

# 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.**

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**Twin City Printery**  
**Lewiston, Maine**  
**1988**

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**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

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## 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-

suant to section 2296, until at least 3 years after the original date scheduled for eligibility to apply for relief of that status.

3. Presumption of identity. If the name and date of birth of the person being prosecuted under this section are the same as the habitual offender whose privilege to operate has been revoked, then there shall be a presumption that that person is the same person whose license was revoked under this chapter.

Effective August 4, 1988.

## CHAPTER 592

S.P. 738 — L.D. 1997

### AN ACT to Authorize the Bureau of Banking, Securities Division, to Adopt a Simplified Registration Statement for Limited Public Offerings.

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

32 MRSA §10404, sub-§5 is enacted to read:

5. Simplified statement. For purposes of simplifying the registration statement for smaller offerings and promoting uniformity with other states, the superintendent may adopt, by rule promulgated in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, a form to be used as the registration statement for securities being registered under this section and sold in offerings in which the aggregate offering price does not exceed the maximum amount specified in the rule. The form need not require all the information included in this section and may require information not included in this section.

Effective August 4, 1988.

## CHAPTER 593

H.P. 1435 — L.D. 1952

### AN ACT Relating to Disclosures when Selling Used Cars.

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

10 MRSA §1475, sub-§3, ¶D, as amended by PL 1987, c. 136, is further amended to read:

D. A statement identifying the type of damage, if any, that the vehicle has sustained, such as fire, water or substantial collision damage, if such information is known to the seller.

Effective August 4, 1988.

## CHAPTER 594

H.P. 1647 — L.D. 2253

### AN ACT Concerning Sanitary Conditions on Railroad Property.

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

Whereas, Public Law 1985, chapter 5, requires the Legislative Task Force on Railroads to submit its report, together with any necessary legislation to the Legislature prior to May 1, 1987; and

Whereas, the task force finds it necessary to continue this study to June 30, 1988, to identify the most effective role to be played by the State in retaining and enhancing rail transportation; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 26 MRSA c. 5, sub-c. III-A is enacted to read:

#### §351. Rules

The Commissioner of Labor shall adopt rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, relating to sanitation on railroad property as it affects the safety and health of railroad employees, including, but not limited to, enginemen, trainmen, yardmen, maintenance-of-way employees, clerical employees, carmen and enginehouse employees.

#### §352. Scope

This subchapter applies to locomotives and caboose cars and other rolling stock, including camp cars and any other work area in which sanitation is not governed by a federal agency or another state agency. It does not apply to locomotives used only in yard switching service.

#### §353. Inspections

For the purposes of this subchapter, the Commissioner of Labor or the commissioner's designee may, at any reasonable time and upon presentation of appropriate identification, enter and inspect a workplace.

#### §354. Prohibition; penalty

A person who violates any rule that is adopted by the commissioner under this subchapter shall be subject to