

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

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1989

to have the fee recredited to the account in any case when the consumer does not wish to continue the availability of the credit; and

(b) The consumer is permitted to use the card during that period without incurring an obligation to pay the fee.

C. The administrator may, by regulation, provide for fewer disclosures than are required by paragraph A in the case of an account which is renewable for a period of less than 6 months.

5. Other rules for disclosures under subsections 3 and 4 shall be as follows.

A. If the amount of any fee required to be disclosed under subsection 3 or 4 is determined on the basis of a percentage of another amount, the percentage used in making that determination and the identification of the amount against which that percentage is applied shall be disclosed in lieu of the amount of that fee.

B. If a credit or charge card issuer does not impose any fee required to be disclosed under any provision of subsection 3 or 4, this provision shall not apply with respect to that issuer.

6. If the amount of any fee required to be disclosed by a credit or charge card issuer under subsection 3, paragraph A, subparagraph (ii); subsection 3, paragraph C, subparagraph (ii), division (a), subdivision (2); subsection 3, paragraph D, subparagraph (ii); or subsection 3, paragraph D, subparagraph (iii), division (a), subdivision (2), varies from state to state, the card issuer may disclose the range of those fees for purposes of subsection 3 in lieu of the amount for each applicable state, if that disclosure includes a statement that the amount of the fee varies from state to state.

7. Insurance in connection with certain open-end credit card plans shall be as follows:

A. Whenever a card issuer that offers any guarantee or insurance for repayment of all or part of the outstanding balance of an open-end credit card plan proposes to change the provider of that guarantee or insurance, the card issuer shall send each insured consumer written notice of the proposed change not less than 30 days prior to the change, including notice of any increase in the rate or substantial decrease in coverage or service which will result from that change. The notice may be included on or with the monthly statement provided to the consumer prior to the month in which the proposed change would take effect.

B. In any case in which a proposed change described in paragraph A occurs, the insured consumer shall be given the name and address of the new guarantor or insurer and a copy of the policy or group certificate

containing the basic terms and conditions, including the premium rate to be charged.

C. The notices required under paragraphs A and B shall each include a statement that the consumer has the option to discontinue the insurance or guarantee.

D. The administrator shall define in regulations what constitutes a "substantial decrease in coverage or service" for purposes of paragraph A.

Sec. 3. 9-A MRSA §8-208, sub-§8, as amended by PL 1981, c. 698, §23, is further amended to read:

8. With respect to disclosure under sections 8-205 and 8-206, a creditor is liable under subsection 1, ~~paragraph~~ paragraphs B or D, only for the failure to comply with certain disclosure requirements.

A. In connection with the disclosures of section 8-205, subsections 1 and 2 of a creditor's only liability under subsection 1, ~~paragraph~~ paragraphs B or D, is for failing to comply with the requirements of section 8-204, section 8-205, subsection 1 or subsection 2, paragraphs paragraph D, E, F, G, H, I or J.

B. In connection with the disclosures of section 8-206, a creditor's only liability determined under subsection 1, ~~paragraph~~ paragraphs B or D, is for failing to comply with the requirements of section 8-204, or section 8-206, subsection 1, ~~paragraphs~~ paragraph B, C, D, E, F or I.

C. With respect to any failure to make disclosures required by this Article, liability shall be imposed only upon the creditor required to make disclosures, except as provided in section 8-209.

Sec. 4. 9-A MRSA §8-208, sub-§9 is enacted to read:

9. In connection with the disclosures referred to in section 8-205, subsections 3 or 4, a card issuer shall have a liability under this section only to a card holder who uses a credit or charge card or pays a fee described in section 8-205, subsection 3, paragraph A, subparagraph (i), division (b), subdivision (1) or section 8-205, subsection 3, paragraph D, subparagraph (i), division (a).

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect on August 31, 1989.

Effective August 31, 1989.

CHAPTER 473

S.P. 592 - L.D. 1669

An Act to Establish a Budget Committee
for Kennebec County

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

Whereas, the budget process in Kennebec County will begin before 90 days after adjournment; and

Whereas, it is necessary that the Kennebec County Budget Committee be created and take part in the budget process for the upcoming county fiscal year; 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:

30-A MRSA c. 3, sub-c. I, art. 8 is enacted to read:

ARTICLE 8. KENNEBEC COUNTY BUDGET COMMITTEE

§861. Definitions

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

1. County commissioners. "County commissioners" means the county commissioners of Kennebec County.

2. Municipal officers. "Municipal officers" has the same meaning as set forth in Title 1, section 72, subsection 12.

§862. Kennebec County Budget Committee

In Kennebec County there is established the Kennebec County Budget Committee to carry out the purposes of this article.

1. Membership. The budget committee shall consist of 9 members appointed as provided in this section. The county commissioners shall serve on the committee in an advisory capacity only and may not vote on any committee matters.

A. In 1989 and annually thereafter, the county commissioners shall nominate 3 municipal officers from each commissioner district by August 1st of each year. The county commissioners shall immediately send to the chair of the Kennebec County legislative delegation a list of the municipal officers nominated by the commissioners.

B. The Legislature shall promptly approve or disapprove by majority vote the nominations made by the county commissioners and notify the commissioners of its decisions. If any nomination is disapproved, the county commissioners shall promptly submit a replacement nominee to the Legislature for its ap-

proval or disapproval until the necessary members have been approved by the Legislature.

