

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

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bers representing the Farmers Home Administration and the Farm Credit Service System may serve as a loan review committee and advise him, on a confidential basis, on applications for funding.

Sec. 2. 7 MRSA §973, as enacted by PL 1981, c. 513, §7, is amended to read:

§973. Potato Marketing Improvement Fund

There is created a fund to be known as the Potato Marketing Improvement Fund, to which shall be credited all funds received by the commissioner from any source for the development and implementation of an improved storage, packing and marketing program. Any money credited to the Potato Marketing Improvement Fund from the issuance of bonds on behalf of the State for agricultural development shall be used only for the purposes of state loans as prescribed by section 974 974-A, to provide assistance to farmers on technical aspects of the design and construction of storage, packing and marketing facilities and to pay the administrative costs of processing loan applications, to the extent that the costs exceed the fee for administrative costs established by section 974-A, subsection 2. Repayment of these loans and interest thereon shall be credited to the Potato Marketing Improvement Fund to be available for making additional state loans for the same purposes.

Sec. 3. 7 MRSA §974, as enacted by PL 1981, c. 513, §7, is repealed.

Sec. 4. 7 MRSA §974-A is enacted to read:

§974-A. State loans

1. State loans. State loans are subject to the following conditions.

A. No state loan for any project under this article, the total cost of which exceeds \$50,000, may exceed 45% of the project cost and no state loan may be provided for such a project unless the applicant demonstrates a commitment of private funds of at least 10% of the total cost of the project, except that, in order to encourage the undertaking of cooperative projects by 2 or more farmers, no state loan for such a project may exceed 50% of the total cost of the project and no state loan may be provided unless the cooperating farmers as a group demonstrate a commitment of private funds of at least 5% of the total cost of the project.

B. No state loan for any project under this article, the total cost of which is \$50,000 or less, may exceed 55% of the total cost of the project.

C. State loans shall be at the interest rate established pursuant to subsection 2.

D. Other terms and conditions prescribed by rule by the commissioner upon consultation with the Potato Marketing Improvement Committee.

2. State loan interest rate. The interest rate for state loans shall be the interest rate for the issue of state general obligation bonds which immediately precede either the date of the loan commitment or the date of the loan closing, whichever is lower.

A fee for administrative costs, which shall be at a rate set by rule by the commissioner upon consultation with the Potato Marketing Improvement Committee, but which rate shall not exceed 1% of the loan, shall be charged on all loans made for projects, the total cost of which exceeds \$50,000. This fee shall be deposited in the fund.

Sec. 5. Transition. Any member serving on the Potato Marketing Improvement Committee on the effective date of this Act shall continue to serve until new appointments are made pursuant to the Maine Revised Statutes, Title 7, section 314. New appointments to that committee shall be made within 30 days of the effective date of this Act. Nothing in this Act prohibits a member on the committee from being reappointed.

Effective September 29, 1987.

CHAPTER 320

H.P. 1118 — L.D. 1521

AN ACT to Clarify the Definition of Intermittent State Employees.

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

Whereas, the present definition of intermittent state employees under Title 5, section 7053, restricts use of these employees to a limit of 19 hours in any one week; and

Whereas, several departments of State Government occasionally require the use of intermittent employees for more than 19 hours a week in order to maintain basic services; 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:

5 MRSA §7053, sub-§1, as enacted by PL 1985, c. 785, Pt. B, §38, is amended to read:

1. Define intermittent positions. Define intermittent positions and shall in the definition limit the use of any position to employment for not more than 19 hours a

~~week or 25 weeks a year~~ 500 hours in any consecutive 12-month period;

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

Effective June 15, 1987.

CHAPTER 321

H.P. 1122 — L.D. 1525

AN ACT to Improve Disclosure of Consumer Leases.

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

Sec. 1. 9-A MRSA §8-207, first ¶, as enacted by PL 1981, c. 243, §25, is amended to read:

Each creditor shall give a consumer prior to the consummation of the lease a dated written statement on which the creditor and consumer are identified setting out accurately and in a clear and conspicuous manner, as prescribed by rules adopted by the administrator, the following information with respect to that lease, as applicable:

Sec. 2. 9-A MRSA §8-207, sub-§1, as enacted by PL 1981, c. 243, §25, is amended to read:

1. A brief description or identification of the leased property, including its capitalized cost;

Sec. 3. 9-A MRSA §8-207, last ¶, as enacted by PL 1981, c. 243, §25, is amended to read:

The disclosures required under this section ~~may shall~~ be made in ~~the lease contract to be signed by the consumer~~ accordance with rules adopted by the administrator and shall be signed by the consumer. The administrator may provide by regulation that any portion of the information required to be disclosed under this section may be given in the form of estimates where the creditor is not in a position to know exact information.

Effective September 29, 1987.

CHAPTER 322

H.P. 1157 — L.D. 1583

AN ACT to Amend the Maine Condominium Act.

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

33 MRSA §1601-106, as enacted by PL 1981, c. 699, is amended to read:

§1601-106. Applicability of local laws and regulations

A zoning, subdivision, building code or other real estate use law, ordinance or regulation may not prohibit the condominium form of ownership ~~or impose any requirement upon a condominium which it would not impose upon a physically identical development under a different form of ownership, except as permitted under section 1604-111, subsection (f).~~ Otherwise, no provision of this Act invalidates or modifies any provision of any zoning, subdivision, building code or other real estate use law, ordinance or regulation. No county, municipality, village corporation or other political subdivision, whether or not acting under the municipal home rule powers provided for under the Constitution of Maine, Article VIII, Part Second or Title 30, sections 1911 through 1920, or any other authority from time to time, ~~shall may~~ adopt or enforce any law, ordinance, rule, regulation or policy which conflicts with the provisions of this Act.

Effective September 29, 1987.

CHAPTER 323

H.P. 1198 — L.D. 1633

AN ACT to Amend Maine's Abandoned Property Laws.

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

33 MRSA §1303, sub-§2, ¶E, as amended by PL 1983, c. 211, §1, is further amended to read:

E. If the intangible property is a sum payable on a money order, traveler's check or similar written instrument; or a sum payable or owed on a gift certificate, a merchandise return credit or similar written instrument and:

(1) The instrument, as described in this paragraph, was purchased or issued within the State, as shown by the records of the holder;

(2) The place of purchase or issue of the instrument, as described in this paragraph, is not shown in the records of the holder and the holder's principal place of business is within the State; or

(3) The place of purchase or issue of the instruments, as described in this paragraph, as shown by the records of the holder, is within a jurisdiction, the laws of which do not provide for the escheat or custodial taking of the property, and the holder's principal place of business is within the State;

Effective September 29, 1987.