regardless of the date of its issuance, unless the conditions of liability specified in the preceding sentence are met and the card

issuer has provided a method whereby the user of such a card can be identified as the person authorized to use it. For the purposes of this section, a cardholder notifies a card issuer by taking such steps as may be reasonably required in the ordinary course of business to provide the card issuer with the pertinent information whether or not any particular officer, employee, or agent of the card issuer does in fact receive such information.

In any action by a card issuer to enforce liability for the use of a credit card, the burden of proof is upon the card issuer to show that the use was authorized or, if the use was unauthorized, then the burden of proof is upon the card issuer to show that the conditions of liability for the unauthorized use of a credit card, as set forth in the first paragraph of this section, have been met.

Nothing in this section imposes liability upon a card holder for the unauthorized use of a credit card in excess of his liability for such use under other applicable law or under any agreement with the card issuer.

Except as provided in this section, a cardholder incurs no liability from the unauthorized use of a credit card.

Sec. 3. R. S., T. 17, § 1635, repealed. Section 1635 of Title 17 of the Revised Statutes, as enacted by section 1 of chapter 405 of the public laws of 1969, is repealed.

Effective September 23, 1971

Chapter 64

AN ACT Relating to Service of Justices of the Supreme Judicial Court and the Superior Court for Retirement.

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

Sec. 1. R. S., T. 4, § 5, amended. The first sentence of section 5 of Title 4 of the Revised Statutes, as amended, is further amended to read as follows:

Any Justice of the Supreme Judicial Court who resigns his office or ceases to serve at the expiration of any term thereof, after attaining the age of 70 years and after having served as a justice on either the Supreme Judicial Court or the Superior Court, or both, for at least 7 consecutive years, or after attaining the age of 65 years and after having served as a justice on either of said courts, or both, for at least 12 consecutive years, shall receive annually during the remainder of his life, whether or not he is appointed an Active Retired Justice as provided in section 6, an amount equal to $\frac{3}{4}$ of the currently effective annual salary of a Justice or Chief Justice of the Supreme Judicial Court, as the case may be, to be paid in the same manner as the salaries of the justices of said court are paid.

Sec. 2. R. S., T. 4, § 103, amended. The first sentence of section 103 of Title 4 of the Revised Statutes, as amended, is further amended to read as follows: