

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 TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985

Chapters 1-384

PUBLISHED BY THE REVISOR OF STATUTES IN ACCORDANCE WITH
MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 163-A,
SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND TWELFTH LEGISLATURE

1985

CHAPTER 335

H.P. 1081 - L.D. 1573

AN ACT to Protect Deer Yards in the Organized Townships.

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

12 MRSA §7037 is enacted to read:

§7037. Deer wintering areas

1. Identification of deer wintering areas. The commissioner shall, by rule, establish criteria for the identification of deer wintering areas in the State. The criteria shall include:

- A. Observation by department personnel;
- B. Deer tracks;
- C. Evidence of current or past browsing;
- D. Deer pellet depositions; or
- E. Bedding sites.

2. Notification. Whenever evidence indicates, according to criteria established by the commissioner, the existence of a deer wintering area in any municipality or plantation, the commissioner shall notify the officials of the municipality or plantation and the owner or owners of record of the property on which the area is located of the existence of the deer wintering area and shall provide information to those persons as to actions which may be taken to protect the deer in that area.

Effective September 19, 1985.

CHAPTER 336

S.P. 558 - L.D. 1487

AN ACT to Amend the Maine Consumer Credit Code.

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

Sec. 1. 9-A MRSA §1-111 is enacted to read:

§1-111. Record retention

Every person subject to this Act shall maintain records of all consumer credit transactions entered into in conformity with generally accepted accounting principles and practices in a manner that will enable the administrator to determine whether that person or his assignee is complying with the provisions of this Act. The records need not be kept in the place of business where the transaction was entered into, if the administrator is given free access to the records, wherever located. All records pertaining to consumer credit transactions shall be retained for at least 2 years after making the final entry on the account involved, except that in the case of open-end credit, the 2 years shall be measured from the date of each account entry.

Sec. 2. 9-A MRSA §1-202, sub-§8, as amended by PL 1983, c. 720, §2, is further amended to read:

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, provided that, with respect to advances of additional funds on that loan, this exemption shall apply only to those advances to protect the security and advances representing the negative amortization of principal as specified in the loan agreement. The exemption provided by this subsection shall not apply to the requirements on servicing of assigned supervised loans, section 2-310. 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 or the refinancing of these residential mortgage transactions, 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; or

Sec. 3. 9-A MRSA §2-304, sub-§1, as enacted by PL 1973, c. 762, §1, is repealed.

Sec. 4. 9-A MRSA §2-304, sub-§2, as enacted by PL 1973, c. 762, §1, is amended to read:

2. On or before April 15 each year, The administrator may, by rule, require every licensee shall to file with the administrator a composite annual report in the form prescribed by the administrator relating to all supervised loans made by him that licensee. Information contained in annual reports shall be confidential and may be published only in composite form. The administrator may at any time require additional reports if he deems such action necessary to the proper supervision of licensees.

Sec. 5. 9-A MRSA §3-310, sub-§3, as enacted by PL 1981, c. 138, is amended to read:

3. A variation in the annual percentage rate not in accordance with the disclosures required by subsection 1, paragraph C or H, or any rule adopted under this section, shall be considered a charge in excess of that allowed by this Code under section 5-201, subsections 3 and 4.

Sec. 6. 9-A MRSA §3-310, sub-§6, as enacted by PL 1983, c. 720, §20, is amended to read:

6. The provisions of sections 2-503, 2-504, 2-510 and, 3-308 and 3-310, subsection 1 shall not apply to any consumer credit transaction that is subject to rules promulgated under subsection 5 and that is in compliance with those rules.

Sec. 7. 9-A MRSA §4-204 is enacted to read:

§4-204. Notice of right to cancel credit insurance in open-end transactions

A creditor who provides consumer credit insurance in relation to open-end credit shall, at least annually, inform the consumer of the voluntary nature of the insurance and of his right to cancel that insurance at will.

Sec. 8. 9-A MRSA §5-110, sub-§1, as amended by PL 1979, c. 417, §§1 and 2, is further amended to read:

1. With respect to a consumer credit transaction, after a consumer has been in default for 10 days for failure to make a required payment and has not voluntarily surrendered possession of goods that are collateral, a creditor may give the consumer the notice described in this section. For purposes of

this section, goods that are collateral shall include any right of setoff that the creditor may have.

A creditor gives notice to the consumer under this section by mailing the notice to the consumer's residence last known address:

A. By certified mail, return receipt requested. For purposes of this paragraph, the time when notice is given shall be the date the consumer signs the receipt or, if the notice is undeliverable, the date the post office last attempts to deliver it; or

B. By ordinary mail. For purposes of this paragraph, the time when notice is given shall be the date the consumer receives it. A post office department certificate of mailing to the consumer shall be conclusive proof of receipt on the 3rd calendar day after mailing.

Sec. 9. 9-A MRSA §5-110, sub-§2, last ¶, as repealed and replaced by PL 1975, c. 429, §2, is amended to read:

If you are late again within the next 12 months in making your payments, we may exercise our rights without sending you another notice like this one. If you have questions, write or telephone the creditor promptly.

Sec. 10. 9-A MRSA §5-110, sub-§4, ¶B, as enacted by PL 1979, c. 402, is amended to read:

B. The first sentence in the last paragraph of the form of notice shall read: If you are late again within the next 12 months in making your payments, we may exercise our rights, including the right of setoff, without sending you another notice like this one.

Sec. 11. 9-A MRSA §5-111, sub-§1, as amended by PL 1977, c. 159, §3, is further amended to read:

1. With respect to a consumer credit transaction, except as provided in subsection 2, after a default consisting only of the consumer's failure to make a required payment, a creditor, because of that default, may neither accelerate maturity of the unpaid balance of the obligation, nor take possession of or otherwise enforce a security interest in goods that are collateral until 20 14 days after a notice of the consumer's right to cure, as provided in section 5-110, is given, nor with respect to a transaction subject to the Insurance Premium Finance Company

Act, give notice of cancellation as provided in subsection 4 until 10 days after a notice of the consumer's right to cure, as provided in section 5-110, is given. For purposes of this section, goods that are collateral shall include any right of setoff that the creditor may have. Until expiration of the minimum applicable period after the notice is given, the consumer may cure all defaults consisting of a failure to make the required payment by tendering the amount of all unpaid sums due at the time of the tender, without acceleration, plus any unpaid delinquency or deferral charges. Cure restores the consumer to his rights under the agreement as though the defaults had not occurred.

Sec. 12. 9-A MRSA §5-111, sub-§2, as repealed and replaced by PL 1975, c. 429, §2, is amended to read:

2. With respect to defaults on the same obligation other than an obligation subject to the Insurance Premium Finance Company Act and subject to subsection 1, after a creditor has once given a notice of consumer's right to cure, as provided in section 5-110, this section gives the consumer no right to cure and imposes no limitation on the creditor's right to proceed against the consumer or goods that are collateral with respect to a default that occurs within 12 months after an earlier default as to which a creditor has given a notice of consumer's right to cure, as provided in section 5-110. For the purpose of this section, in open-end credit, the obligation is the unpaid balance of the account and there is no right to cure and no limitation on the creditor's rights with respect to a default that occurs within 12 months after an earlier default as to which a creditor has given a notice of consumer's right to cure, as provided in section 5-110.

Effective September 19, 1985.

CHAPTER 337

S.P. 498 - L.D. 1359

AN ACT to Encourage the Development of Solid Waste Energy Recovery Facilities in the State of Maine.

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