

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST REGULAR SESSION**

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
SEPTEMBER 30, 1989

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

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J.S. McCarthy Company  
Augusta, Maine  
1989

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**1989**

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Legislators can purchase one set of the Maine Revised Statutes Annotated at the State's cost, which shall not be resold.

**Sec. 2. 12 MRSA §908** is enacted to read:

**§908. Park operations**

**1. Certain approval unnecessary; payments.** Notwithstanding any other provision of law, the Baxter State Park Authority shall not need the approval of the Department of Finance through the Bureau of Accounts and Control for the payment of any bills, invoices, accounts, payrolls or any other evidences of claims, demands or charges.

**2. Certain approval unnecessary; purchases.** Notwithstanding any other provision of law, purchases of materials or services by the Baxter State Park Authority shall not need the approval of the Department of Administration through the Bureau of Purchases.

**3. Certain approval unnecessary; construction or improvement.** Notwithstanding any other provision of law, the construction or reconstruction of roads and buildings or any other improvements by the Baxter State Park Authority shall not need the approval of the Department of Administration through the Bureau of Public Improvements.

**Sec. 3. 22 MRSA §5112, sub-§6**, as enacted by PL 1973, c. 793, §11, is amended to read:

**6. Inform the public.** Inform the public in consultation with the bureau, to develop a firm public understanding of the current status of the survival of Maine's elderly, including information on effective programs elsewhere in the State or nation, by collecting and disseminating information, conducting or commissioning studies and publishing the results thereof and by issuing publications and reports for which a reasonable fee may be charged;

**Sec. 4. PL 1989, c. 7, Pt. A, under the caption "HUMAN SERVICES, DEPARTMENT OF" in the 2nd part relating to Child Welfare Services**, is amended to read:

**Child Welfare Services**

All Other \$ 80,000

Provides funds for out-of-state placement for children in need. The present policy on out-of-state placement shall not be continued after January 1, 1990, and the Commissioner of Human Services shall, before that date, report to the Committee on Appropriations and Financial Affairs regarding the commissioner's plans to return those children to in-state placements and enhance an in-state capability.

**Sec. 5. Transfer of funds available in General Fund Bonds Debt Service Account authorized.** In order to meet additional costs of debt service, the Treasurer of State may transfer up to \$1,730,000 for fiscal year 1989-90 in

addition to the total previously authorized, from funds available in the General Fund Bonds Debt Service Account. No increase of appropriation is required.

**Sec. 6. Authorization to procure word processing equipment under lease-purchase agreement.** The Maine Labor Relations Board has authority to make final payment of a 5 year, \$35,127 lease-purchase agreement, entered into in April 1984, which will result in ownership of word processing equipment.

**Sec. 7. Report.** The Commissioner of Environmental Protection and the Commissioner of Human Services shall jointly report to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Energy and Natural Resources on the results of the risk assessment being conducted to evaluate the impact of aluminum in drinking water supplies, especially in relation to Alzheimer's dementia. The commissioners shall include their recommendations in the report.

**Sec. 8. Carrying clause.** Any available balance on June 30, 1989, in the Health Insurance Subsidy Program in the Department of Human Services shall not lapse but shall carry forward to June 30, 1990.

**PART D**

**Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1989-90

**FINANCE, DEPARTMENT OF**

**Property Tax Relief Reserve**

All Other \$17,606,000

Provides funds to be used for property tax relief purposes.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect July 1, 1989.

Effective July 1, 1989.

**CHAPTER 69**

**S.P. 117 - L.D. 183**

**An Act to Ensure Coordinated Investigations of Complaints Regarding Special Education**

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

**Sec. 1. 20-A MRSA §7206, sub-§1**, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

**1. Complaint.** An interested party may file with the commissioner a written complaint alleging that a school

~~administrative unit is not in compliance or private school serving exceptional students, within 180 days preceding receipt of the complaint, has failed to comply with this chapter.~~

**Sec. 2. 20-A MRSA §7206, sub-§§1-A and 1-B** are enacted to read:

**1-A. Determination of jurisdiction.** Within 15 days of the receipt of a complete complaint, the commissioner shall determine:

A. The school administrative unit or private school serving exceptional students with responsibility for compliance;

B. The specific laws and applicable rules with which the school administrative unit or private school serving exceptional students allegedly is in noncompliance; and

C. If any other state or federal agency is investigating or has investigated any similar allegations within 180 days of receipt of the complaint. If the commissioner determines that another state or federal agency is or has been involved in a similar allegation of noncompliance, the commissioner shall coordinate the department's investigation activities with those other agencies.

**1-B. Notification.** Within 15 days of the receipt of the complaint, the commissioner shall notify the affected school administrative unit or private school of the complaint and all information about the complaint which is available to the commissioner.

**Sec. 3. 20-A MRSA §7206, sub-§2,** as amended by PL 1983, c. 130, §1, is further amended to read:

**2. Investigation; written report.** The commissioner shall initiate, and complete within ~~30~~ 45 days, an investigation and a written report:

A. On receipt of a complaint and the determinations set out in subsection 1-A; or

B. If the commissioner has reason to believe that a unit is not in compliance with this chapter.

**Sec. 4. 20-A MRSA §7206, sub-§3, ¶¶A and B,** as enacted by PL 1981, c. 693, §§5 and 8, are amended to read:

A. Upon determination that probable cause exists, the commissioner shall resolve the matter to the satisfaction of the interested parties through mediation and consultation. The commissioner shall write a report of these efforts and notify all interested parties that the report has been written specify in writing the necessary corrective actions and time frames to resolve the matter to the satisfaction of the interested parties.

**B. If ~~conciliation~~ compliance has not been achieved within 45 days after the determination of probable cause, the commissioner shall notify all interested parties of the time and place of a local hearing to be held to determine whether the school administrative unit or private school is in violation of this chapter.**

See title page for effective date.

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## CHAPTER 70

H.P. 87 - L.D. 122

### An Act Relating to Credit Services Organizations

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

**Sec. 1. 9-A MRSA §1-301, sub-§5-A,** as repealed and replaced by PL 1987, c. 129, §14, is repealed.

**Sec. 2. 9-A MRSA §6-201,** as amended by PL 1979, c. 660, §10, is further amended to read:

#### **§6-201. Applicability**

This Part applies to a person engaged in this State entering into ~~or, for the purposes of section 6-202 only, arranging for the extension of~~ consumer credit transactions and to a person having an office or place of business in this State who takes assignments of and undertakes direct collection of payments from or enforcement of rights against debtors arising from these transactions.

**Sec. 3. 9-A MRSA Art. X** is enacted to read:

### ARTICLE X

#### CREDIT SERVICES ORGANIZATIONS

##### PART 1

#### GENERAL PROVISIONS

##### §10-101. Short title

This article shall be known and may be cited as the "Maine Consumer Credit Code - Credit Services Organizations."

##### §10-102. Definitions

As used in this article, unless the context otherwise indicates, the following terms have the following meanings.

##### 1. "Credit services organization."

A. "Credit services organization" means any person who, with respect to the extension of consumer credit by others, provides or offers to provide, in return for the separate payment by the consumer of money or