

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWELFTH LEGISLATURE

SECOND REGULAR SESSION
January 8, 1986 to April 16, 1986

SECOND SPECIAL SESSION
May 28, 1986 to May 30, 1986

AND AT THE
THIRD SPECIAL SESSION
October 17, 1986

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

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

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND TWELFTH LEGISLATURE
1985

	<u>1986-87</u>
Personal Services	\$25,000
All Other	47,000
Capital Expenditures	<u>5,000</u>
Total	\$77,000

INLAND FISHERIES AND WILDLIFE,
DEPARTMENT OF

Bureau of Warden Service	
All-terrain Vehicle Safety and Educational Program	
Positions	(1)
Personal Services	\$25,000
All Other	25,000
Capital Expenditures	<u>8,000</u>
Total	\$58,000

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect on July 1, 1986, except that sections 4, 6 and 13 shall take effect on July 1, 1987.

Effective July 1, 1986, unless otherwise indicated.

CHAPTER 763

H.P. 1670 - L.D. 2355

AN ACT Relating to Periodic Justification of
Departments and Agencies of State
Government under the Maine Sunset
Laws.

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of departments and agencies will become due and payable on or immediately after July 1, 1986; and

Whereas, certain independent agencies will terminate unless continued by the Legislature prior to June 30, 1986; 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:

PART A

Sec. 1. 1 MRSA §118, last ¶, as enacted by PL 1979, c. 294, is amended to read:

The Maine State Arts Commission ~~on the Arts and Humanities~~ shall make appropriate information available to the people and the schools within the limits of its budget.

Sec. 2. 3 MRSA §507, sub-§7, ¶A, as amended by PL 1985, c. 481, Pt. A, §2, is further amended to read:

A. The evaluations and analyses of the justification reports for the programs of the following Group D-1 departments shall be reviewed by the Legislature no later than June 30, 1986:

(1) Department of Business, Occupational and Professional Regulation; and

(2) Department of Educational and Cultural Services, but limited to the ~~cultural bureaus, library services,~~ State Museum Bureau, and the Arts and Humanities Bureau, ~~Historic Preservation Commission,~~ and the Management Information Division, ~~higher education services~~ and the Bryant Pond Conservation School.

Sec. 3. 3 MRSA §507, sub-§7, ¶B, as amended by PL 1985, c. 481, Pt. A, §2, is repealed and the following enacted in its place:

B. The evaluations and analyses of the justification reports for the programs of the following Group D-2 departments shall be reviewed by the Legislature no later than June 30, 1987: The Department of Educational and Cultural Services, excluding the State Museum Bureau, the Arts Bureau and the vocational-technical institutes.

Sec. 4. 3 MRSA §507, sub-§8, ¶¶A and B, as repealed and replaced by PL 1983, c. 819, Pt. A, §3, are repealed and the following enacted in their place:

A. Unless continued or modified by law, the following Group D-1 independent agencies shall terminate, not including the grace period, no later than June 30, 1986:

(1) Maine Arts Commission; and

(2) Maine State Museum.

B. Unless continued or modified by law, the following Group D-2 independent agencies shall terminate, not including the grace period, no later than June 30, 1987:

(1) Advisory Committee on Maine Public Broadcasting;

(2) Real Estate Commission;

(3) Maine Athletic Commission;

(4) Electricians' Examining Board;

(5) State Claims Board;

(6) Board of Examiners on Speech Pathology and Audiology;

(7) State Board of Social Worker Registration;

(8) Board of Accountancy;

(9) Arborist Examining Board;

(10) Maine State Board for Registration of Architects and Landscape Architects;

(11) Board of Examiners for the Examination of Applicants for Admission to the Bar;

(12) State Board of Barbers;

(13) State Board of Cosmetology;

(14) Manufactured Housing Board;

(15) State Running Horse Racing Commission;

(16) Board of Registration of Substance Abuse Counselors;

(17) State Board of Registration for Professional Foresters;

(18) State Board of Certification for Geologists and Soil Scientists;

(19) Board of Examiners in Physical Therapy;

(20) Maine Criminal Justice Planning and Assistance Agency;

(21) Maine Occupational Information Coordinating Committee;

(22) Bryant Pond Conservation School;

(23) State Historian;

(24) Historic Preservation Commission;

(25) Maine Historical Society;

(26) Oil and Solid Fuel Board; and

(27) State Board of Examiners of Psychologists.

Sec. 5. 3 MRSA §507, sub-§8-A is enacted to read:

8-A. Groups E-1 and E-2 departments and independent agencies.

A. The evaluations and analyses of the justification reports for the programs of the following Group E-1 department shall be reviewed by the Legislature no later than June 30, 1988: That part of the Department of Educational and Cultural Services concerning the vocational-technical institutes.

B. The evaluations and analyses of the justification reports for the programs of the following Group E-2 independent agencies shall be reviewed by the Legislature no later than June 30, 1988:

(1) Board of Trustees of the University of Maine;

(2) Board of Trustees of the Maine Maritime Academy;

(3) State Government Internship Advisory Committee;

(4) Maine Vocational Development Commission; and

(5) Post-secondary Education Commission of Maine.

Sec. 6. 3 MRSA §507, sub-§9, as repealed and replaced by PL 1983, c. 819, Pt. A, §3, is amended to read:

9. Group F-1 and F-2 departments.

A. The evaluations and analyses of the justification reports for the programs of the following Group ~~E-1~~ F-1 departments shall be reviewed by the Legislature no later than June 30, ~~1988~~ 1989:

- (1) Maine State Retirement System;
- (2) Department of the Attorney General;
- (3) Department of Personnel; and
- (4) Department of Labor.

B. The evaluations and analyses of the justification reports for the programs of the following Group ~~E-2~~ F-2 departments shall be reviewed by the Legislature no later than June 30, ~~1989~~ 1990:

- (1) Department of Finance and Administration;
- (2) (Office of) Treasurer of State; and
- (3) Department of Audit.

Sec. 7. 3 MRSA §507, sub-§10, as repealed and replaced by PL 1983, c. 819, Pt. A, §4, is amended to read:

10. Group G-1 and G-2 independent agencies.

A. Unless continued or modified by law, the following Group ~~E-1~~ G-1 independent agencies shall terminate, not including the grace period, no later than June 30, ~~1988~~ 1989:

- (1) Board of Trustees, Group Accident and Sickness or Health Insurance;
- (2) Maine Commission for Women;
- (3) Maine Human Rights Commission;
- (4) Maine Labor Relations Board;
- (5) Governor's Office of State Employee Relations;
- (6) State Personnel Board;
- (7) Educational Leave Advisory Board; and
- (8) Workers' Compensation Commission.

B. Unless continued or modified by law, the following Group ~~E-2~~ G-2 independent agencies shall terminate, not including the grace period, no later than June 30, ~~1989~~ 1990. The Board of Emergency Municipal Finance, the Finance Authority of Maine and the Maine Municipal Bond Bank shall not terminate, but shall be reviewed by the Legislature no later than June 30, ~~1989~~ 1990:

- (1) Board of Emergency Municipal Finance;
- (2) Finance Authority of Maine;
- (3) Maine Municipal Bond Bank;
- (4) Municipal Valuation Appeals Board;
- (5) Land Classification Appeals Board;
- (6) State Liquor Commission;
- (7) Capitol Planning Commission;
- (8) State Board of Assessment Review; and
- (9) Maine Health Care Finance Commission.

