

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

A. With the consent of the licensee, enter into a consent agreement ~~which~~ that fixes the period and terms of probation best adapted to protect the public health and safety and to rehabilitate or educate the licensee. A consent agreement may be used to terminate a complaint investigation, if entered into by the board, the licensee and the Attorney General's office;

B. In consideration for acceptance of a voluntary surrender of the license, negotiate stipulations, including terms and conditions for reinstatement, ~~which~~ that ensure protection of the public health and safety and ~~which~~ serve to rehabilitate or educate the licensee. These stipulations ~~shall~~ may be set forth only in a consent agreement signed by the board, the licensee and the Attorney General's office;

C. If the board concludes that modification or nonrenewal of the license might be in order, the board shall hold an adjudicatory hearing in accordance with the provisions of the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV; or

D. If the board concludes that suspension or revocation of the license is in order, the board shall file a complaint in the Administrative Court in accordance with Title 4, chapter 25.

The board shall require a licensee to notify all patients of the licensee of any probation or stipulation under which the licensee is practicing as a result of board disciplinary action. This requirement does not apply to any physician participating in an alcohol or drug treatment program pursuant to Title 24, section 2505, any physician who retires following charges made or complaints investigated by the board or any physician under the care of a professional and whose medical practices and services are not reduced, restricted or prohibited by the disciplinary action.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect on September 15, 1991.

Effective September 15, 1991.

CHAPTER 535

H.P. 662 - L.D. 941

An Act to Amend the Requirement that Contracts Be in Writing

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

10 MRSA c. 202-B is enacted to read:

CHAPTER 202-B

COMMERCIAL LOAN AGREEMENTS

§1146. Writing required for commercial loans

1. Writing and signature required. A borrower may not maintain an action upon any agreement to lend money, extend credit, forbear from collection of a debt or make any other accommodation for the repayment of a debt for more than \$250,000 unless the promise, contract or agreement on which the action is brought, or some memorandum or note of the promise, contract or agreement, is:

A. In writing; and

B. Signed by the party to be charged with the promise, contract or agreement, or by some person lawfully authorized to sign for the party to be charged.

2. Notice. Subsection 1 does not apply if the person to be charged with the promise, contract or agreement failed to notify the borrower that the promise, contract or agreement must be in writing for an action to be maintained.

3. Application. This section applies only to promises, contracts and agreements entered into after the effective date of this section.

See title page for effective date.

CHAPTER 536

H.P. 1057 - L.D. 1546

An Act to Amend the Unfair Trade Practices Act to Allow Consumers to Recover Damages

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

Sec. 1. 5 MRSA §213, sub-§1, as amended by PL 1983, c. 29, §2, is further amended to read:

1. Court action. Any person who purchases or leases goods, services or property, real or personal, primarily for personal, family or household purposes and thereby suffers any loss of money or property, real or personal, as a result of the use or employment by another person of a method, act or practice declared unlawful by section 207 or by any rule or regulation issued under section 207, subsection 2 may bring an action either in the Superior Court or District Court for actual damages, restitution and for such other equitable relief, including an injunction, as the court ~~may deem~~ determines to be necessary and proper. There ~~shall~~ be a right to trial by jury in any action brought in Superior Court under this section.

Sec. 2. 5 MRSA §213, sub-§1-A is enacted to read:

1-A. Settlement offer. At least 30 days prior to the filing of an action for damages, a written demand for relief,