

# 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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**§10-304. Advertising**

1. No credit services organization may engage in this State in false or misleading advertising concerning the terms and conditions of any services or assistance offered.

2. This section imposes no liability on the owner or personnel of any medium in which an advertisement appears or through which it is disseminated.

**§10-305. Rulemaking**

The administrator may adopt reasonable rules pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, and in accordance with this article governing credit services organizations.

**PART 4****REMEDIES AND PENALTIES****§10-401. Effects of violations on rights of parties**

Any credit services organization which violates any provision of this article or any rule issued by the administrator is subject to the following:

1. After notice and hearing, a cease and desist order from the administrator;

2. After notice and hearing, forfeiture of such portion of the required bond as proportionately may make aggrieved parties whole;

3. A civil action, by the administrator through the Attorney General, after which a court, upon a finding of repeated or willful violations or of violation of an assurance of discontinuance, may assess a civil penalty of not more than \$5,000; and

4. A civil action by an aggrieved consumer in which that consumer has the right to recover actual damages from the credit services organization in an amount determined by the court to be not less than \$250, nor more than \$1,000, plus costs of the action together with reasonable attorney's fees.

See title page for effective date.

**CHAPTER 71****S.P. 75 - L.D. 65****An Act to Make Changes in the Motor Vehicle Laws**

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

Whereas, certain amendments to the motor vehicle laws will become effective April 1, 1989, unless the effective date is changed; and

Whereas, the implementation process will require additional time for education of the affected parties and to acquire appropriate forms; and

Whereas, the overall success of implementation of those amendments will be greatly enhanced if the effective date is changed; 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. 29 MRSA §1, sub-§12**, as amended by PL 1987, c. 789, §2, is further amended to read:

**12. Semitrailer.** "Semitrailer" means any vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so designed that some part of its weight and of its load rests upon or is carried by that motor vehicle, and shall include pole dollies, pole dickets, so called, and wheels commonly used as a support for the ends of logs or other long articles, but excluding tow dollies ~~and camp trailers~~.

**Sec. 2. 29 MRSA §530, sub-§1, ¶B**, as amended by PL 1987, c. 415, §18, is further amended to read:

B. Any person who operates a motor vehicle on any way without being duly licensed or without holding a valid instruction permit or in violation of any condition or restriction placed on the use of an instruction permit or operator's license under the authority of this subchapter shall be guilty of a Class E crime, except that a person who operates a motor vehicle on a way and who possesses a license that has expired within the previous ~~180~~ 30 days commits the traffic infraction of operating a motor vehicle with an expired license. Any person who operates a motor vehicle on a way and who possesses a license that has been expired more than ~~180~~ 30 days is guilty of the Class E crime of operating without a license.

**Sec. 3. 29 MRSA §1252, sub-§2, ¶E**, as amended by PL 1983, c. 667, §1, is repealed.

**Sec. 4. 29 MRSA §2012, sub-§1, ¶A**, as amended by PL 1975, c. 435, §1, is further amended to read:

A. Shall be identified with the words, "School Bus," printed in letters not less than 8 inches high, located between the warning signal lamps as high as possible without impairing visibility of the lettering from both front and rear and have no other lettering on the front thereof or on the rear with the exception of lettering not more than 4 inches high indicating an emergency exit and a number assigned to that specific bus when desired. Four-inch lettering on buses with 20 or less carrying capacity shall be optional until

September 1, 1977. ~~Transit district buses, subject to this section, used primarily for transporting persons other than pupils, may carry advertising not to exceed a width of 40 inches on their front and of 75 inches on their rear.~~

**Sec. 5. 29 MRSA §2020, first ¶**, as amended by PL 1987, c. 737, Pt. C, §§72 and 106, and as amended by PL 1989, cc. 6 and 9, is repealed.

**Sec. 6. 29 MRSA §2507-A, sub-§1, ¶B**, as enacted by PL 1987, c. 789, §22, is amended to read:

B. Fleets of 5 or more vehicles with a common registration expiration month may continue to have an uncommon inspection and registration expiration. The effective date of this paragraph shall be ~~April~~ July 1, 1989.

**Sec. 7. 29 MRSA §2508-A**, as enacted by PL 1987, c. 789, §23, is amended to read:

**§2508-A. Enforcement of an uncommon expiration of inspection and registration certificates**

The owner or operator of a vehicle operated with a valid certificate of inspection and a valid registration certificate which have uncommon expiration dates in violation of section 2502, subsection 3, shall not be issued a summons to court but shall be issued a warning in a form to be designated by the Chief of the Maine State Police. This warning shall state that the owner or operator shall within 2 business days therefrom cause the vehicle to be inspected in accordance with this chapter. Failure to comply with the provisions of a warning issued pursuant to this section is a violation punishable in accordance with section 2521. The effective date of this section shall be ~~April~~ July 1, 1989.

**Sec. 8. PL 1987, c. 397, §10**, as amended by PL 1987, c. 789, §24, is further amended to read:

**Sec. 10. Effective date.** The effective date of this Act is ~~April~~ July 1, 1989.

**Sec. 9. Retroactive application.** Sections 6, 7 and 8 of this Act are retroactive to March 31, 1989.

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

Effective April 28, 1989.

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## CHAPTER 72

H.P. 301 - L.D. 413

### An Act to Regulate Maternal Serum Alpha-fetoprotein Screening Programs

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

**Sec. 1. 22 MRSA §2013**, as amended by PL 1987, c. 211, §§1 and 2, is repealed.

**Sec. 2. 22 MRSA §2013-A** is enacted to read:

#### §2013-A. Applicability

In general, this Act applies to all medical laboratories and directors of medical laboratories operating in the State.

1. Exemptions. Subject to the limitations set forth in subsection 2, the following entities are exempted from the provisions of this Act under the following circumstances:

A. Medical laboratories operated by the United States Government, the State or municipalities of the State;

B. Laboratory facilities and laboratory services operated in a hospital licensed by the State;

C. Physicians and medical staff pursuant to this paragraph:

(1) Physicians, physician assistants, family nurse practitioners, Medicare-certified rural health clinics, professional associations or group practices performing only tests acceptable to the department and the commission, as defined by rule, exclusively for the examination of their own patients; and

(2) Physicians, physician assistants, family nurse practitioners, Medicare-certified rural health clinics, professional associations or group practices performing tests, other than those listed in subparagraph (1), exclusively for the examination of their own patients are subject only to sections 2024, 2025 and 2039.

Notwithstanding subparagraphs (1) and (2), laboratories incorporated for the mutual use of physician or group practice owners shall be subject to all provisions of this Act;

D. Medical laboratories in a school, college, university or industrial plant which are under the direct supervision of, and which services are used exclusively by, a duly licensed physician and which perform only tests acceptable to the department and the commission; otherwise, only sections 2024, 2025 and 2039 apply;

E. Laboratories operated and maintained for research and teaching purposes which are recognized by the department after consultation with the commission or involve no patient or public health service; and

F. The practice of radiology by a radiologist.

2. Maternal serum alpha-fetoprotein testing. Notwithstanding subsection 1, all medical laboratories and