Sec. 8. 3 MRSA §507-B, sub-§9 is enacted to read:

9. Agencies scheduled for termination on June 30, 1986. Pursuant to section 507, subsection 6, paragraph B, the following agencies are continued or modified by an Act of the Legislature passed prior to June 30, 1985:

- A. Maine Sardine Council;
- B. Atlantic States Marine Fisheries Commission;
- C. Board of Directors, Maine Municipal and Rural Electrification Cooperative Agency;
- D. Lobster Advisory Council; and
- E. Board of Environmental Protection.

Sec. 9. 5 MRSA §5007, sub-§3 is enacted to read:

3. Repeal. As of July 1, 1987, this section is repealed pursuant to Title 3, chapter 23.

Sec. 10. 5 MRSA §5008, as enacted by PL 1975, c. 587, §5, is amended by adding at the end a new paragraph to read:

As of July 1, 1987, this section is repealed pursuant to Title 3, chapter 23.

Sec. 11. 5 MRSA §12004, sub-§1, first ¶, as amended, is further amended to read:

1. Occupational and professional licensing boards. The primary responsibilities of occupational and professional licensing boards include the examination of applicants, issuance of licenses or certificates, registration of licenses and regulation of licensees with respect to the practice of a particular occupation or profession. The primary powers of these boards include the authority to hold hearings, the adoption of rules, the establishment of standards and procedures, the issuance of licenses and initiation of action for the revocation or suspension of occupational or professional licenses. For the purposes of any occupational or professional licensing boards which has a public member or members, "public member" means that this person shall have no substantial financial interest in the profession regulated by the board to which they have been appointed, nor shall that person possess or have ever possessed the degree or degrees of regulation bestowed by that particular board. This meaning shall only apply to those public members appointed after July 1, 1986.

Sec. 12. 5 MRSA §12004, sub-§10, ¶A, sub-¶¶(15) and (53), as amended, are repealed and the following enacted in their place:

(15)	<u>Education</u>	<u>Maine Arts Commission</u>	<u>Expenses Only</u>	<u>27 MRSA \$401</u>
(53)	<u>Marine Re- Sources: In- dustry</u>	<u>Lobster Advi- sory Council</u>	<u>Expenses Only</u>	<u>12 MRSA \$6462</u>
(a) <u>Total expenses for council shall not ex- ceed \$2,500 per year.</u>				

Sec. 13. 9 MRSA c. 360, as amended, is repealed.

Sec. 14. 9 MRSA c. 381, as amended, is repealed.

Sec. 15. 9-A MRSA §1-106, sub-§1, as enacted by PL 1973, c. 762, §1, is amended to read:

1. From time to time the dollar amounts in this Act designated as subject to change shall change, as provided in this section, according to ~~and to the extent of~~ changes in the Consumer Price Index for Urban Wage Earners and Clerical Workers: U.S. City Average, All Items, 1967=100, compiled by the Bureau of Labor Statistics, United States Department of Labor, and hereafter referred to as the Index. The Index for December, ~~1972~~ 1984, is the Reference Base Index.

Sec. 16. 9-A MRSA §1-106, sub-§2, as amended by PL 1985, c. 121, is further amended to read:

2. The designated dollar amounts ~~shall~~ may change on July ~~1~~ 1st of ~~each~~ every 4th even-numbered year if the percentage of change, calculated to the nearest whole percentage point, between the Index at the end of the preceding year and the Reference Base Index is 20% or more, except that:

A. The portion of the percentage change in the Index in excess of a multiple of 20% shall be disregarded and the dollar amounts shall change only in multiples of 20% of the amounts appearing in this Act on the date of enactment; and

B. The dollar amounts shall not change if the amounts required by this section are those currently in effect pursuant to this Act as a result of earlier application of this section.

Sec. 17. 9-A MRSA § 1-106, sub-§4, as enacted by PL 1973, c. 762, §1, is repealed and the following enacted in its place:

4. On or before April 30th of each year in which dollar amounts are to change, the administrator shall commence a rule-making proceeding to implement the changes authorized under subsection 2, except that if testimony is presented that demonstrates to the administrator that a change in any particular dollar amount is not warranted by price increase experience in this State or that adverse impacts on lending programs will result to the ultimate detriment of consumers, he may implement a lesser change in dollar amount or no change at all. In any case, the administrator may adjust dollar amounts to the nearest whole number for dollar amounts of less than \$10, to the nearest multiple of \$10 for dollar amounts between \$10 and \$100 and to the nearest multiple of \$100 for dollar amounts above \$100. The rule shall also provide the title of any index superseding the index specified in this section.

Sec. 18. 9-A MRSA §1-301, sub-§11, ¶C, as enacted by PL 1973, c. 762, §1, is repealed.

Sec. 19. 9-A MRSA §1-301, sub-§14, ¶C, as enacted by PL 1973, c. 762, §1, is repealed.

Sec. 20. 9-A MRSA §1-301, sub-§20-B is enacted to read:

20-B. "Insurance premium loan" means a consumer loan that:

A. Is made for the sole purpose of financing the payment by or on behalf of an insured of the premium on one or more policies or contracts issued by or on behalf of an insurer;

B. Is secured by an assignment by the insured to the lender of the unearned premium on the policy or contract; and

C. Contains an authorization to cancel the policy or contract financed.

Sec. 21. 9-A MRSA §2-201, sub-§2, ¶A, as enacted by PL 1973, c. 762, §1, is amended to read:

A. The total of:

(i) 30% per year on that part of the unpaid balances of the amount financed which is \$300 \$700 or less;

(ii) 21% per year on that part of the unpaid balances of the amount financed which

is more than \$300 \$700 but does not exceed \$1,000 \$2,000; and

(iii) 15% per year on that part of the unpaid balances of the amount financed which is more than \$1,000 \$2,000; or

Sec. 22. 9-A MRSA §2-201, sub-§7, as repealed and replaced by PL 1983, c. 598, is repealed and the following enacted in its place:

7. The finance charge on any transaction involving the credit sale of goods or services used in the modernization, rehabilitation, repair, alteration or improvement of real property, in which the seller or his agent installs the goods or provides the services related to the modernization, rehabilitation, repair, alteration or improvement of the real property, may not exceed 18% per year on the unpaid balance of the amount financed.

Sec. 23. 9-A MRSA §2-201, sub-§8, as enacted by PL 1973, c. 762, §1, is amended to read:

8. The amounts of \$300 \$700 and \$1,000 \$2,000 in subsection 2 are subject to change pursuant to the provisions on adjustment of dollar amounts, section 1-106.

Sec. 24. 9-A MRSA §2-301, first ¶, as amended by PL 1983, c. 212, §3, is further amended to read:

Unless a person is a supervised financial organization or has first obtained a license pursuant to this Act ~~or the Insurance Premium Finance Company Act, Title 9, section 4054,~~ from the administrator authorizing him to make supervised loans, he shall not engage in the business of:

Sec. 25. 9-A MRSA §2-302, sub-§2, as amended by PL 1983, c. 720, §7, is further amended to read:

2. No license ~~shall~~ may be issued unless the administrator, upon investigation, finds that the financial responsibility, character and fitness of the applicant, and of the members thereof, if the applicant is a copartnership or association, and of the officers and directors thereof, if the applicant is a corporation, are such as to warrant belief that the business will be operated honestly and fairly within the purposes of this Act. In determining the financial responsibility of an applicant proposing to engage in making insurance premium loans, the adminis-

trator shall consider the liabilities the lender may incur for erroneous cancellation of insurance.

