

# 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 Seventh Legislature

1975

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Whereas, many merchants and doctors in the State have historically engaged in such informal agreements without the imposition of a finance charge; and

Whereas, the following legislation is necessary to insure the continuation of such informal agreements; 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:*

9-A MRSA § 1.301, sub-§ 28, as enacted by PL 1973, c. 762, § 1, is amended by adding at the end the following new sentence:

Transactions which might otherwise be considered consumer credit sales pursuant to which no finance charge is made shall not be considered "payable in instalments," as defined in this subsection, unless the obligations of the parties are specifically set forth in a written agreement.

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

Effective March 18, 1975

## CHAPTER 64

**AN ACT to Repeal the Requirement for Railroads Operating in Maine to File Annual Reports of Capital Expenditures with the Department of Commerce and Industry.**

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

35 MRSA § 1251, as amended by PL 1971, c. 584, § 1, is repealed.

Effective October 1, 1975

## CHAPTER 65

**AN ACT to Require the Licensing of Alcoholic Treatment Facilities.**

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

Sec. 1. 22 MRSA § 5-A, first sentence, as enacted by PL 1973, c. 164, § 2, is amended to read:

No person, firm, corporation or association shall operate, conduct or maintain in the State any residential facility for the care, treatment or rehabilitation of drug users, or any residential facility for the care, treatment or rehabilitation of alcohol users, not otherwise licensed as a medical care facility,

without having in full force, subject to the rules and regulations of the department, a written license therefor from the department. The department may promulgate rules and regulations which include but are not limited to the administration and staffing of the facility, the number of residents, the quality of treatment programs, the health and safety of staff and residents, community relations and licensing procedures. The department shall hold a public hearing after the promulgation of new regulations or any change in existing regulations. These regulations shall become effective only after a public review period of 60 days following the public hearing.

Sec. 2. 22 MRSA § 5-A, 3rd sentence, as enacted by PL 1973, c. 164, § 2, is amended to read:

The annual fee for such license shall be ~~\$25~~ \$50.

Sec. 3. 22 MRSA § 5-A, 5th sentence, as enacted by PL 1973, c. 164, § 2, is amended to read:

Failure of said facility to meet any of such conditions shall immediately void such conditional license by written notice thereof by the department to the conditional licensee or if the said licensee cannot be reached for personal service by notice thereof left at the licensed premises, provided that a conditional licensee shall have a right to file a statement or complaint with the Administrative Court Judge as provided in Title 5, chapters 301 to 307. The voidance of a conditional license shall be stayed pending an appeal to the Administrative Court Judge, unless, in the opinion of the Administrative Court Judge, a stay would immediately endanger the health or safety of persons living in the facility to such an extent as to create an emergency. Any appeal of the loss of a conditional license must be filed within 10 days of receipt of notice of voidance of the conditional license.

Sec. 4. 22 MRSA § 5-A, 6th sentence, as enacted by PL 1973, c. 164, § 2, is amended to read:

The fee for such temporary or conditional license for facilities shall be ~~\$25~~ \$50.

Effective October 1, 1975

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## CHAPTER 66

**AN ACT to Revise the Statutes Concerning the Board of Bar Examiners.**

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

Sec. 1. 4 MRSA § 801, as repealed and replaced by PL 1971, c. 286, § 1, is repealed and the following enacted in place thereof:

§ 801. Board of examiners; tenure; compensation; meetings

To assist the Supreme Judicial Court, a Board of Examiners for the Examination of Applicants for Admission to the Bar, as heretofore established and hereinafter in this chapter called the "board," shall be composed of 7 competent lawyers of the State and shall consist, as of the effective date of