

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
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J.S. McCarthy Company
Augusta, Maine
1991

PUBLIC LAWS

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years after the applicable deadlines established under section 4343, subsection 1, any impact fee ordinance must have been adopted as part of a certified local growth management program.

See title page for effective date.

CHAPTER 237

H.P. 643 - L.D. 917

An Act to Authorize Recovery of Certain Collection Costs

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

9-A MRSA §3-402, as amended by PL 1981, c. 293, §4, is repealed and the following enacted in its place:

§3-402. Limitation on default charges

1. The agreement with respect to a consumer credit transaction may not provide for any charges as a result of default by the consumer, except that the agreement may provide for the following:

A. Charges authorized by other provisions of this Act;

B. Notwithstanding section 2-507, reasonable charges incurred in realizing on a security interest in personal property securing a consumer loan or a consumer credit sale, other than attorney's fees; and

C. Notwithstanding section 2-507, reasonable attorney's fees, legal expenses and other reasonable costs incurred in realizing on real property securing a consumer loan or a consumer credit sale.

2. A provision in violation of this section is unenforceable.

See title page for effective date.

CHAPTER 238

H.P. 504 - L.D. 698

An Act to Require Repair of Septic Systems

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

Whereas, grants for the repair of substandard or malfunctioning wastewater treatment systems from the State may not be available within 30 days of application; and

Whereas, waters of the State are being contaminated by substandard or malfunctioning wastewater treatment systems; 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. 30-A MRSA §4927, sub-§6 is enacted to read:

6. Grants and loans unavailable; compliance. Following a period of 30 days from the date of application for assistance under this section, the unavailability of financial assistance under this section does not relieve an owner of a substandard or malfunctioning wastewater treatment system of that person's obligation to comply with the state water classification program, Title 38, chapter 3, subchapter I, article 4-A or any other provision of law.

Sec. 2. 38 MRSA §411, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §24, is further amended to read:

§411. State contribution to pollution abatement

The commissioner may pay an amount not to exceed 80% of the expense of a municipal or quasi-municipal pollution abatement construction program or a pollution abatement construction program in an unorganized township or plantation authorized by the county commissioners. The commissioner may make payments to the Maine Municipal Bond Bank to supply the State's share of the revolving loan fund established by Title 30-A, section 6006-A. The commissioner may pay up to 90% of the expense of a municipal or quasi-municipal pollution abatement construction program or a pollution abatement construction program in an unorganized township or plantation authorized by the county commissioners in which the construction cost of the project does not exceed \$100,000 as long as total expenditures for the small projects do not exceed \$1,000,000 in any fiscal year and not more than one grant is made to any applicant each year, except that the commissioner may pay up to 50% of the expense of individual projects serving seasonal dwellings or commercial establishments. The application for a grant under this ~~paragraph~~ section for a project serving a single-family dwelling, including outbuildings, or a single commercial establishment, must include a signed statement of the financial condition of the owner of the single-family dwelling or commercial establishment describing the need for the grant. That statement becomes part of the application record and no further evidence of need is required.

For small individual projects, following a period of 90 days from the date of application for assistance under this section, or as ground conditions permit, the unavailability of financial assistance under this section does not relieve an applicant of an obligation to comply with the state water classification program, Title 38, chapter 3, subchapter I, article 4-A or any other provision of law.

State grant-in-aid participation under this section is limited to grants for waste treatment facilities, interceptor systems and outfalls. The word "expense" does not include costs relating to land acquisition or debt service, unless allowed under federal statutes and regulations.

The commissioner shall develop a project priority list, for approval and adoption by the board, for pollution abatement construction and salt or sand-salt storage building projects. The factors considered in developing the priority lists include, but are not limited to, protection of ground and surface water supplies, shellfish, general public health hazards and water contact activities.

All proceeds of the sale of bonds for the construction and equipment of pollution abatement facilities expended under the direction and supervision of the commissioner must be segregated, apportioned and expended as provided by the Legislature.

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

Effective May 31, 1991.

CHAPTER 239

S.P. 430 - L.D. 1151

An Act to Require Door-to-door Sellers of Frozen Foods to Disclose Actual Unit Prices

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

Sec. 1. 9-A MRSA §3-503-A is enacted to read:

§3-503-A. Frozen food contracts

The unit price and the total price for each frozen food commodity must be disclosed on any contract or order form for the sale of frozen foods that is subject to the requirements of this Part. A copy of this price disclosure must be given to the buyer. The unit price of a frozen food commodity must be expressed, as appropriate, in terms of price per pound, ounce, pint, quart or gallon, provided that the same weight or measure is used for the same commodity in all sizes, weights or volumes.

The unit price and the total price of the commodity must reflect the buyer's total cost for the commodity and related seller's services, including delivery of the commodity to the buyer's home.

Sec. 2. 32 MRSA §4662-A is enacted to read:

§4662-A. Frozen food contracts

Any contract or order form for the sale of frozen foods that is subject to the requirements of this subchapter must

disclose the unit price and the total price for each frozen food commodity. A copy of this price disclosure must be given to the consumer. The unit price of a frozen food commodity must be expressed, as appropriate, in terms of price per pound, ounce, pint, quart or gallon, provided that the same unit of measure is used for the same commodity in all sizes, weights or volumes.

The unit price and the total price of the commodity must reflect the consumer's total cost for the commodity and related seller services, including delivery of the commodity to the consumer's home.

Sec. 3. 32 MRSA §4681, sub-§3, as amended by PL 1979, c. 191, is further amended to read:

3. Merchandise. "Merchandise" includes any objects, wares, goods, promises, commodities, intangibles, services or other things of value but does not include food, except food sold by directly contacting the consumer in the consumer's residence or technical and vocational schools located outside of the State ~~which~~ that are registered pursuant to Title ~~20~~ 20-A, section ~~2661~~ 9501.

See title page for effective date.

CHAPTER 240

H.P. 398 - L.D. 572

An Act to Amend the Natural Resources Protection Laws

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

Whereas, repair of existing access ways to residential dwellings needs to occur in the spring and early summer to repair winter storm damage; and

Whereas, obtaining permits through the Department of Environmental Protection may be a lengthy process; 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. 38 MRSA §480-Q, sub-§10, as repealed and replaced by PL 1989, c. 878, Pt. A, §112, is amended to read:

10. Aquaculture. Aquaculture activities regulated by the Department of Marine Resources under Title 12, section 6072. Ancillary activities, including, but not limited to, build-