

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1991

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
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**1991**

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E. "Commercial Grade" means pure maple syrup that is free of any material other than pure, clear liquid maple syrup in a sanitary condition; has a color for light transmittance less than 27.0%; and may have a strong flavor. Commercial Grade maple syrup must be free of sugar crystals and may not be damaged in any way. Commercial Grade maple syrup may not be placed in packaged maple syrup containers and may not be sold, offered for sale or exposed for sale as packaged maple syrup.

F. "Substandard" means bulk maple syrup that fails to meet the requirements of any other grade. Such syrup may not be placed in packaged maple syrup containers and may not be sold, offered for sale or exposed for sale as packaged maple syrup.

See title page for effective date.

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## CHAPTER 327

S.P. 494 - L.D. 1332

### An Act to Enhance Social Services and Therapeutic Patient Activities in Nursing Homes

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

22 MRSA §1812-F is enacted to read:

§1812-F. Nursing homes; staffing for social services and patient activities

1. Minimum hours. The department shall approve at least the following number of hours for the following services in nursing homes.

A. The department shall approve at least 1/2 hour per patient per week for social services.

B. The department shall approve at least 20 hours per week in nursing homes of up to 30 beds, at least 30 hours per week in nursing homes of 31 to 60 beds and at least 40 hours per week in nursing homes of 61 beds or more for patient activities.

2. Transfer of hours. The department shall approve the transfer of previously approved nonnursing hours to social service or patient activity hours if the transfer does not increase the nursing home's per diem rate.

See title page for effective date.

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## CHAPTER 328

S.P. 459 - L.D. 1235

### An Act to Amend the Motor Vehicle Dealer Manufacturer Laws

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

10 MRSA §1176, first ¶, as repealed and replaced by PL 1979, c. 698, §1, is amended to read:

If a motor vehicle franchisor requires or permits a motor vehicle franchisee to perform labor or provide parts in satisfaction of a warranty created by the franchisor, the franchisor shall properly and promptly fulfill its warranty obligations ~~and~~, in the case of motor vehicles over 10,000 pounds gross vehicle weight rating, shall adequately and fairly compensate the franchisee for any parts so provided and, in the case of all other motor vehicles, shall reimburse the franchisee for any parts so provided at the retail rate customarily charged by that franchisee for the same parts when not provided in satisfaction of a warranty. Further, the franchisor shall reimburse the franchisee for any labor so performed at the retail rate customarily charged by that franchisee for the same labor when not performed in satisfaction of a warranty; provided that the franchisee's rate for labor not performed in satisfaction of a warranty is routinely posted in a place conspicuous to its service customer. A franchisor is not required to pay the price charged by the dealer to retail customers for parts of systems, appliances, furnishings, accessories and fixtures of a motor home as defined in Title 29, section 1, subsection 5-C that are designed, used and maintained primarily for nonvehicular residential purposes. Any claim made by a franchisee for compensation for parts provided or for reimbursement for labor performed in satisfaction of a warranty ~~shall~~ must be paid within 30 days of its approval. All the claims ~~shall~~ must be either approved or disapproved within 30 days of their receipt. When any such claim is disapproved, the franchisee that submitted it ~~shall~~ must be notified in writing of its disapproval within that period, together with the specific reasons for its disapproval. No franchisor may, by agreement, by restriction upon reimbursement, or otherwise, restrict the nature or extent of labor performed or parts provided so that such restriction impairs the franchisee's ability to satisfy a warranty created by the franchisor by performing labor in a ~~good and workmanlike~~ professional manner or by providing parts required in accordance with generally accepted standards.

See title page for effective date.

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## CHAPTER 329

H.P. 384 - L.D. 558

### An Act Concerning Late Support Payments

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

Sec. 1. 19 MRSA §494-B is enacted to read:

**§494-B. Notices; readability**

As notices are revised by the department and as resources permit, all notices provided by the department under this subchapter must have a readability score, as determined by a recognized instrument for measuring adult literacy levels, equivalent to no higher than a 6th-grade reading level. Beginning in 1992 and ending in 1997, the department shall submit a one-page annual report on or before February 15th regarding its activities under this section to the joint standing committee of the Legislature having jurisdiction over human resources matters.

**Sec. 2. 19 MRSA §501-A** is enacted to read:

**§501-A. Notice of requirement of prompt payment**

In any case in which a debt is owed by a responsible parent under section 495, the department shall notify the responsible parent, on any billing sent for the purpose of child support collection, that payment must be received in the month when due and that failure to make timely payment may result in child support being retained by the department that would otherwise be paid to that parent's child. The notice must have a readability score, as determined by a recognized instrument for measuring adult literacy levels, equivalent to no higher than a 6th-grade reading level.

See title page for effective date.

**CHAPTER 330**

**H.P. 1246 - L.D. 1813**

**An Act Relating to Tax Refund Anticipation Loan Disclosures**

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

**Sec. 1. 9-A MRSA §8-103, sub-§1, ¶I-1** is enacted to read:

I-1. "Tax refund loan," also known as "refund anticipation loan," means a transaction in which a creditor lends an amount less than or equal to a consumer's expected tax refund.

**Sec. 2. 9-A MRSA §8-106, sub-§6** is enacted to read:

6. In the case of a tax refund loan, if it is the practice of the creditor to demand repayment upon delivery of the refund, the annual percentage rate is based on the creditor's estimate of the time the refund will be delivered.

See title page for effective date.

**CHAPTER 331**

**H.P. 733 - L.D. 1037**

**An Act to Amend the State Government Financial Disclosure Laws**

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

**Sec. 1. 1 MRSA §1016-B, sub-§1**, as enacted by PL 1989, c. 561, §10, is amended to read:

**1. Definition.** For the purposes of this section, "reportable liability" means any unsecured loan of \$3000 or more received from a person not a relative. "Reportable liability" does not include:

A. A credit card liability;

B. An educational loan made or guaranteed by a governmental entity, educational institution or non-profit organization; or

C. A loan made from a state or federally regulated financial institution for business purposes.

**Sec. 2. 5 MRSA §19, sub-§1, ¶I-1** is enacted to read:

I-1. "Reportable liabilities" means any unsecured loan, except a loan made as a campaign contribution recorded as required by law, of \$3,000 or more received from a person not a relative. Reportable liabilities do not include:

(1) A credit card liability;

(2) An educational loan made or guaranteed by a governmental entity, educational institution or nonprofit organization; or

(3) A loan made from a state or federally regulated financial institution for business purposes.

**Sec. 3. 5 MRSA §19, sub-§7**, as enacted by PL 1989, c. 561, §16, is amended to read:

**7. Disclosure of reportable liabilities.** Each executive employee shall include on the statement of income under subsection 2 all reportable liabilities incurred while employed as an executive employee. ~~For the purposes of this subsection, "reportable liability" means any unsecured loan, except a loan made as a campaign contribution recorded as required by law, of \$3000 or more received from a person not a relative.~~ The executive employee shall file a supplementary statement with the Secretary of State of any reportable liability within 30 days after it is incurred. The report ~~shall~~ **must** identify the creditor in the manner of subsection 2.

See title page for effective date.