2. Duties. The county budget committee shall review the budget estimates prepared by the county commissioners and approve a final county budget.

3. Term of office. The term of office is 3 years, provided that a budget committee member remains a municipal officer in the municipal officer's municipality, except that, of those appointed in 1989, one from each district shall be appointed for a term of 3 years; one from each district shall be appointed for a term of 2 years; and one from each district shall be appointed for a term of one year.

4. Vacancies. The county commissioners shall appoint a municipal officer, subject to the approval of the county legislative delegation as provided in subsection 1, to fill any vacancy occurring on the budget committee. Vacancies shall be filled for the balance of the unexpired term.

5. Expenses. Members shall serve without compensation, but shall be reimbursed from the county treasury for expenses lawfully incurred by them in the performance of their duties.

§863. Budget committee organization

The budget committee shall conduct its meetings in public at the county courthouse. The county commissioners shall direct the county clerk to call an organizational meeting of the budget committee no later than 60 days before the end of the county's fiscal year. The county commissioners shall provide the committee with necessary clerical assistance, office expenses and suitable meeting space, as well as access to county files and information. The budget committee shall adopt its own rules or procedures and bylaws.

§864. Budget procedures

1. Proposed budget. The county commissioners shall submit an itemized budget estimate, as described in sections 701, 702 and 7503, to the budget committee in a timely fashion, no later than 60 days before the end of the county's fiscal year.

2. Budget review process. The budget committee shall review the proposed itemized budget prepared by the county commissioners, together with any supplementary material prepared by the head of each county department or provided by any independent board or institution or another governmental agency. The budget committee may increase, decrease, alter or revise the proposed budget, provided that:

A. The budget committee shall enter into its minutes an explanation for any change in the estimated expenditures and revenues as initially presented by the county commissioners; and

B. The total estimated revenues, together with the amount of county tax to be levied, must equal the total estimated expenditures.

3. Public hearing. The budget committee shall hold a public hearing in the county on the proposed budget before the end of the county's fiscal year and before the final adoption of the budget. Notice of the hearing shall be given at least 10 days before the hearing in a newspaper of general circulation within the county. Written notice and a copy of the proposed budget shall be sent by registered or certified mail with return receipt requested, or delivered in person, with proof received of the delivery, to the clerk of each municipality in the county. The municipal clerk shall notify the municipal officers of the proposed budget.

4. Adoption of budget. After the public hearing is completed, the budget committee may further increase, decrease, alter and revise the proposed itemized budget, subject to the conditions and restrictions imposed in subsection 2. The proposed itemized budget must be finally adopted by a majority vote of the budget committee at a duly called meeting not later than the end of the county's fiscal year. The approved budget is the final authorization for the assessment of county taxes. The budget shall be sent to the county commissioners and the county tax authorized shall be apportioned and collected in accordance with section 706.

5. Interim budget. If the budget is not approved before the start of a fiscal year, until a budget is finally adopted, the county shall operate on an interim budget which may not exceed the previous year's budget.

6. Transfer of funds. The county commissioners may transfer funds as provided in section 922.

§865. Budget amendments

The approved budget shall govern the expenditures of the county during the fiscal year. No expenses may be incurred in excess of those shown in the approved budget, but the budget may be revised from time to time by the preparation and submission of a proposed amended budget by the county commissioners to the budget committee. The budget committee shall render, not less than 15 calendar days, except in emergencies, nor more than 30 days after the submission to it, a decision on any such revised budget. An approved revised budget shall be transmitted to the State Auditor within 15 days of the budget committee's action.

§866. Filing of county budget

A copy of the final budget and subsequent amendments shall be filed, on forms approved by the Department of Audit, with the State Auditor, who shall retain them for 3 years.

§867. Repeal

This article is repealed on March 1, 1991.

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

Effective June 26, 1989.

CHAPTER 474

S.P. 591 - L.D. 1668

An Act to Authorize the Blue Hill School Committee to Enter into Long-term Leases of Land and Buildings for School Purposes

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

20-A MRSA §4001, sub-§3-A is enacted to read:

3-A. Long-term leases authorized. Notwithstanding the provisions of subsection 3, paragraph A, the school committee of the Town of Blue Hill is authorized to lease for school purposes, for one or more terms of up to 99 years each, the existing site of the Blue Hill Consolidated School and up to 20 acres of adjacent land and any buildings located thereon, on terms and conditions as may be approved by the Blue Hill School Committee, and during the term or terms of any leases which may be entered into by the Blue Hill School Committee, the leased premises shall constitute school property for all purposes including, without limitation, school construction projects, provided that any school construction projects on the leased premises shall be subject to the requirements of chapter 609 and its successor provisions.

See title page for effective date.

CHAPTER 475

H.P. 1251 - L.D. 1750

An Act to Establish Finance Committee Districts and Procedures for Aroostook County

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

Sec. 1. 30-A MRSA art. 3-A is enacted to read:

ARTICLE 3-A. AROOSTOOK COUNTY FINANCE COMMITTEE

§739. Aroostook County finance committee

In Aroostook County, there is established a finance committee to carry out the purposes of this article. As used in this article, "county commissioners" means the county commissioners of Aroostook County.

1. Membership. The finance committee shall consist of 9 members, 3 members from each commissioner district elected as provided in this subsection. The county commissioners shall designate 3 district subdivisions within each district from each of which one member of the finance committee shall be elected.