

# MAINE STATE LEGISLATURE

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LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE  
One Hundred and Sixth Legislature  
1ST SPECIAL SESSION  
JANUARY 2, 1974 TO MARCH 29, 1974  
AND BY THE  
One Hundred and Seventh Legislature  
REGULAR SESSION  
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,  
SECTION 164, SUBSECTION 6.

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THE KNOWLTON AND MCLEARY COMPANY  
FARMINGTON, MAINE  
1975

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PUBLIC LAWS  
OF THE  
STATE OF MAINE

AS PASSED BY THE  
One Hundred and Sixth Legislature

AT THE  
SPECIAL SESSION

January 2, 1974

to

March 29, 1974

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Whereas, chapter 445 of the public laws of 1973 has repealed the provisions of subsection 4 of section 2251 of Title 30 of the Revised Statutes which established that, in the absence of actual fraud, no municipal official should be deemed to have a direct or indirect pecuniary interest in a question or in a contract merely because he is an officer, employee or stockholder of a private corporation, unless such official was directly or indirectly the owner of at least 10% of the stock of such corporation; and

Whereas, the provisions of said repealer will in certain municipalities prevent the effectuation of the purposes of the Municipal Securities Approval Act with respect to such pollution control projects and has thereby created an emergency in such municipalities; 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:*

**R. S., T. 30, § 5330, amended.** Section 5330 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 423 of the public laws of 1965 and as amended by section 21 of chapter 633 of the public laws of 1973, is further amended by adding at the end a new paragraph to read as follows:

In the absence of actual fraud, no municipal official shall be deemed to have or to have had a direct or indirect pecuniary interest in a question, proceeding or contract pursuant to or for the purposes of this chapter merely because he is an officer, employee or stockholder of a private corporation to which the question, proceeding or contract relates, unless the municipal official is directly or indirectly the owner of at least 10% of the stock of the private corporation.

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

Effective February 6, 1974

## CHAPTER 668

AN ACT to Make it Unlawful to Discriminate when Extending Credit.

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

**R. S., T. 5, c. 337, sub-c. V-A, additional.** Chapter 337 of Title 5 of the Revised Statutes, as enacted by section 1 of chapter 501 and as reallocated by section 19 of chapter 622, both of the public laws of 1971, is amended by adding a new subchapter V-A to read as follows:

### SUBCHAPTER V-A

#### A FAIR CREDIT EXTENSION

§ 4595. Right to freedom from discrimination solely on the basis of age, race, color, sex, marital status, ancestry, religious creed or national origin in any credit transaction

The opportunity for every individual to be extended credit without discrimination solely because of age, race, color, sex, marital status, ancestry, religious creed or national origin is recognized as and declared to be a civil right.

#### § 4596. Unlawful credit extension discrimination

It shall be unlawful credit discrimination for any creditor to refuse the extension of credit to any person solely on the basis of age, race, color, sex, marital status, ancestry, religious creed or national origin in any credit transaction. It shall not be unlawful credit discrimination to comply with the terms and conditions of any bona fide group credit life insurance plan, for a financial institution extending credit to a married person to require both the husband and the wife to sign a note and a mortgage and to deny credit to persons under the age of 18 or to consider a person's age in determining the terms upon which credit will be extended.

#### § 4597. Definitions

As used in this subchapter, unless the context otherwise requires, the following words shall have the following meanings:

1. Application for credit. "Application for credit" means any communication, oral or written, by a person to a creditor requesting an extension of credit to that person or to any other person, and includes any procedure involving the renewal or alteration of credit privileges or the changing of the name of the person to whom credit is extended;

2. Credit. "Credit" means the right granted by a creditor to a person to defer payment of debt or to incur debt and defer its payment, or purchase property or services and defer payment therefor;

3. Credit sale. "Credit sale" means any transaction with respect to which credit is granted or arranged by the seller. The term includes any contract in the form of a bailment or lease if the bailee or lessee contracts to pay as compensation for use a sum substantially equivalent to or in excess of the aggregate value of the property and services involved and it is agreed that the bailee or lessee will become the owner of the property upon full compliance with his obligations under the contract;

4. Credit transaction. "Credit transaction" means any invitation to apply for credit, application for credit, extension of credit or credit sale.

5. Creditor. "Creditor" means any person who regularly extends or arranges for the extension of credit for which the payment of finance charge or interest is required whether in connection with loans, sale of property or services or otherwise;

6. Extension of credit. "Extension of credit" means any acts incident to the evaluation of an application for credit and the granting of credit;

7. Invitation to apply for credit. "Invitation to apply for credit" means any communication, oral or written, by a creditor which encourages or prompts an application for credit.

## § 4598. Enforcement

The Bank Superintendent shall cooperate with the Commission on Human Rights in their enforcement of this subchapter.

Effective June 28, 1974

## CHAPTER 669

### AN ACT Relating to Exemption of Certain Plants under Oil Burner Men's Licensing Law.

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

Whereas, by chapter 384 of the public laws of 1973 which became effective October 3, 1973, the exemption previously granted to those maintaining and operating oil burner installations in or about industrial or manufacturing plants, electrical or generating plants, or other plants operated by a public utility was repealed and replaced by a provision requiring the person performing the maintenance and operation of an oil burner to hold an engineer's license and to have been examined under the provisions of Title 26, section 178; and

Whereas, many performing such maintenance and operation of oil burner installations in or about industrial and manufacturing plants, electrical or generating plants or other plants operated by a public utility do not currently hold engineers' licenses pursuant to Title 26, section 178; and

Whereas, a current problem would be created for the people of the State of Maine if those who so operate and maintain oil burners in such plants were required to be so licensed and at the present time those so operating and maintaining such plants are doing so in violation of the law in order that the plants continue to be maintained and operated; 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.** R. S., T. 26, § 142, amended. The first paragraph of section 142 of Title 26 of the Revised Statutes, as amended by chapter 55 of the public laws of 1971 and by section 2 of chapter 452 of the public laws of 1973, is further amended to read as follows:

This subchapter shall not apply to boilers which are under federal control ~~or to boilers of companies under the jurisdiction of the Public Utilities Commission or the United States Atomic Energy Commission~~; or to boilers used solely for propelling motor road vehicles; or to boilers of steam fire engines brought into the State for temporary use in times of emergency to check conflagrations; or to boilers used for agricultural purposes only; or to steam