

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
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J.S. McCarthy Company
Augusta, Maine
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
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1991

CHAPTER 202-B**PROHIBITED CREDIT CARD PRACTICES INVOLVING PROVIDERS OF TRAVEL SERVICES****§1141. Definitions**

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

1. Credit card. “Credit card” has the same meaning as “accepted credit card,” as defined in Title 9-A, section 8-103, subsection 1, paragraph A.

2. Credit card issuer. “Credit card issuer” has the same meaning as “card issuer,” as defined in Title 9-A, section 8-103, subsection 1, paragraph D.

3. Provider of travel services. “Provider of travel services” means a person, firm or corporation engaged in the business of furnishing travel, transportation or vacation services.

4. Travel agent. “Travel agent” means a person, firm, corporation, partnership or association, other than a common carrier as defined in Title 12, section 6001, subsection 8 or employee of a common carrier, that:

A. Is an officially appointed agent of a common carrier or is a member of a cruise lines association who operates exclusively as an agent for cruise lines in the sale of cruise travel products or services; and

B. As a legal agent for a provider of travel services:

(1) Sells or offers for sale travel, transportation or vacation arrangements;

(2) Negotiates for travel, transportation or vacation services; or

(3) Professes to be by solicitation, advertisement or other means a seller, contractor or arranger for travel, transportation or vacation services.

§1142. Prohibited practice

When a travel agent furnishes travel services to a consumer and the consumer uses a credit card to obtain credit in the transaction, the provider of travel services for which the travel agent is an agent may not as the result of the use of the credit card impose a surcharge on or reduce commissions paid to the travel agent. This prohibition does not apply if the provider of travel services is the issuer of the credit card used in the transaction.

§1143. Remedies

Any person injured as a result of a violation of section 1142 may seek damages and an injunction in a civil action. Any person likely to be injured by a violation of section 1142 may seek an injunction in a civil action. The court may award reasonable attorney’s fees to the plaintiff.

See title page for effective date.

CHAPTER 262**H.P. 893 - L.D. 1290****An Act to Restore Criminal Sanctions for Failure to Obey Lawful Orders of Harbormasters**

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

Sec. 1. 38 MRSA §12, as repealed and replaced by PL 1989, c. 287, §5, is amended to read:

§12. Violation of subchapter

Notwithstanding any provision in this subchapter Except as provided in section 13, a violation of this subchapter or any harbor ordinance may be prosecuted and relief, fees, fines and penalties granted and assessed pursuant to the provisions of Title 30-A, section 4452.

Sec. 2. 38 MRSA §13 is enacted to read:

§13. Failure to obey orders of harbormasters

1. Offense defined. A person is guilty of failure to obey an order of a harbormaster if the person intentionally, knowingly or recklessly fails to obey any lawful order of a harbormaster authorized pursuant to this subchapter.

2. Penalty. Failure to obey an order of a harbormaster is a Class E crime.

See title page for effective date.

CHAPTER 263**S.P. 357 - L.D. 959****An Act to Exempt Certain Persons from the Counselors Licensure Laws**

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

Sec. 1. 3 MRSA §927, sub-§11, ¶B, as enacted by PL 1989, c. 483, Pt. A, §§4 and 62, is amended to read: