

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,
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J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

CHAPTER 455

H.P. 1215 - L.D. 1687

An Act to Amend the Lobster
and Crab Fishing License Law

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

Sec. 1. 12 MRSA §6406, as amended by PL 1979, c. 283, §2, is repealed and the following enacted in its place:

§6406. Engaging in activities while under suspension

1. Prohibited acts. It shall be unlawful for any person whose license is under suspension to:

A. Engage in any licensed activity;

B. Give another person permission to raise, lift, transfer or possess lobster traps or cars marked with the suspended person's lobster and crab fishing license number or lobster traps with buoys that carry the color design on file with the suspended license; or

C. Assist a holder of a Class II lobster and crab fishing license as a crew member.

2. Penalty. Violation of this section shall be a Class D crime, except that the court shall impose a fine of not less than \$100 nor more than \$1,000.

Sec. 2. 12 MRSA §6421, as amended by PL 1985, c. 379, §1, is further amended to read:

§6421. Lobster and crab fishing licenses

1. License required. It shall be unlawful for any person to engage in the activities authorized by this license under this section without a current Class I or Class II lobster and crab fishing license or other license issued under this Part authorizing the activities.

2. Licensed activity. The holder of a Class I or Class II lobster and crab fishing license may fish for, take, possess, ship or transport within the State lobsters or crabs and sell lobsters or crabs ~~he~~ the license holder has taken. The license shall not authorize the license holder to remove lobster meat from the shell or to take, possess, transport or ship lobster parts or meat. The holder of a Class II license is liable for the licensed activities under this subsection of all unlicensed crew members assisting that licensee.

~~3. License limitation. A license shall only authorize these activities by an individual who is named in the license. An individual assisting or helping a license holder in these activities shall also be licensed.~~

3-A. License limitation. A license shall authorize activities by individuals as follows.

A. A Class I license shall only authorize the licensed activities by the individual who is named in the license. Any individual assisting or helping a Class I license holder in these activities shall also be licensed.

B. A Class II license shall authorize the license holder to engage in the licensed activities. A Class II license holder may engage a maximum of 2 unlicensed crew members to assist in the licensed activities under the direct supervision of the Class II license holder.

4. Exception. No license shall be required to take or catch crabs with bare hands or hook and line.

5. Eligibility. A Class I or Class II lobster and crab fishing license shall only be issued to an individual and shall be a resident license.

6. Buoy colors. Each license applicant shall describe, on the application, a single color design of ~~his~~ the applicant's buoys.

~~7. Fee. The fee for the license shall be \$53 for applicants 17 years of age or older and \$26 for those under 17.~~

7-A. Fee. The fee for the license shall be:

A. \$26 for a Class I license for applicants under 17 years of age;

B. \$53 for a Class I license for applicants 17 years of age or older; and

C. \$159 for a Class II license.

Sec. 3. 12 MRSA §6451, sub-§1, as amended by PL 1987, c. 513, §5, is further amended to read:

1. Allocation of license fees. Ten dollars of each \$53 fee, \$30 of each \$159 fee and \$5 of each \$26 fee for each lobster and crab fishing license shall be allocated to the Lobster Fund, which shall be used for the purposes of lobster biology research, of propagation of lobsters by liberating seed and female lobsters in Maine coastal waters and of establishing and supporting lobster hatcheries.

See title page for effective date.

CHAPTER 456

H.P. 1238 - L.D. 1729

An Act to Promote Greater Access to
Health Screening

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

Sec. 1. 22 MRSA §2013-A, sub-§1, ¶E and F, as enacted by PL 1989, c. 72, §2, are amended to read:

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; and

Sec. 2. 22 MRSA §2013-A, sub-§1, ¶G is enacted to read:

G. Laboratory services performing health screening tests as defined and regulated by rule adopted by the department and the commission.

See title page for effective date.

CHAPTER 457

H.P. 626 - L.D. 849

An Act to Harmonize the Adjustable Rate Transaction Requirements of the Maine Consumer Credit Code with the Federal Truth-in-Lending Act and to Repeal Sunrise Provisions

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

Sec. 1. 9-A MRSA §2-401, sub-§3, ¶C, as enacted by PL 1987, c. 129, §§41 and 42, is repealed.

Sec. 2. 9-A MRSA §2-504, first ¶, as repealed and replaced by PL 1987, c. 129, §§48, 49 and 50, is repealed and the following enacted in its place:

With respect to a consumer credit transaction, except a consumer lease, the creditor by agreement with the consumer may refinance the unpaid balance and contract for and receive a finance charge based on the amount financed resulting from the refinancing at a rate not exceeding that permitted by the provisions on finance charge for consumer credit sales other than open-end credit, section 2-201, if a consumer credit sale is refinanced, or for consumer loans, section 2-401, if a consumer loan is refinanced. For the purpose of determining the finance charge permitted, the amount financed resulting from the refinancing is composed of the following:

Sec. 3. 9-A MRSA §3-310, sub-§1, as amended by PL 1987, c. 129, §61, is repealed and the following enacted in its place:

1. In connection with a consumer credit transaction in which the interest rate may vary during the term of the transaction, the creditor shall make the following disclosures in writing.

A. With respect to a closed-end transaction secured by the consumer's principal dwelling with a term greater than one year, the information required under 12 Code of Federal Regulations, Section 226.19(b) shall be disclosed at the time an application form is provided or before the consumer pays a nonrefundable fee, whichever is earlier. At the same time, the consumer shall be informed in writing of the right to request a hypothetical calculation showing the effect on the transaction's other terms and schedule of payments if the annual percentage rate when the credit is extended were increased once by the maximum amount allowed at any one time. If the consumer requests the hypothetical calculation at or before the time of application, the hypothetical calculation shall be disclosed to the consumer in writing before the credit is extended. The creditor may calculate the hypothetical calculation using either the amortized balance or the original principal balance.

B. With respect to an open-end credit plan secured by the consumer's principal dwelling or by any 2nd or vacation home of the consumer, the information required by 12 Code of Federal Regulations, Section 226.5b(d) shall be disclosed at the time provided in 12 Code of Federal Regulations Section 226.5 b (b).

C. With respect to a closed-end transaction other than one described in paragraph A, the information required by 12 Code of Federal Regulations, Section 226.18(f)(1) shall be disclosed before consummation of the transaction.

D. With respect to an open-end credit plan other than one described in paragraph B, the information required by 12 Code of Federal Regulations, Section 226.6(a)(2) shall be disclosed before the first transaction under the plan. The creditor shall disclose the amount of the increase in the finance charge that would apply if the interest rate applicable to the plan, as applied to a balance of \$1,000 for one month, were to increase by the lesser of 5% per year or the maximum amount allowed under the plan.

Sec. 4. 9-A MRSA §3-310, sub-§1-A, as enacted by PL 1983, c. 720, §18, is amended to read:

1-A. In connection with a consumer credit transaction in which the ~~annual percentage~~ interest rate may vary during the term of the transaction, the creditor may only use an index or other method that is beyond its control for determining any increase or decrease in the ~~annual percentage~~ interest rate.

Sec. 5. 9-A MRSA §3-310, sub-§2, as enacted by PL 1981, c. 138, is amended to read:

2. A variation in the ~~annual percentage~~ interest rate in accordance with the disclosures required by subsection 1 shall not be considered a refinancing under section 2-504 or a change in terms under section 3-204.