

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**  
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

**SECOND SPECIAL SESSION**

September 25, 1981

AND

**THIRD SPECIAL SESSION**

December 9, 1981

AND

**SECOND REGULAR SESSION**

January 6, 1982 to April 13, 1982

AND AT THE

**FOURTH SPECIAL SESSION**

April 28, 1982 to April 29, 1982

AND AT THE

**FIFTH SPECIAL SESSION**

May 13, 1982

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

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J.S. McCarthy Co.  
Augusta, Maine  
1981

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
SECOND AND THIRD SPECIAL SESSIONS

and

SECOND REGULAR SESSION

and

FOURTH AND FIFTH SPECIAL SESSIONS

of the

ONE HUNDRED AND TENTH LEGISLATURE

1981

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employment program in accordance with the participant's registrant's employability plan.

Sec. 5. 22 MRSA §3776, sub-§6, first sentence, as enacted by PL 1981, c. 512, §16, is amended to read:

In the development of the employability plan, the ~~Department of Manpower Affairs~~ shall consider all available education and training opportunities, including, but not limited to, opportunities available through the use of funds other than those available under the Work Incentive Program shall be considered.

Sec. 6. 22 MRSA §3778 is enacted to read:

§3778. Work Incentive Demonstration Program

The Commissioner of Human Services may implement a Work Incentive Demonstration Program under the United States Social Security Act, Title IV-C, Section 445, consistent with the requirements and intent of this chapter. No provision of this chapter may prevent the Department of Human Services from serving as the single state agency required under the United States Social Security Act, Title IV-C, Section 445 (b) (1) (A) of the federal law to administer the Work Incentive Demonstration Program.

The committee shall evaluate and report to the 111th Legislature on or before January 1, 1984, the extent to which the Work Incentive Demonstration Program has carried out this chapter.

This section is repealed October 1, 1984.

Effective July 13, 1982.

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## CHAPTER 618

S.P. 759 - L.D. 1817

AN ACT to Amend the Maine Consumer Credit Code  
Regarding First Mortgages and Mobile Homes.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment

unless enacted as emergencies; and

Whereas, there is a serious housing shortage in Maine; and

Whereas, Maine citizens do not enjoy full access to much needed alternative sources of home financing because, unlike traditional sources, these alternatives remain subject to various restrictions under state law; and

Whereas, although mobile homes have become a desirable form of housing for many Maine citizens, mobile home loans and credit sales are subject to interest rate ceilings which, under current conditions, restrict the availability of financing; 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.** 9-A MRSA §1-202, sub-§8, as last amended by PL 1979, c. 541, Pt. A, §86 and c. 660, §1, is repealed and the following enacted in its place:

8. A loan made by a supervised lender when the loan is secured by a first mortgage on real estate and the security interest in real estate is not made for the purpose of circumventing or evading this Act. With respect to a supervised lender other than a supervised financial organization, the exemption provided by this subsection shall be limited to residential mortgage transactions as defined in section 8-103, subsection 1, paragraph H and shall apply to the following provisions and no others: Maximum finance charge limitations, sections 2-308 and 2-401; limitations on security interest, section 2-307; delinquency charges, section 2-502; limitations on attorney's fees, section 2-507; notice to consumer, section 3-202; and notice of right to cure default, sections 5-110 and 5-111.

**Sec. 2.** 9-A MRSA §1-301, sub-§24-A is enacted to read:

24-A. "Mobile home" means a structure, transportable in one or more sections, which is 8 body feet or more in width and is 32 body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained

therein.

Sec. 3. 9-A MRSA §2-201, sub-§10 is enacted to read:

10. Notwithstanding any other subsection, the finance charge on a mobile home transaction may not exceed the maximum rate established by federal regulations pursuant to the National Housing Act, 12 United States Code, Section 1709-1, as amended, or the Veterans Housing Act of 1970, 38 United States Code, Section 1819 (f), as amended, and published from time to time in the Federal Register, 24 Code of Federal Regulations, Part 201 or 38 Code of Federal Regulations, Part 36, respectively. In the event of a difference between these rates, the highest rate established for a transaction involving a mobile home without land shall prevail. In the event that no specific maximum rate is established by federal regulation in accordance with this subsection, this subsection shall not apply.

Sec. 4. 9-A MRSA §2-401, sub-§8 is enacted to read:

8. Notwithstanding any other subsection, the finance charge on a mobile home transaction may not exceed the maximum rate established by federal regulations pursuant to the National Housing Act, 12 United States Code, Section 1709-1, as amended, or the Veterans Housing Act of 1970, 38 United States Code, Section 1819 (f), as amended, and published from time to time in the Federal Register, 24 Code of Federal Regulations, Part 201 or 38 Code of Federal Regulations, Part 36, respectively. In the event of a difference between these rates, the highest rate established for a transaction involving a mobile home without land shall prevail. In the event that no specific maximum rate is established by federal regulation in accordance with this subsection, this subsection shall not apply.

Sec. 5. 9-A MRSA §2-502, sub-§6, as enacted by PL 1981, c. 281, §1, is repealed.

Sec. 6. 9-A MRSA §2-507, sub-§3, as enacted by PL 1981, c. 281, §2, is repealed.

Sec. 7. 9-A MRSA §3-202, as amended by PL 1981, c. 293, §3 and c. 281, §3, is repealed and the following enacted in its place:

§3-202. Notice to consumer

A written agreement which requires or provides for the signature of the consumer and which evidences a consumer credit transaction other than one pursuant to open-end credit shall contain a clear, conspicuous and printed notice

to the consumer that he should not sign the agreement before reading it, and that he is entitled to a copy of the agreement. The following notice, if clearly and conspicuously printed, complies with this section:

NOTICE TO CONSUMER: 1. Do not sign this agreement before you read it. 2. You are entitled to a copy of this agreement.

Sec. 8. 9-A MRSA §5-110, sub-§5, as enacted by PL 1981, c. 281, §4, is repealed.

Sec. 9. 9-A MRSA §5-111, sub-§5, as enacted by PL 1981, c. 281, §5, is repealed.

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

Effective March 30, 1982.

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## CHAPTER 619

H.P. 2007 - L.D. 1978

### AN ACT Concerning Revisions in the Maine Juvenile Code.

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

Sec. 1. 15 MRSA §2712, sub-§1, ¶B, as enacted by PL 1979, c. 681, §1, is amended to read:

B. To administer court-ordered diagnostic evaluations examinations pursuant to section 3318 and diagnostic evaluations pursuant to section 3309-A; and

Sec. 2. 15 MRSA §3003, sub-§4-A is enacted to read:

4-A. Diagnostic evaluation. "Diagnostic evaluation" means an examination of a juvenile to determine his mental or emotional condition which may include, but is not limited to, educational or psychosocial evaluations, psychometric testing and psychological, psychiatric or medical examinations.