A. Every applicant shall also, at the time of filing such application, file with the administrator, if he so requires, a bond satisfactory to the administrator in an amount not to exceed \$25,000. The bond shall run to the State for the use of the State and of any person or persons who may have a cause of action against the licensee under this Act. The bond shall be conditional that the licensee will faithfully conform to and abide by the provisions of this Act and to all rules and regulations lawfully made by the administrator hereunder and will pay to the State and to any such person or persons any and all amounts of money that may become due or owing to the State or to such person or persons from the licensee under and by virtue of this Act during the calendar year for which the bond is given;

B. As used in this section, the term "financial responsibility" means that the applicant has available for the operation of the licensed business net assets of at least \$25,000 and upon issuance of a license, each licensee shall maintain net assets of at least \$25,000 which are either used or readily available for use in the conduct of the business of each office of the licensee in which supervised loans are made.

Sec. 26. 9-A MRSA §2-303, sub-§4 is enacted to read:

4. No revocation, suspension, annulment or withdrawal of a license is lawful unless, prior to the institution of proceedings by the administrator, he gave notice by mail to the licensee of facts or conduct which warrant the intended action, and the licensee was given an opportunity to show compliance with all lawful requirements for the retention of the license.

Sec. 27. 9-A MRSA §2-307, sub-§2, as amended by PL 1985, c. 137, §1, is further amended to read:

2. With respect to a supervised loan in which the amount financed is ~~\$1,000~~ \$2,000 or less, a lender may not take a security interest in the principal residence of the consumer. This subsection does not apply when the lender holds a first mortgage on the residence at the time the loan is made or when the loan is made pursuant to an open-end credit plan in-

volving a commitment to advance amounts in excess of ~~\$1,000~~ \$2,000. Notwithstanding Title 14, no judgment of foreclosure of a mortgage upon the principal residence of a consumer may be entered on account of the consumer's failure to repay supervised loans under an open-end credit plan, unless the consumer's outstanding balance described in section 8-205, subsection 2, paragraph 1, has at some time exceeded ~~\$1,000~~ \$2,000 and the consumer has not paid the account in full subsequent to the date of the last periodic statement showing an outstanding balance in excess of ~~\$1,000~~ \$2,000.

Sec. 28. 9-A MRSA §2-307, sub-§3, as enacted by PL 1985, c. 137, §2, is amended to read:

3. The amount of ~~\$1,000~~ \$2,000 in subsection 2 is subject to change pursuant to the provisions on adjustment of dollar amounts, section 1-106.

Sec. 29. 9-A MRSA §2-308, sub-§1, as amended by PL 1985, c. 113, §1, is further amended to read:

1. Except as provided in section 3-308, supervised loans, not made pursuant to open-end credit and in which the amount financed is \$1,000 or less and the principal of which is payable in more than a single payment, shall be scheduled to be payable in substantially equal installments at equal periodic intervals except to the extent that the schedule of payments is adjusted to the seasonal or irregular income of the debtor, and over a period of not more than 25 months.

A- Over a period of not more than 37 months if the amount financed is more than \$300, or

B- Over a period of not more than 25 months if the amount financed is \$300 or less.

Sec. 30. 9-A MRSA §2-308, sub-§2, as enacted by PL 1973, c. 762, §1, is amended to read:

2. The ~~amounts of \$300 and \$1,000~~ amount of \$700 in subsection 1 ~~are~~ is subject to change pursuant to the provisions on adjustment of dollar amounts, section 1-106.

Sec. 31. 9-A MRSA §2-401, sub-§2, ¶A, as enacted by PL 1973, c. 762, §1, is amended to read:

A. The total of:

(i) 30% per year on that part of the unpaid balances of the amount financed which is ~~\$300~~ \$700 or less;

(ii) 21% per year on that part of the unpaid balances of the amount financed which is more than ~~\$300~~ \$700 but does not exceed ~~\$1,000~~ \$2,000; and

(iii) 15% per year on that part of the unpaid balances of the amount financed which is more than ~~\$1,000~~ \$2,000; or

Sec. 32. 9-A MRSA §2-401, sub-§6, as enacted by PL 1973, c. 762, §1, is amended to read:

6. The amounts of ~~\$300~~ \$700 and ~~\$1,000~~ \$2,000 in subsection 2 are subject to change pursuant to the provisions on adjustment of dollar amounts, section 1-106.

Sec. 33. 9-A MRSA §2-401, sub-§9 is enacted to read:

9. Notwithstanding any other subsection, the finance charge on an insurance premium loan may not exceed 18% per year on the unpaid balances of the amount financed, except for any minimum charge that may be allowed pursuant to subsection 7.

Sec. 34. 9-A MRSA §2-502, sub-§1, ¶A, as enacted by PL 1973, c. 762, §1, is amended to read:

A. An amount, not exceeding \$5 \$10, which is 5% of the unpaid amount of the ~~instalment~~ installment; or

Sec. 35. 9-A MRSA §2-502, sub-§5, as enacted by PL 1973, c. 762, §1, is amended to read:

5. The amount of \$5 \$10 in subsection 1 is subject to change pursuant to the provisions on adjustment of dollar amounts, section 1-106.

Sec. 36. 9-A MRSA §3-301, sub-§1, as amended by PL 1985, c. 316, §2, is further amended to read:

1. With respect to a consumer credit sale, a seller may take a security interest in the property

sold. In addition, a seller may take a security interest in goods upon which services are performed or in which goods sold are installed or to which they are annexed, or in land to which the goods are affixed or which is maintained, repaired or improved as a result of the sale of the goods or services, if in the case of a security interest in land the debt secured is \$17,000 \$2,000 or more, and, where there is an existing home, the transaction is subject to Title 9, chapter 360, or, in the case of a security interest in goods, the debt secured is \$300 \$700 or more. Except as provided with respect to cross-collateral, section 3-302, a seller may not otherwise take a security interest in property of the buyer to secure the debt arising from a consumer credit sale.

Sec. 37. 9-A MRSA §3-301, sub-§4, as enacted by PL 1973, c. 762, §1, is amended to read:

4. The amounts of \$17,000 \$2,000 and \$300 \$700 in subsection 1 are subject to change pursuant to the provisions on adjustment of dollar amounts, section 1-106.

Sec. 38. 9-A MRSA §3-310, sub-§4, as amended by PL 1983, c. 212, §8, is further amended to read:

4. This section does not apply to a consumer loan secured by a savings or time deposit ~~subject to federal law or regulations governing interest on deposits,~~ and if the difference between the rate of interest on the savings or time deposit and the annual percentage rate on the loan at no time exceeds the difference between the 2 when the loan was made.

Sec. 39. 9-A MRSA §4-112, sub-§2, as enacted by PL 1973, c. 762, §1, is repealed.

Sec. 40. 9-A MRSA §4-301, sub-§§3 and 5, as enacted by PL 1975, c. 368, §2, are amended to read:

3. With respect to a transaction, except pursuant to open-end credit, a creditor may not contract for or receive a separate charge for insurance against loss of or damage to property, unless the amount financed exclusive of charges for the insurance is \$500 \$1,000 or more and the cash price of the item or property is \$500 \$1,000 or more.

