

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.

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

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Sec. 1. 9-A MRSA §2-401, sub-§3, ¶C, as enacted by PL 1987, c. 129, §§41 and 42, is repealed.

Sec. 2. 9-A MRSA §2-504, first ¶, as repealed and replaced by PL 1987, c. 129, §§48, 49 and 50, is repealed and the following enacted in its place: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Sec. 3. 9-A MRSA §3-310, sub-§1, as amended by PL 1987, c. 129, §61, is repealed and the following enacted in its place: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.

Sec. 6. 9-A MRSA §3-310, sub-§3, as amended by PL 1985, c. 336, §5, is further amended to read:

3. A variation in the annual percentage interest rate not in accordance with the disclosures required by of limits on interest rate changes and examples of the effects of a change made in accordance with subsection 1, ~~paragraph C or H, or any rule adopted under this section,~~ shall be considered a charge in excess of that allowed by this Code under section 5-201, subsections 3 and 4.

Sec. 7. 9-A MRSA §3-310, sub-§4, as amended by PL 1985, c. 763, Pt. A, §38, is further amended to read:

4. ~~This section~~ Subsection 1-A does not apply to a consumer loan secured by a savings or time deposit if the difference between the rate of interest on the savings or time deposit and the annual percentage interest rate on the loan at no time exceeds the difference between the 2 when the loan was made.

Sec. 8. PL 1987, c. 129, §§42 and 50 are repealed.

Sec. 9. Effective date. This Act shall take effect November 7, 1989.

Effective November 7, 1989.

CHAPTER 458

H.P. 116 - L.D. 153

An Act to Require a Permit to Hunt for Bear Prior to the Firearm Season on Deer

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

Sec. 1. 12 MRSA §7110 is enacted to read:

§7110. Bear hunting permit

1. Permit required. A permit is required to hunt for bear from the first Monday preceding September 1st to the day preceding the open firearm season on deer. This section does not apply to trapping for bear.

2. Eligibility. Any person who possesses a valid license to hunt big game may obtain a permit to hunt for bear from the commissioner or an authorized agent.

3. Issuance; fee. The commissioner, through the commissioner's authorized agent, shall issue a bear hunting permit to eligible persons. The fee for each permit issued shall be \$2 for residents and \$10 for nonresidents and aliens.

4. Restrictions. The following restrictions apply to hunting for bear when a permit is required.

A. A bear hunting permit must be kept on the person at all times while hunting or transporting any bear.

B. A bear hunting permit must be exhibited upon request to any warden, employee of the department, guide or landowner.

5. Repeal. This section is repealed on December 30, 1991.

Sec. 2. Allocation. The following funds are allocated from dedicated revenues of the Department of Inland Fisheries and Wildlife to carry out the purposes of this Act.

1989-90 1990-91

**INLAND FISHERIES AND WILDLIFE,
DEPARTMENT OF**

Licensing Services

All Other	\$10,000	\$10,000
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Provides funds for anticipated printing and miscellaneous expenses for the administration of bear hunting permits.

Sec. 3. Effective date. This Act shall take effect January 1, 1990.

Effective January 1, 1990.

CHAPTER 459

H.P. 586 - L.D. 790

An Act Concerning Potato Varieties

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

Sec. 1. 7 MRSA §1033, sub-§2, ¶G, as amended by PL 1987, c. 99, §9, is further amended to read:

G. To recommend to the commissioner the maximum inspection fee which should be assessed for loads packed in Maine bags and to advise the commissioner of all factors necessary to achieve full industry participation in the Maine Bag Program; and

Sec. 2. 7 MRSA §1033, sub-§2, ¶I is enacted to read:

I. To promote, in cooperation with the commissioner, a voluntary program of variety labeling for Maine bags and other consumer packs of potatoes. This paragraph is repealed July 1, 1991.