

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

By January 31, 1990, the departments shall submit to the joint standing committee of the Legislature having jurisdiction over boating laws a plan for this report including cost deadlines for each phase and objectives against which the success of this legislation will be measured. To the extent possible, these objectives shall be statistically measurable.

See title page for effective date.

CHAPTER 470

H.P. 787 - L.D. 1099

An Act to Require Distributor Reports on Bottle Deposits

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

Sec. 1. 32 MRSA §1866, sub-§6 is enacted to read:

6. Distributors reports and payments. Each distributor shall, prior to March 1st of each year, report to the commissioner the total amount of deposits paid to it by any person during the preceding calendar year, as well as the total amount of refunds paid by it to any person during that calendar year.

Sec. 2. 32 MRSA §1869, sub-§3 is enacted to read:

3. False reports. Any individual person who knowingly makes any false report pursuant to section 1866, subsection 6, is guilty of a Class E crime.

Sec. 3. Effective date. This Act shall take effect January 1, 1990, except that the first report to the Commissioner of Agriculture, Food and Rural Resources is not required until March 1, 1991.

Effective January 1, 1990.

CHAPTER 471

H.P. 1068 - L.D. 1490

An Act to Amend the Real Estate Brokerage License Laws

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

Whereas, the 113th Legislature passed legislation prohibiting owners and lessors of real estate that do not conduct real estate transactions as part of their business from selling their real estate without benefit of a real estate broker; and

Whereas, this law has created unforeseen and unintended difficulties for several businesses; 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. 32 MRSA §13002, sub-§1, as enacted by PL 1987, c. 395, Pt. A, §212, is repealed and the following enacted in its place:

1. Transactions by owner or lessor. Transactions conducted by any person who is the owner or lessor of the real estate, or to their regular employees with regard to the employer's real estate, provided that:

A. The real estate transaction services rendered by the employee are performed as an incident to the usual duties performed for the employer; or

B. The real estate transaction services are subject to the provisions of the Maine Condominium Act, Title 33, chapter 31.

Sec. 2. 32 MRSA §13062, sub-§1, as enacted by PL 1987, c. 395, Pt. A, §212, is amended to read:

1. Real Estate Commission composition. The Real Estate Commission, established by Title 5, section ~~42004~~ 12004-A, subsection ~~4~~ 37, shall be referred to in this chapter as the "commission." The commission shall consist of 4 industry members and ~~one~~ 2 public ~~member~~ members.

Sec. 3. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

1989-90 1990-91

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Real Estate Commission

Personal Services	\$630	\$840
All Other	900	1,200

Provides funds for the per diem and expenses of the additional member of the Real Estate Commission.

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

TOTAL	<u>\$1,530</u>	<u>\$2,040</u>
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Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 26, 1989.

CHAPTER 472

H.P. 1002 - L.D. 1391

An Act to Amend the Maine Consumer Credit Code to Add Provisions Relating to Credit and Charge Card Disclosures

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

Whereas, The Federal Fair Credit and Charge Card Act of 1988, upon which the following legislation is based, will become effective on August 31, 1989; and

Whereas, If enactment of the following legislation is delayed to a date beyond August 31, 1989, a gap in consumer protection, and a period of regulatory inconsistency and noncompliance in this State may occur; 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. 9-A MRSA §8-202, as enacted by PL 1981, c. 243, §25, is amended to read:

§8-202. Form of disclosure; additional information; tabular format required for certain credit and charge card disclosures

1. Information required by this Article shall be disclosed clearly and conspicuously, in accordance with regulations of the administrator. The terms "annual percentage rate" and "finance charge" shall be disclosed more conspicuously than other terms, data or information provided in connection with a transaction, except information relating to the identity of the creditor. Regulations Except as provided in subsection 3, regulations of the administrator need not require that disclosures pursuant to this Article be made in the order set forth in this Article and, except as otherwise provided, may permit the use of terminology different from that employed in this Article if it conveys substantially the same meaning.

2. Any creditor may supply additional information or explanation with any disclosures required under this Article, except as provided in section 8-206, subsection 2.

3. Tabular format shall be required for certain disclosures under section 8-205, subsection 3.

A. The information described in section 8-205, subsection 3, paragraph A, subparagraph (i); section 8-205, subsection 3, paragraph C, subparagraph (ii), division (a), subdivision (1); section 8-205, subsection 3, paragraph D, subparagraph (i) and subparagraph (iii), division (a), subdivision (1) shall be:

(i) Disclosed in the form and manner which the administrator shall prescribe by regulations; and

(ii) Placed in a conspicuous and prominent location on or with any written application, solicitation or other document or paper with respect to which that disclosure is required.

B. Tabular format shall be as follows:

(i) In the regulations prescribed under paragraph A, subparagraph (i), the administrator shall require that the disclosure of the information shall, to the extent the administrator determines to be practicable and appropriate, be in the form of a table which:

(a) Contains clear and concise headings for each item of the information; and

(b) Provides a clear and concise form for stating each item of information required to be disclosed under each heading.

(ii) In prescribing the form under subparagraph (i), the administrator may:

(a) List the items required to be included in the table in a different order than the order in which those items are set forth in section 8-205, subsection 3, paragraph A, subparagraph (i) or paragraph D, subparagraph (i); and

(b) Subject to subparagraph (iii), employ terminology which is different from the terminology which is employed in section 8-205, subsection 3, if that terminology conveys substantially the same meaning.

(iii) Either the heading or the statement under the heading which relates to the time period referred to in section 8-205, subsection 3, paragraph A, subparagraph (i), division (c) shall contain the term "grace period."