5. The amounts of \$500 \$1,000 in subsection 3 are subject to change pursuant to the provisions on adjustment of dollar amounts, section 1-106.

Sec. 41. 9-A MRSA §5-103, sub-§§2 and 6, as enacted by PL 1973, c. 762, §1, are amended to read:

2. If a creditor takes possession of or voluntarily accepts surrender of goods in which he has a security interest to secure a debt and the amount financed is ~~\$1,000~~ \$2,000 or less, the consumer and any sureties are not personally liable to the creditor for the unpaid balance of the debt.

6. The amount of ~~\$1,000~~ \$2,000 in subsection 2 is subject to change pursuant to the provisions on adjustment of dollar amounts, section 1-106.

Sec. 42. 9-A MRSA §5-110, sub-§3, as repealed and replaced by PL 1975, c. 429, §2, is amended to read:

3. If the consumer credit transaction is ~~subject to the Insurance Premium Finance Company Act~~ an insurance premium loan, the notice shall conform to the requirements of subsection 2 and a notice in substantially the form specified in that subsection complies with this subsection, except for the following:

A. In lieu of a brief identification of the credit transaction, the notice shall identify the transaction as an ~~insurance premium financing transaction~~ loan and each insurance policy or contract that may be cancelled;

B. In lieu of the statement in the form of notice specified in subsection 2 that the creditor may exercise his rights under the law, the statement that each policy or contract identified in the notice may be cancelled; and

C. The last paragraph of the form of notice specified in subsection 2 shall be omitted.

Sec. 43. 9-A MRSA §5-111, sub-§1, as amended by PL 1985, c. 336, §11, 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 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 an insurance premium loan, 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 set-off 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. 44. 9-A MRSa §5-111, sub-§2, as amended by PL 1985, c. 336, §12, is further 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.

Sec. 45. 9-A MRSa §5-111, sub-§4, as enacted by PL 1975, c. 429, §2, is amended to read:

4. If a default on ~~transaction~~ subject to the Insurance Premium Finance Company Act an insurance premium loan is not cured, the ~~creditor~~ lender may give notice of cancellation of each insurance policy or contract to be cancelled. If given, the notice of cancellation shall be in writing and given to the insurer who issued the policy or contract and to the insured. The insurer, within 2 business days after receipt of the notice of cancellation together with a copy of the insurance premium ~~finance loan~~ agreement if not previously given to him, shall give any notice of cancellation required by the policy, contract or law and, within 10 business days after the effective date of the cancellation, pay to the ~~creditor~~ lender any premium unearned on the policy or contract as of that effective date. Within 10 business days after

receipt of the unearned premium, the ~~creditor~~ lender shall pay to the consumer indebted upon the insurance premium ~~finance~~ loan agreement any excess of the unearned premium received over the amount owing by the consumer upon the insurance premium ~~finance~~ agreement loan.

Sec. 46. 9-A MRSA §5-201, sub-§2, as enacted by PL 1973, c. 762, §1, is amended to read:

2. If a creditor has violated the provisions of this Act applying to authority to make supervised loans, section 2-301, ~~the loan is void and the debtor is not obligated to pay either the principal or loan finance charge.~~ If he has paid any part of the ~~principal or of the loan finance charge,~~ he has a right to recover the payment from the person violating this Act or from an assignee of that person's rights who undertakes direct collection of payments or enforcement of rights arising from the debt. With respect to violations arising from loans made pursuant to open-end credit, no action pursuant to this subsection may be brought more than 2 years after the violation occurred. With respect to violations arising from other loans, no action pursuant to this subsection may be brought more than one year after the due date of the last scheduled payment of the agreement pursuant to which the charge was paid.

Sec. 47. 9-A MRSA §5-201, sub-§7, as enacted by PL 1973, c. 762, §1, is amended to read:

7. A creditor has no liability under subsection 1 or subsection 4 if, within ~~15~~ 60 days after discovering an error, and prior to the institution of an action under this section or the receipt of written notice of the error, the creditor notifies the person concerned of the error and corrects the error. If the violation consists of a prohibited agreement, giving the debtor a corrected copy of the writing containing the error is sufficient notification and correction. If the violation consists of an excess charge, correction shall be made by an adjustment or refund.

Sec. 48. 9-A MRSA §6-103, as amended by PL 1983, c. 553, §9, is further amended to read:

§6-103. Administration

There is created and established the Bureau of Consumer Credit Protection within the Department of Business Regulation. The Superintendent of Consumer Credit Protection is the head of Consumer Credit Pro-

tection. As used in this Act, "administrator" means the Superintendent of the Bureau of Consumer Credit Protection. He shall be appointed by the Governor and subject to review by the joint standing committee of the Legislature having jurisdiction over business legislation and to confirmation by the Legislature. He shall be appointed for a term of 5 years or until a successor is appointed and qualified. Any vacancy occurring shall be filled by appointment for the unexpired portion of the term. He may be removed from office for cause by impeachment or by the Governor on the address of both branches of the Legislature and Title 5, section 711, paragraph B, shall not apply. ~~No person may be eligible for that office unless he shall have been a resident of the State for at least 2 years.~~ During his term of office the administrator shall engage in no other business or profession. The administrator's salary shall be paid from the General Fund.

Sec. 49. 9-A MRSA §6-104, sub-§§4 and 5 are enacted to read:

4. In addition to other rule-making requirements imposed by law, the administrator shall:

A. Adopt as a rule a description of the organization of his office, stating the general course and method of the operations of his office and the methods whereby the public may obtain information or make submissions or requests;

B. Adopt rules of practice setting forth the nature and requirements of all formal and informal procedures available, including a description of all forms and instructions used by the administrator or his office;

C. Make available for public inspection all rules and all other written statements of policy or interpretations formulated, adopted or used by the administrator in the discharge of his functions; and

D. Make available for public inspection all final orders, decisions and opinions.

5. No rule, order or decision of the administrator is valid or effective against any person or party, nor may it be invoked by the administrator or any party, for any purpose, until it has been made available for public inspection as herein required. This provision is not applicable in favor of any person or party who has actual knowledge thereof.

Sec. 50. 9-A MRSA §6-108, sub-§7 is enacted to read:

7. No order may be issued under this section if the creditor establishes by a preponderance of evidence that a violation was unintentional or the result of a bona fide error, notwithstanding the maintenance of procedures reasonably adapted to avoid any such violation or error except that this subsection shall not apply where the violation had previously been brought to the attention of the creditor by way of examination, investigation or formal complaint through the administrator, or where the violation involves the obligation to refund excess charges, as specified in section 5-201, subsections 2 and 3.

Sec. 51. 9-A MRSA §6-116 is enacted to read:

§6-116. Confidentiality of records

The following records of the Bureau of Consumer Credit Protection shall be confidential, unless those records become part of the record of a judicial proceeding or administrative hearing:

1. Records that identify consumers by name or identify accounts with information from which consumers can be identified by name, provided that, if the names and other information identifying consumers has been deleted, copies of any such records shall be public records;

2. Financial information not normally available to the public that is submitted in confidence by an applicant for a license; and

3. Proposed loan documents and other commercial paper submitted to be approved for use and not yet available to the general public or customers of the submitting institution or firm.

Sec. 52. 9-A MRSA §6-204, sub-§§2 and 3, as amended by PL 1983, c. 720, §21, are further amended to read:

2. No penalty may be imposed if the fees required by section 6-203, subsections 1 to 3, are paid not more than 30 days after the date established in section 6-202, subsection 1, or if the expenses of examination incurred by the administrator pursuant to section 6-203, subsection 4, are paid within the time period prescribed by the administrator which shall not be less than 30 days of receipt of notice by the

examinee of their assessment.

3. If a licensee fails to pay the fees required by section 6-203, subsections 1 to 3 on or before February 20th of any year, or if the licensee fails to pay the expenses of examination of the administrator within the time period prescribed by the administrator which shall not be less than 30 days of receipt of the notice of assessment, the failure may be treated by the administrator as grounds for revocation of the license.

Sec. 53. 9-A MRSA §6-401, as enacted by PL 1973, c. 762, §1, is repealed.

Sec. 54. 9-A MRSA §6-402, as amended by PL 1977, c. 694, §155-J, is repealed.

Sec. 55. 9-A MRSA §6-403, as enacted by PL 1973, c. 762, §1, is repealed.

Sec. 56. 9-A MRSA §6-404, as repealed and replaced by PL 1977, c. 694, §155-K, is repealed.

Sec. 57. 9-A MRSA §6-405, as repealed and replaced by PL 1977, c. 694, §155-L, is repealed.

Sec. 58. 9-A MRSA §6-409, as repealed and replaced by PL 1977, c. 694, §155-P, is repealed.

Sec. 59. 9-A MRSA §6-410, as repealed and replaced by PL 1977, c. 694, §155-Q, is repealed.

Sec. 60. 9-A MRSA §6-411, as amended by PL 1983, c. 212, §13, is repealed.

Sec. 61. 9-A MRSA §6-412, as enacted by PL 1973, c. 762, §1, is repealed.

Sec. 62. 9-A MRSA §6-413, as enacted by PL 1973, c. 762, §1, is repealed.

Sec. 63. 9-A MRSA §6-414, as amended by PL 1977, c. 694, §§155-R and 155-S, is repealed.

Sec. 64. 9-B MRSA §221, sub-§1, as amended by PL 1977, c. 152, §1, is further amended to read:

1. Requirement. The superintendent shall examine each financial institution subject to his supervision and regulation at least once ~~in~~ every ~~18~~ 36 months, or more frequently as he may determine. He shall have full access to the vaults, books and papers of

such institution; and may make such inquiries as are necessary to ascertain the condition of such institution, its safety and soundness, and its ability to fulfill all engagements; and to ascertain whether the institution examined has complied with applicable laws. The directors, incorporators, officers, employees and agents of an institution being examined shall furnish statements and full information to the superintendent or his examiners related to the condition and standing of the institution and all matters pertaining to its business affairs and management.

Sec. 65. 10 MRSA c. 202, first 2 lines, as enacted, are repealed and the following enacted in their place:

CHAPTER 202

CONSUMER LOAN AND LEASE AGREEMENTS

Sec. 66. 10 MRSA §1121, as enacted by PL 1979, c. 483, is amended to read:

§1121. Purpose

The purpose of this chapter is to enable the average consumer, who makes a reasonable effort under ordinary circumstances, to read and understand the terms of loan and lease documents without having to obtain the assistance of a professional.

Sec. 67. 10 MRSA §1122, sub-§§1 and 3, as enacted by PL 1979, c. 483, are amended to read:

1. Agreement. "Agreement" means any writing which is substantially prepared in advance of a consumer loan or consumer lease and which a supervised lender or lessor furnishes to a consumer for the consumer to sign in connection with that loan or lease.

3. Consumer. "Consumer" means an individual to whom a consumer loan or consumer lease is made.

Sec. 68. 10 MRSA §1122, sub-§3-A is enacted to read:

3-A. Consumer lease. "Consumer lease" means a lease of goods to a consumer by a lessor for personal, family or household purposes, which is for a term exceeding 4 months and which is not made pursuant to a lender credit card.

Sec. 69. 10 MRSA §1122, sub-§4-A is enacted to read:

4-A. Lessor. "Lessor" means a person who, in the ordinary course of business, regularly leases, offers to lease or arranges for the lease of personal property under a consumer lease.

Sec. 70. 10 MRSA §1123, as enacted by PL 1979, c. 483, is amended to read:

§1123. Scope

1. Application. Except as provided in subsection 2, this chapter applies to any agreement signed in connection with a consumer loan or consumer lease entered into in this State between a consumer who is a resident of this State at the time of the loan or lease and a supervised lender or lessor.

2. Exclusions. This chapter does not apply:

A. To consumer loans or consumer leases in which the amount financed or in the case of consumer leases, the capitalized cost of the leased property, exceeds \$100,000; and

B. To language or arrangement which is specifically required by federal or state law, regulation or official agency interpretation; or to agreements, the form or any part of which is required by any governmental instrumentality as a condition of the assignability of the agreement.

Sec. 71. 10 MRSA §1124, first ¶, as amended by PL 1981, c. 551, §1, is further amended to read:

After October 1, 1982, every consumer loan agreement, and after January 1, 1987, every consumer lease agreement, shall be:

Sec. 72. 10 MRSA §1125, as enacted by PL 1979, c. 483, is amended to read:

§1125. Enforcement

A supervised lender's or lessor's failure to comply with the requirements of section 1124 shall constitute a violation of Title 9-A which shall be enforceable under Title 9-A, section 6-108.

Sec. 73. 10 MRSA §1126, sub-§1, as amended by PL 1981, c. 551, §2, is further amended to read:

1. Certification. A supervised lender or lessor, or any trade organization or association acting on

behalf of supervised lenders or lessors, may submit any proposed form of agreement to the Bureau of Consumer Credit Protection. ~~Before October 1, 1982, within 60 days, and after October 1, 1982, within~~ Within 45 days, the bureau shall either certify the form as complying with the requirements of section 1124, or refuse to certify the form as complying, setting forth written reasons for its refusal. Failure by the bureau to act under this section within 45 days ~~or 60 days, as the case may be,~~ shall be considered a certification of the form's compliance. A certification of compliance under this section shall be an absolute bar to any legal proceeding by the superintendent for failure to comply with the requirements of section 1124.

Sec. 74. 20-A MRSA §202, sub-§§7 and 8, as enacted by PL 1981, c. 693, §§5 and 8, are amended to read:

7. Maine Arts Commission. The Maine State Arts Commission ~~on the Arts and the Humanities;~~

8. Arts Bureau. The Arts and Humanities Bureau;

Sec. 75. 20-A MRSA §203, sub-§2 is enacted to read:

2. Appointment of directors and others. Each cultural bureau shall be under the direction of a person appointed as follows.

A. The Director of the Maine State Museum Bureau shall be qualified by training or by experience in museum work and shall be appointed by the Maine State Museum Commission with the approval of the commissioner. The director shall serve for an indefinite term, subject to removal for cause. Compensation shall be fixed by the Governor.

B. The Director of the Arts Bureau shall be qualified by training or by experience and shall be appointed by the Maine Arts Commission with the approval of the commissioner. The director shall serve for an indefinite term, subject to removal for cause. Compensation shall be fixed by the Governor.

C. The Director of the Maine State Library Bureau shall be qualified by training or by experience in library work and shall be appointed by the commissioner with the approval of the Governor.

nor. The director shall be known as the State Librarian and shall serve for an indefinite term, subject to removal for cause. Compensation shall be fixed by the Governor.

D. The Director of the Maine State Historic Preservation Bureau shall be qualified by training or by experience and shall be appointed by the Maine State Historic Preservation Commission with the approval of the commissioner. The director shall serve for an indefinite term, subject to removal for cause. Compensation shall be fixed by the Governor.

Sec. 76. 20-A MRSA §256, sub-§3, as enacted by PL 1981, c. 693, §§5 and 8, are amended to read:

3. Limit on authority. The commissioner may not exercise or interfere with the exercise of discretionary authority granted to the Maine State Museum Commission and the Maine State Arts Commission ~~on the Arts and the Humanities.~~

Sec. 77. 27 MRSA §86, as amended by PL 1973, c. 625, §173, is further amended to read:

§86. Acquisition, ownership and disposition of property and size and storage of collection

1. Acquisition. The Maine State Museum is authorized to accept donations of property for the sole use of the museum provided ~~such~~ the donations are of a nature to carry out and promote the purposes of this chapter. The Maine State Museum may purchase works of art, artifacts and specimens for the enrichment of the collections from funds provided in the budget, secured from private donations or bequests or generated from the disposition of deaccessioned items.

2. Ownership. The museum shall hold its collections and property for the State ~~of Maine~~ and shall not sell, mortgage, transfer or dispose of in any manner ~~or remove from the Maine State Museum any article thereof, or part of same, without,~~ except as provided under this section or other authority of law.

3. Disposition. Notwithstanding any contrary provisions of law, the museum may sell or exchange any duplicates or other property determined to be ~~useless unnecessary~~ which the museum may have or obtain, and may transfer to other institutions of the

State property not deemed applicable or necessary for the purposes of the museum. Funds generated by the disposition of artifacts shall be deposited into a revolving fund to be used exclusively for the increase and care of museum collections, including the purchase of other artifacts, specimens or works of art, or the conservation and preservation of state collections. Disposition of property may be through return of property to the original donor, as deemed appropriate by the Maine State Museum Commission.

5. Size and storage of collections. The Maine State Museum shall endeavor to continually upgrade the scope and quality of the collections. New acquisitions are to be sought to fulfill this objective. In order to refine existing holdings the museum shall also maintain an on-going program of artifact disposition permitting the improvement of collections within a finite storage space available for them.

Sec. 78. 27 MRSA §87, as amended by PL 1971, c. 485, §1, is further amended to read:

§87. Assistance from other state agencies

The heads of the various state departments, agencies and institutions are authorized to consult with the Maine State Museum upon request concerning any aspect of museum operations. The Maine State Arts Commission ~~on the Arts and Humanities~~ shall furnish the Maine State Museum Commission with such assistance as necessary to administer section 86-A.

Sec. 79. 27 MRSA §93, sub-§1, as enacted by PL 1979, c. 526, §2, is amended to read:

1. Selection. The executor, administrator or trustee of any estate, desiring to pay all or part of an estate tax or inheritance tax owed the State in one or more works of art, shall notify the commission of his desire to do so. The commission shall, within a reasonable period of time and after consulting with the Maine State Arts Commission ~~on the Arts and the Humanities~~, notify the executor, administrator or trustee, and the State Tax Assessor, as to whether, in the judgment of the commission, it would be advantageous to the State to accept one or more works of art as payment for the estate or inheritance tax. The commission's decision shall be final and nonappealable.

Acceptance of a work of art is advantageous to the State if its acceptance:

A. Encourages the preservation of original or noteworthy works of art;

B. Furthers the preservation and understanding of fine arts traditions which have existed in Maine;

C. Furthers the understanding of the fine arts by the people of Maine; or

D. Aids in establishment of important state collections of works of art.

Sec. 80. 27 MRSA c. 15, first 2 lines, as amended, are repealed and the following enacted in their place:

CHAPTER 15

THE ARTS

Sec. 81. 27 MRSA §401, as amended by PL 1983, c. 812, §169, is further amended to read:

§401. Commission

A state commission, to be known as the "Maine State Arts Commission on the Arts and the Humanities," as established by Title 5, section 12004, subsection 10, shall consist of not less than 15 nor more than 21 members, broadly representative of all artistic and cultural fields each of whom shall have a continuing interest in the fields of art and culture in the State, to be appointed by the Governor from among citizens of Maine who are widely known for their competence and experience in connection with these fields. In making such appointments, due consideration shall be given to the recommendations made by representative civic, educational and professional associations and groups concerned with or engaged in artistic and cultural fields generally.

Sec. 82. 27 MRSA §452, sub-§3, as enacted by PL 1979, c. 525, is amended to read:

3. Commission. "Commission" means the Maine State Arts Commission on the Arts and the Humanities.

Sec. 83. 32 MRSA c. 43, as amended, is repealed.

Sec. 84. 32 MRSA §3840, as enacted by PL 1985, c. 481, Pt. A, §64, is repealed and the following enacted in its place:

§3840. Coordinated licensure-certification processes

1. Established. There is established a Joint Committee on Licensure-Certification for School Psychological Service Providers.

2. Purpose. The purpose of the Joint Committee on Licensure-Certification for School Psychological Service Providers shall be to coordinate the licensing and certification processes of the Board of Examiners of Psychologists and the Department of Educational and Cultural Services respectively to provide accessible and timely services to meet the needs of the school systems in the State.

3. Membership. The joint committee shall consist of 6 members. Three shall be appointed by the State Board of Examiners of Psychologists from the present membership of the State Board of Examiners of Psychologists and 3 shall be appointed by the State Board of Education from the present membership of the State Board of Education.

4. Chairman. The joint committee shall convene for the first time at the call of the chairman of the State Board of Examiners of Psychologists at which time the Joint Committee on Licensure-Certification for School Psychological Service Providers shall select a chairman.

5. Term of office. Members shall be appointed for a minimum term of one year or until the expiration of their term on the board of appointment, whichever comes first.

6. Meetings. The committee shall meet as necessary to fulfill its purposes and duties.

7. Quorum. Attendance of 2 members of the State Board of Examination of Psychologists and 2 members of the State Board of Education shall be necessary to conduct official business.

8. Compensation. Committee members shall be compensated according to the provisions of Title 5, chapter 379. Compensation shall be paid by the board of appointment.

9. Records. The joint committee shall keep records and minutes of its activities and meetings. The records and minutes shall be housed by the Department of Educational and Cultural Services or the Department of Business, Occupational and Professional

Regulation and made easily accessible to the public and shall be provided expeditiously upon request.

10. Vacancies. Vacancies shall be filled by the appointing authority to complete the term of the appointee who vacated the position.

11. Responsibilities and duties. The responsibilities and duties of the joint committee are as follows.

A. The Joint Committee on Licensure - Certification for School Psychological Service Providers shall be responsible for developing and overseeing a plan for coordinating the licensing of psychologists and psychological examiners and the certification of persons providing school psychological services. The plan shall be presented to the 2 appointing boards in the form of recommendations for standards and procedures to be included in the rules of the respective boards.

B. The criteria for certification to provide school psychological services adopted by the State Board of Education shall be based, in part, on the granting of a license as a psychologist or psychological examiner.

C. The joint committee shall issue a written report of its recommendations to the State Board of Examination of Psychologists and the State Board of Education. The joint committee shall meet periodically to accomplish its purposes.

D. The joint committee shall report to the joint standing committees of the Legislature having jurisdiction over audit and program review and business and commerce and education by the First Regular Session of the 113th Legislature.

Sec. 85. 32 MRSA §4682, as amended by PL 1983, c. 553, §46, is further amended to read:

§4682. State registration

Every person including the self-employed, or those who employ one or more transient sellers of consumer merchandise shall apply to the Department of Business, Occupational and Professional Regulation and acquire a state ~~license~~ registration in the manner set forth in section 4684 before engaging in sales of consumer merchandise in this State.

Sec. 86. 32 MRSA §4682-A, as amended by PL 1985, c. 236, §1, is further amended to read:

§4682-A. Registrations

1. Issuance. The Department of Business, Occupational and Professional Regulation shall issue to each transient seller and employee of that transient seller a license registration which, among other things, shall indicate that the person whose name appears thereon is a licensed registered seller or employee of a licensed registered seller under this chapter.

2. Possession and presentation. Every transient seller of consumer merchandise and each of the seller's employees shall have a valid license registration, as required by this chapter, in his immediate possession at all times when engaging in sales of consumer merchandise in this State and shall present the license registration for inspection upon request of any person.

3. Penalty. A violation of subsection 2 is a civil violation for which a forfeiture of not more than \$200 may be adjudged.

Sec. 87. 32 MRSA §4682-B, as enacted by PL 1985, c. 269, is amended to read:

§4682-B. Disclosure of registration number and permanent place of business

1. Registration number and permanent place of business disclosed in advertisements. Every time a transient seller of consumer merchandise advertises in this State for the sale of merchandise, whether in print or electronic media, the advertisement shall disclose the transient seller's license registration number in the following manner: "State Department of Business, Occupational and Professional Regulation Transient Seller's License Registration Number: (Fill in number)" and shall disclose the address of the seller's permanent place of business.

2. Registration number and place of business disclosed in written receipt. Every time a transient seller of consumer merchandise sells merchandise to a consumer in this State, he shall provide the purchaser with a written receipt, at the time of sale, disclosing the transient seller's license registration number in the following manner: "State Department of Business, Occupational and Professional Regulation

Transient Seller's License Registration Number: (Fill in number)" and disclosing the transient seller's name and permanent place of business.

Sec. 88. 32 MRSA §4683, as enacted by PL 1977, c. 440, §2, is amended to read:

§4683. Local registration

Nothing in this chapter ~~shall affect~~ affects the right of any town or municipality to make such regulations relative to transient sellers of consumer merchandise as may be permissible under the general law or under any municipal charter.

Sec. 89. 32 MRSA §4684, first ¶, as amended by PL 1983, c. 553, §46, is further amended to read:

Each application for a transient seller of consumer merchandise ~~license registration~~ shall be made upon a form prescribed by the Department of Business, Occupational and Professional Regulation and shall be sworn thereto and shall include:

Sec. 90. 32 MRSA §4684, last ¶, as enacted by PL 1977, c. 440, §2, is amended to read:

Any false statement in an application, either original or supplementary, for a ~~license registration~~ shall subject the applicant to the same penalty as if he had no ~~license registration~~.

Sec. 91. 32 MRSA §4685, as amended by PL 1983, c. 553, §46 is further amended to read:

§4685. Registration fee and security deposit

1. Fee. Every person, including the self-employed or those who employ one or more transient sellers of consumer merchandise, shall pay to the Department of Business, Occupational and Professional Regulation the following fees at the time an application is made for the ~~license registration~~ or renewal:

A. For an original or renewal transient seller's ~~license registration~~, \$15; and

B. For a ~~license registration~~ of each employee of transient sellers and for renewals thereof, \$5.

2. Dedicated revenues. All fees received under this chapter shall be paid to the Treasurer of State

to be used for carrying out this chapter. Any balance of these fees shall not lapse, but shall be carried forward as a continuing account to be expended for the same purpose in the following fiscal year.

3. Security deposit. Every person, including the self-employed or those who employ one or more transient sellers of consumer merchandise, shall also make a security deposit of \$10,000 or of a sum equal to the anticipated yearly gross revenues in this State, whichever is less, with the Department of Business, Occupational and Professional Regulation for the protection of consumers as described in section 4687. The security deposit may be made by a bond as drawn by the Department of Business, Occupational and Professional Regulation and as secured by a surety approved by the Department of Business, Occupational and Professional Regulation. Only one security deposit shall be required of each business entity engaged in transient sales of consumer merchandise.

4. Registration issued. The Department of Business, Occupational and Professional Regulation shall issue to a transient seller of consumer merchandise and to employees of that transient seller a license registration upon receipt of a completed application in proper form, appropriate fees and a security deposit.

Sec. 92. 32 MRSA §4686, as enacted by PL 1983, c. 553, §46, is further amended to read:

§4686. Expiration

1. Registrations. Licenses Registrations issued under section 4685 shall expire:

A. On the date that the licensee registrant establishes a permanent place of business and surrenders his license registration to the Department of Business, Occupational and Professional Regulation;

B. When the licensee registrant fails to file a renewal application as required by section 4684-A; or

C. Upon the surrender of the license registration for cancellation.

Sec. 93. 32 MRSA §4687, as amended by PL 1983, c. 553, §46, is further amended to read:

§4687. Security deposit subject to claims; order of preference; return of security deposit

Each security deposit made under section 4685 shall be subject, so long as it remains in the hands of the Department of Business, Occupational and Professional Regulation, to the attachment and execution in behalf of consumers whose claims arise in connection with the transient sale of consumer merchandise in this State. The Department of Business, Occupational and Professional Regulation may be impleaded as a trustee in any civil action brought against any licensee registrant, and shall pay over, under order of court, such sum of money as the Department of Business, Occupational and Professional Regulation may be found chargeable. The security deposit shall be subject to the payment of any and all fines and penalties incurred by the licensee registrant through any of the provisions of this chapter, and the clerk of the court in which such fine or penalty is imposed shall thereupon notify the Department of Business, Occupational and Professional Regulation of the name of the licensee registrant against whom such fine or penalty is adjudged and of the amount of such fine or penalty. The Department of Business, Occupational and Professional Regulation, if they have in their hands a sufficient sum deposited by such licensee registrant, shall pay the sum so specified to the clerk. If the Department of Business, Occupational and Professional Regulation shall not have a sufficient sum so deposited, they shall make payment of so much as they have in their hands. All claims upon the deposit shall be satisfied after judgment, fine and penalty, in the order in which the order of court is entered in the respective suits, until all claims are satisfied or the security deposit is exhausted. No security deposit shall be paid over by the Department of Business, Occupational and Professional Regulation to a licensee registrant so long as there are any outstanding claims or notices of claims which are subject of suit against the licensee registrant, in which case the Department of Business, Occupational and Professional Regulation shall retain only such sum of the security deposit as is subject of claim.

The security deposit shall be returned to the person so designated in the licensee's registrant's application for license registration 12 months following the expiration of the license registration.

Sec. 94. 32 MRSA §4688, as enacted by PL 1977, c. 440, §2, is amended to read:

§4688. Violations and penalties

Any person engaging in transient sales of consumer merchandise without a ~~license~~ registration lawfully issued pursuant to this chapter shall be punished for each offense as a Class D crime pursuant to Title 17-A.

Failure to comply with this chapter shall constitute a violation of Title 5, chapter 10, Unfair Trade Practices Act.

Sec. 95. 32 MRSA §10009, as enacted by PL 1985, c. 496, Pt. A, §2, is amended to read:

§10009. Certification requirements for persons working as underground oil storage tank installers or in the business of underground oil storage tank installation

1. Certification requirements for persons now working as underground oil storage tank installers or in the business of underground oil storage tank installation. A certificate may be granted to those persons who have been employed either as underground oil storage tank installers or in the business of underground oil storage tank installation for at least 2 years preceding creation of this board, by one of the following means:

A. The person has passed an oral test based on Title 38, chapter 3, subchapter II-B, and any rules promulgated thereunder by the Board of ~~Environmental Protection~~ Underground Oil Storage Tank Installers concerning underground oil storage tank installations;

B. The person has passed a written test based on Title 38, chapter 3, subchapter II-B, and any rules promulgated thereunder by the Board of ~~Environmental Protection~~ Underground Oil Storage Tank Installers concerning underground oil storage tank installations; or

C. The person has completed successful installation of an underground oil storage tank under the supervision of a designated representative of the Department of Environmental Protection.

Sec. 96. 32 MRSA §§10010-A and 10010-B are enacted to read:

§10010-A. Certification requirements regarding the on-site installation of an underground storage tank under the supervision of a designated representative of the Department of Environmental Protection

Pending completion of the on-site installation of an underground oil storage tank under the supervision of a designated representative of the Department of Environmental Protection, the Board of Underground Oil Storage Tank Installers may issue a provisional certificate valid for no more than 6 months after issuance to tank installers with less than 2 years' experience who have successfully completed the written examination pursuant to Title 32, section 10010.

When the board determines that reasonable extenuating circumstances prevent the administration or completion of an on-site installation within the 6-month provisional certification period, it may grant one renewal of a provisional certificate for a specific limited time not to exceed 3 months.

The board shall establish a written set of criteria to be used as a checklist by the representative of the Department of Environmental Protection designated to supervise the on-site installation to ensure that each installation is evaluated consistently and equitably.

§10010-B. Certification of employees of the department

Employees of the Department of Environmental Protection may be certified for the purposes of carrying out their assigned duties and responsibilities but remain subject to the conditions set forth in Title 5, section 18.

Sec. 97. 35 MRSA §4003, §§4 and 5, as enacted by PL 1981, c. 422, are amended to read:

4. Cooperative. "Cooperative" means any corporation organized as of January 1, 1981, under chapters 221 to 227 or on a cooperative plan under the laws of the State and supplying or authorized to supply electric energy.

5. Municipality. "Municipality" means any municipal, plantation or quasi-municipal electric, or electric and utility, corporation, or municipal electric, or electric and utility, system within the State which, as of January 1, 1981, was authorized to

and engaged in the manufacture, generation, transmission, distribution, purchase or sale of electricity to the general public.

Sec. 98. 38 MRSA §567, as enacted by PL 1985, c. 496, Pt. A, §14, is amended to read:

§567. Certification of underground tank installers

No person may install an underground oil storage facility or tank after May 1, 1986, without first having been certified by the Board of Underground Oil Storage Tank Installers, pursuant to Title 32, chapter 105. Prior to December 31, 1986, when the board determines that reasonable extenuating circumstances prevent the administration or completion of a certification test by May 1, 1986, pursuant to Title 32, sections 10009 and 10010, it may issue a provisional certificate valid until December 31, 1986.

Sec. 99. Reorganization of Maine State Museum. There shall be a reorganization of the Maine State Museum as provided for in Part B of this Act.

It is the Legislature's intent that the reorganization be accomplished within the existing resources of the museum. The establishment of new positions shall be effective upon the termination of the old positions provided that the occupants of the old positions shall remain on staff until the new positions are filled.

Sec. 100. Storage facilities used by the Maine State Museum and the Law and Legislative Reference Library. The Maine State Museum and Law and Legislative Reference Library shall not be moved from their present storage facilities in the Burleigh and Nash Buildings, respectively, until adequate alternative storage facilities are provided.

PART B

Adjustments to General Fund. In order to provide for necessary adjustments of the General Fund to implement the recommendations of the Joint Standing Committee on Audit and Program Review, appropriations are adjusted by the amounts designated in the following tabulations.

1986-87

EDUCATIONAL AND CULTURAL SERVICES,
DEPARTMENT OF

Maine State Museum

1986-87

01267.1 Museum Administration

Positions	(-4)
Personal Services	\$ (101,591)
Deauthorizes vacant Business Manager I and Museum Specialist III positions. Deauthorizes Museum Technician I and Clerk Typist II positions to accomplish the reorganization of the Maine State Museum.	

01267.1 Museum Administration

Positions	(4)
Personal Services	\$ 90,280
Provides for the authorization of the positions of Assistant Director, Museum Specialist I, Clerk IV and Clerk Steno III to accomplish the reorganization of the Maine State Museum.	

01267.3 Exhibit Design and Preparation-Museum

Positions	(-2)
Personal Services	\$ (59,960)
Deauthorizes Museum Specialist I and Museum Specialist III positions to accomplish the reorganization of the Maine State Museum.	

01267.3 Exhibit Design and Preparation-Museum

Positions	(1)
Personal Services	\$ 39,892
Authorizes an Architect position to accomplish the reorganization of the Maine State Museum.	

01267.4 Research and Collections-Museum

1986-87

Positions	(-1)
Personal Services	\$(21,291)
Deauthorizes a Museum Technician I to accomplish the reorganization of the Maine State Museum.	

01267.4 Research and Collections-Museum

Positions	(2)
Personal Services	\$46,743
Authorizes a Museum Specialist I, Archaeology, and a Museum Specialist II, Conservation, to accomplish the reorganization of the Maine State Museum.	

TOTAL PART B

\$(5,927)

PART C

Adjustments to the Insurance Regulatory Fund. In order to provide for necessary adjustments of the Insurance Regulatory Fund to implement the recommendations of the Joint Standing Committee on Audit and Program Review, allocations are adjusted by the amounts designated in the following tabulation.

1986-87

BUSINESS, OCCUPATIONAL AND
PROFESSIONAL REGULATION,
DEPARTMENT OF

Bureau of Insurance

Positions	(-1)
Personal Services	\$(12,200)
Deauthorizes a vacant Clerk Typist I position.	

TOTAL PART C

\$(12,200)

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect July 1, 1986.

Effective July 1, 1986.

CHAPTER 764

H.P. 1678 - L.D. 2364

AN ACT Concerning Property Tax Assessment and Appeals.

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

Sec. 1. 3 MRSA §507, sub-§10, ¶B, as repealed and replaced by PL 1983, c. 819, Pt. A, §4, is amended to read:

B. Unless continued or modified by law, the following Group E-2 independent agencies shall terminate, not including the grace period, no later than June 30, 1989. The Board of Emergency Municipal Finance, the Finance Authority of Maine and the Maine Municipal Bond Bank shall not terminate, but shall be reviewed by the Legislature no later than June 30, 1989:

- (1) Board of Emergency Municipal Finance;
- (2) Finance Authority of Maine;
- (3) Maine Municipal Bond Bank;
- ~~(4) Municipal Valuation Appeals Board;~~
- ~~(5) Land Classification Appeals Board;~~
- (6) State Liquor Commission;
- (7) Capitol Planning Commission;
- ~~(8) State Board of Assessment Review; and~~
- ~~(9) Maine Health Care Finance Commission;~~
and
- (10) State Board of Property Tax Review.