

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

and the

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

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
1988

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST AND SECOND SPECIAL SESSIONS
and
SECOND REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

CHAPTER 590

H.P. 1468 — L.D. 1979

AN ACT to Clarify the Volume Fee Provision of the Maine Consumer Credit Code.

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

Whereas, changes in the wording of a section of the Maine Consumer Credit Code, the Maine Revised Statutes, Title 9-A, section 6-203, created an ambiguity in the issue of whether lenders should continue to pay volume fees based on variable rate loans which have the capacity to exceed 12 1/4% annual percentage rate; and

Whereas, a change in interpretation was not intended by the drafters; and

Whereas, the Bureau of Consumer Credit Protection relies on the dedicated revenues from volume fees in order to continue its operations; 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:

9-A MRSA §6-203, sub-§2, as amended by PL 1987, c. 396, §11, is further amended to read:

2. Persons required to file notification who are sellers, lessors or lenders shall pay an additional fee, at the time and in the manner stated in subsection 1, of \$25 for each \$100,000, or part thereof, of the original unpaid balances arising from consumer credit transactions, except those secured by an interest in land in which the rate of finance charge disclosed is 12 1/4% or less, and which are not variable rate transactions in which the annual percentage rate has the capacity to exceed 12 1/4% during the term of the transaction, entered into in this State within the preceding calendar year and held either by the seller, lessor, or lender for more than 30 days after the inception of the sale, lease or loan giving rise to the obligations, or by an assignee who has not filed notification. A refinancing of a sale, lease or loan resulting in an increase in the amount of an obligation is considered a new sale, lease or loan to the extent of the amount of the increase.

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

Effective February 26, 1988.

CHAPTER 591

H.P. 1656 — L.D. 2266

AN ACT to Amend the Notice Provision Under the Motor Vehicle Laws.

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

29 MRSA §2298, as amended by PL 1983, c. 288, is repealed and the following enacted in its place:

§2298. Driving by habitual offender when license revoked

1. Prohibition; notice. It is unlawful for any person to operate any motor vehicle on a public way, as defined in Title 17-A, section 505, subsection 2, in this State while the revocation prohibiting its operation remains in effect. Any person found to be an habitual offender under this chapter, or former chapter 18, who is thereafter convicted of operating a motor vehicle in this State while the revocation prohibiting operation is in effect shall have committed a Class C crime. No person found to be an habitual offender under this chapter or former chapter 18, may operate a motor vehicle on a public way as defined in Title 17-A, section 505, subsection 2, when that person's license, permit or privilege to operate a motor vehicle has been revoked under this chapter, when that person:

A. Has received written notice of the revocation from the Secretary of State;

B. Has been orally informed of the revocation by a law enforcement officer who is aware of the information as a result of records maintained by the Secretary of State, including those obtainable by telecommunications;

C. Has actual knowledge of the revocation; or

D. Is a person to whom written notice was sent by ordinary mail at the last-known address shown by the records maintained by the Secretary of State.

2. Offense; penalty. Violation of this section is a Class C crime. If the person is defined as an habitual offender under section 2292, subsection 1, and one or more of the convictions or adjudications defining that person as an habitual offender is pursuant to section 2292, subsection 1, paragraph B, the following mandatory minimum penalty, which shall not be suspended, shall be imposed: a minimum term of imprisonment of not less than 60 days. The requirements of Title 15, section 757, of a separate reading of the allegation and a separate trial shall not apply to sentencing pursuant to this provision. Notwithstanding Title 17-A, section 1301, the maximum fine shall be \$5,000. In addition, the Secretary of State shall not grant relief from habitual offender status, pur-