

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

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under the control of the department shall be disposed of according to Title 33, chapter 27.

Sec. 4. Application. As of its effective date, this Act shall apply to all funds or property that is unclaimed or abandoned and is in the possession of the head of an institution as provided in this Act.

This Act shall not apply to any funds that have been deposited into a trust fund prior to the effective date of this Act.

Effective September 14, 1979

CHAPTER 486

H. P. 152 — L. D. 191

AN ACT Concerning Repossession of Consumer Goods from a Consumer in Default Under a Consumer Credit Transaction.

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

9-A MRSA § 5.109, sub-§ 4 is enacted to read:

4. The consumer fails to make a payment as required by agreement if he fails to pay when due an amount equal to or greater than the amount of the average installment under a schedule of payments, other than any down payment or balloon payment permitted under section 3.308, which conforms both as to amounts and intervals to the average of all installments and intervals under the agreement. The unpaid amount due may consist of any unpaid installment or accumulation of partially unpaid installments, delinquency or deferral charges, or any combination thereof.

Effective September 14, 1979

CHAPTER 487

S. P. 418 — L. D. 1290

AN ACT Concerning the State Claims Board.

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

Sec. 1. 23 MRSA § 152, 5th ¶, first sentence, as repealed and replaced by PL 1973, c. 585, § 5, is amended to read:

The board shall maintain an office in Augusta ~~Augusta~~ **Kennebec County**.

Sec. 2. 23 MRSA § 156, first ¶, as last amended by PL 1975, c. 771, § 242, is further amended by inserting after the 3rd sentence the following new sentence:

In the event the notice required is returned to the State Claims Board marked "refused" or "unclaimed" by the United States post office, the State Claims Board may, at its option, reschedule the hearing by giving the notice required in this paragraph, or it may cause the matter to be heard on the day originally scheduled by causing service to be made upon the party not served by certified or registered mail in a manner allowed for service of a summons on a complaint in the Superior Court, which notice shall be served at least 5 days before the originally scheduled hearing.

Sec. 3. 23 MRSA § 156, 3rd ¶ from the end, 3rd sentence, as amended by PL 1975, c. 771, § 245, is further amended to read:

The department shall, within ~~44~~ **30** days, designate to the State Claims Board the award or awards from which it intends to appeal and forward to the State Claims Board a check payable to the clerk of courts for the county where said land is situated for the use of the party or parties designated in the award.

Sec. 4. 23 MRSA § 156, next to last ¶, first sentence, as amended by PL 1975, c. 771, § 245, is further amended to read:

In all other cases, the department shall, within said ~~44~~ **30** days, forward to the State Claims Board a check payable to the party or parties named in the award and the State Claims Board shall forthwith serve upon the party or parties named therein an attested copy of the award, the check aforesaid and a notice clearly outlining the rights of appeal.

Sec. 5. 23 MRSA § 156, as last amended by PL 1977, c. 78, § 157, is further amended by adding at the end the following new paragraphs:

Upon certification by the Department of Transportation that after due diligence the address of owners of record cannot be determined or where the board's notice by registered or certified mail is returned to the board unclaimed or unknown or where personal service cannot be made, the chairman of the board may order service by publication. The chairman of the board may appoint a guardian ad litem to protect the interests and rights of any minor or incompetent persons notified under this section and determine and set reasonable compensation to be paid to that guardian ad litem. This compensation shall be paid by the Department of Transportation. Notice of the time and place of the review and hearing shall be published once a week for 3 successive weeks in a newspaper of general circulation in the county in which the subject property is located. The last of these notices shall be published no later than 7 days prior to the hearing. The board shall then proceed with the hearing as in other cases and the appeal provisions shall be available to the Department of Transportation and the record owner or owners, or

any one of them, who appears and makes application for appeal pursuant to section 157.

After the appeal period from the decree of the State Claims Board or a judgment of any court has expired, any sum of money directed by a decree of the board or by a judgment of any court to be paid over, which remains unclaimed for 60 days, shall be disposed of consistent with Title 33, chapter 27.

Notwithstanding Title 1, section 302, this section shall apply to all actions and proceedings pending on the effective date of this Act.

Effective September 14, 1979

CHAPTER 488

H. P. 1421 — L. D. 1624

AN ACT to Amend the Salary Range for the Insurance Superintendent.

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

Whereas, the position of Insurance Superintendent is currently vacant; and

Whereas, the present salary range is not commensurate with those of the Superintendent of Banking and the Superintendent of Consumer Protection; and

Whereas, the present salary range is not commensurate with the responsibilities of the office; and

Whereas, it is in the best interests of the department to make uniform the salary ranges of all superintendents while they are vacant; 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. 2 MRSA § 6, sub-§ 2, as repealed and replaced by PL 1977, c. 697, § 1, is amended by inserting at the end the following:

Insurance Superintendent.

Sec. 2. 2 MRSA § 6, sub-§ 3, 4th line from the end, as repealed and replaced by PL 1977, c. 697, § 1, is repealed as follows: