

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

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
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

CHAPTER 209

H.P. 842 - L.D. 1208

An Act to Provide that General Assistance Payments be Made in Vouchers and in Greater Compliance with General Assistance Laws

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

Whereas, federal law amended, effective August 1, 1991, an Act to provide that local general assistance payments will be exempt from being counted as income in the food stamp program if they are pursuant to a state law requiring such payments to be in the form of vouchers; and

Whereas, present general assistance law and food stamp regulations have been interpreted to require that family's food stamps be reduced when they receive general assistance to the detriment of the most needy families in the State and to the detriment of municipal general assistance programs and budgets; 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. 22 MRSA §4304, sub-§1, as amended by PL 1989, c. 699, is further amended to read:

1. Local office. There must be in each municipality a general assistance office or designated place where any person may apply for general assistance at regular, reasonable times designated by the municipal officers. Notice must be posted of these times, the name of the overseer available to take applications in an emergency at all other times, the fact that the municipality must issue a written decision on all applications within 24 hours and the department's toll-free telephone number for reporting alleged violations in accordance with section 4321.

Sec. 2. 22 MRSA §4305, sub-§2, as enacted by PL 1983, c. 577, §1, is amended to read:

2. Availability of ordinance. ~~Each~~ The ordinance ~~shall and a copy of this chapter must~~ be available in the town office and ~~shall otherwise~~ be easily accessible to any member of the public. Notice to that effect ~~shall must~~ be posted. A copy of this chapter must be distributed by the department to each municipality.

Sec. 3. 22 MRSA §4305, sub-§6 is enacted to read:

6. Assistance by vouchers or contract. Except when determined impractical by the administrator for good cause shown, assistance is provided in the form of a voucher payable to vendor or vendors or through direct municipal contract with a provider of goods or services.

Sec. 4. Effective date. Section 3 of this Act takes effect August 1, 1991.

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

Effective May 29, 1991, unless otherwise indicated.

CHAPTER 210

H.P. 840 - L.D. 1206

An Act Relating to the Sale of Business Opportunities

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

Sec. 1. 32 MRSA §4691, sub-§3, ¶A, as amended by PL 1985, c. 597, §1, is further amended to read:

A. The sale, lease or distribution of any services, products, equipment, supplies, goods, or commodities, including plants used for cultivation and animals used for breeding, or services which that are sold, leased or distributed by the seller or an affiliated person; to the purchaser for the purpose of enabling the purchaser to start a business, for which the purchaser ~~pays to the seller a fee which is required to pay an amount that exceeds \$250 either as a single payment or in multiple payments during any consecutive 6-month period and in which the seller represents that:~~

- (1) ~~That the~~ The seller or an affiliated person will provide locations or assist the purchaser in finding locations for the use or operation of vending machines, racks, display cases or other similar devices or currency-operated amusement machines or devices, on premises neither owned nor leased by the purchaser or seller;
- (2) ~~That the~~ The seller or an affiliated person will purchase any or all products made, produced, fabricated, grown, bred or modified by the purchaser using in whole or in part, the supplies, services or chattels sold to the purchaser;
- (3) ~~That the~~ The seller guarantees that the purchaser will derive income from the business opportunity ~~which that~~ exceeds the price paid for the business opportunity;
- (4) ~~That if~~ If the purchaser is unsatisfied with the business opportunity, the seller will refund

all or part of the price paid for the business opportunity, or repurchase any of the products, equipment, supplies or chattels supplied by the seller; or

~~(5) That upon payment by the purchaser of a fee or sum of money to the seller or an affiliated person, the~~ The seller or an affiliated person will provide a sales program or marketing program ~~which will enable the purchaser to derive income from the business opportunity which exceeds the price paid for the business opportunity, provided except~~ that this subsection ~~shall~~ does not apply to the sale of a marketing program ~~made~~ provided in conjunction with the licensing of a federally registered trademark or service mark; and

Sec. 2. 32 MRSA §4692, as enacted by PL 1979, c. 571, is amended to read:

§4692. When disclosure statement must be provided

Seller shall provide all purchasers with a disclosure statement meeting the requirements of this chapter at the ~~earlier~~ earliest of: at least 72 hours before the purchaser signs a business opportunity agreement; at least 72 hours before the purchaser makes payment of any consideration in connection with the sales or proposed sale of the business opportunity; or the first face-to-face meeting between the seller and the purchaser ~~which that~~ is held for the purpose of discussing the sale or proposed sale of a business opportunity.

Sec. 3. 32 MRSA §4693, first ¶, as enacted by PL 1979, c. 571, is amended to read:

The disclosure statement ~~shall~~ must include the following information accurately, clearly and concisely stated, in a legible written document, ~~except that a~~ . A disclosure statement meeting the criteria of any rules or regulations of the Federal Trade Commission requiring disclosure statements by sellers ~~shall also fulfill~~ fulfills the requirements of this section to the extent that the substituted disclosure statement meets or exceeds the requirements of this section:

Sec. 4. 32 MRSA §4693, sub-§3, ¶A, as enacted by PL 1979, c. 571, is amended to read:

A. The total funds ~~which shall~~ that must be paid by the purchaser to the seller or an affiliated person in order to obtain or commence the business opportunity operation, ~~such as including, but not limited to,~~ deposits, down payments and fees;

Sec. 5. 32 MRSA §4693, sub-§§5-A and 13 are enacted to read:

5-A. Licenses and permits. A detailed description of any licenses or permits that are necessary in order for the purchaser to engage in or operate the business opportunity.

13. Additional information. Any additional information that the Securities Administrator requires by rule.

Sec. 6. 32 MRSA §4697, as enacted by PL 1979, c. 571, is amended to read:

§4697. Renewal of registration

A registration is effective for one year commencing on the date of effectiveness. Sellers shall A seller may annually renew ~~their~~ the registration by paying a \$10 fee, filing a copy of a current disclosure statement and providing evidence of a bond or escrow account satisfying the requirements of section 4695. Failure to renew at the close of the one-year period of effectiveness results in expiration of the registration.

Sec. 7. 32 MRSA §4698, sub-§1, as enacted by PL 1979, c. 571, is amended to read:

1. Return of goods. Within 20 days after a notice of avoidance is effective, the purchaser shall tender to the seller any goods or commodities delivered to the purchaser pursuant to the contract. Tender is sufficient if the purchaser makes the goods or commodities available to the seller at the purchaser's residence or business. If the seller fails to take possession of the goods or commodities within 20 days after the notice of avoidance is effective, the goods or commodities ~~shall~~ become the property of the purchaser without obligation to pay for them.

Sec. 8. 32 MRSA §4700, sub-§3, as enacted by PL 1979, c. 571, is amended to read:

3. Temporary restraining order. Upon application ~~to~~ by the Attorney General, the Superior Court shall issue a temporary restraining order, under Unfair Trade Practices, Title 5, section 209, enjoining any ~~franchise business opportunity~~ franchise business opportunity seller who has committed an act prohibited by section 4699, subsection 1, ~~paragraphs~~ paragraph A, B or C, from engaging in any conduct relating to the sale, offering for sale or promotion of business opportunities in this State until such time as the seller satisfies the court that it has complied with the provisions of this chapter. The Superior Court shall grant such a temporary restraining order without requiring a showing of immediate and irreparable harm or injury.

See title page for effective date.

CHAPTER 211

H.P. 869 - L.D. 1255

An Act to Prohibit the Sale of Individual Specific Disease Health Insurance Providing Minimal Benefits

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