

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1975

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature

1975

CHAPTER 132

AN ACT to Ensure Equitable Billing Practices by Creditors Engaged in Open-end Credit Pursuant to Lender Credit Cards under the Consumer Credit Code.

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

9-A MRSA § 2-402, sub-§ 2, ¶ B, as enacted by PL 1973, c. 762, § 1, is repealed and the following enacted in place thereof:

B. The unpaid balance at the beginning of the first day of the billing cycle after all payments on account, returns and other credits made or given during the first 25 days of the billing cycle, if the billing cycle is monthly, shall have been first deducted; provided that returns and other credits may be deducted only to the extent that the purchase to which the credit or return relates has been reflected in the previous balance. If the billing cycle is not monthly, such deduction shall be made for payments on account, returns and other credits made or given during that part of the billing cycle that bears the same relation to the billing cycle that 25 does to 30.

Effective October 1, 1975

CHAPTER 133

AN ACT Relating to Town Maintenance of Highways in Compact Areas.

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

23 MRSA § 754, as last amended by PL 1971, c. 593, § 22, is further amended by adding after the first sentence a new sentence to read:

Municipalities shall be notified one year in advance of changes in compact or built-up sections which place additional maintenance responsibilities on said municipalities.

Effective October 1, 1975

CHAPTER 134

AN ACT to Clarify the Consumer Credit Code.

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

Whereas, several errors and inconsistencies are in existence in the Consumer Credit Code created by apparent drafting errors when the code was enacted; and

Whereas, immediate correction of these errors and inconsistencies is vital to carry out the legislative intent behind enactment of the Consumer Credit Code; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the fol-

lowing 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. 9-A MRSA § 3-503, sub-§ 2, ¶ B, as enacted by PL 1973, c. 762, § 1, is amended to read:

B. Read as follows: "If this agreement was solicited at your residence and you do not want the goods or services, you may cancel this agreement by mailing a notice to the seller. The notice must say that you do not want the goods or services and must be mailed before midnight of ~~stated date~~

..... when cancellation right lapses. The notice must
(Stated date)

be mailed to:
(Insert name and mailing address of seller)

If you cancel by this date, the seller may not keep any of your cash down payment."

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

If a creditor has violated the provisions of this Act applying to collection of excess charges or enforcement of rights, ~~subsection 5 of section 1-201~~ **section 1-201, subsection 5**, waiver clauses, section 1-107, use of multiple agreements, section 3-304, certain negotiable instruments, section 3-307, assignee subject to defenses, sections 3-403 and 3-404, restrictions on liability in consumer leases, section 3-401, balloon payment, section 3-308, security in sales or leases, section 3-301, cross-collateral, sections 3-302 and 3-303, assignments of earnings, section 3-305, attorney's fees, section 2-507, limitations on default charges, section 3-402, authorizations to confess judgment, section 3-306, restrictions on interests in land as security, section 2-307, limitations on the schedule of payments or loan term for regulated loans, section 2-308, for credit insurance, section 4-104, separate charges for excess charge for property insurance, section 4-301, restrictions on deficiency judgments, section 5-103, garnishment before judgment, section 5-104, or limitations on garnishment, section 5-105, misrepresentation, section 5-115, illegal, fraudulent or unconscionable conduct in an attempted collection of debts, section 5-116, any aggrieved consumer has a right to recover actual damages from a person violating this Act, or in lieu thereof any consumer named as a plaintiff in the complaint as originally filed has a right to recover from a person violating this Act an amount determined by the court not less than \$250 nor more than \$1,000.

Sec. 3. 9-A MRSA § 6-110, first sentence, as enacted by PL 1973, c. 762, § 1, is amended to read:

The administrator, through the Attorney General, ~~shall~~ **may** bring a civil action to restrain any person from violating this Act.

Sec. 4. 10 MRSA § 8001, 2nd sentence, as last repealed and replaced by PL 1973, c. 788, § 43, is amended to read:

The administrative head of said department shall be the Commissioner of Business Regulation, who shall be appointed by the Governor with the ad-

vice and consent of the Council to serve a term coterminous with that of the Governor, subject to removal for cause by the Governor and Council and said department shall be composed of the following bureaus, commissions and board, as heretofore created and established: The Bureau of Banks and Banking, formerly the Department of Banks and Banking; **the Bureau of Consumer Protection**; the Bureau of Insurance, formerly the Department of Insurance, except the Fire Prevention Division thereof; the Real Estate Commission; the Boxing Commission; the Running Horse Racing Commission and the Land Damage Board.

Sec. 5. 10 MRSA § 8002, last ¶, as last repealed and replaced by PL 1973, c. 585, § 4, is amended to read:

The commissioner shall not have authority to exercise or interfere with the exercise of any discretionary statutory authority granted to the following, which authority shall be exclusively within the specific bureau, commission or board: The Bureau of Banks and Banking, formerly the Department of Banks and Banking; **the Bureau of Consumer Protection**; the Bureau of Insurance, formerly the Department of Insurance; the Real Estate Commission; the Boxing Commission; the Running Horse Racing Commission and the Land Damage Board.

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

Effective April 8, 1975

CHAPTER 135

AN ACT to Repeal a Certain Provision in the Consumer Credit Code Concerning Relinquishment of the License of a Supervised Lender.

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

Sec. 1. 9-A MRSA § 2-303, sub-§ 5, as enacted by PL 1973, c. 762, § 1, is repealed.

Sec. 2. 9-A MRSA § 2-303, sub-§ 6, as enacted by PL 1973, c. 762, § 1, is amended to read:

6. No revocation or suspension ~~or relinquishment~~ of a license shall impair or affect the obligation of any preexisting lawful contract between the licensee and any debtor.

Effective October 1, 1975

CHAPTER 136

AN ACT to Clarify the Personnel Law as to Staff Attorneys in the Office of Attorney General.

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

5 MRSA § 711, sub-§ 10, as last amended by PL 1973, c. 625, § 21, is repealed and the following enacted in place thereof: