

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION
December 12, 1991 to January 7, 1992

SECOND REGULAR SESSION
January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1992

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
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

Whereas, legislative action is immediately necessary to ensure continued and efficient administration of the Maine Income Tax Law and certain other state taxes; 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. 36 MRSA §111, sub-§1-A, as amended by PL 1991, c. 33, §1, and affected by §2, is further amended to read:

1-A. Code. "Code" means the United States Internal Revenue Code of 1986 and amendments to that Code as of December 31, ~~1990~~ 1991.

Sec. 2. Application. This Act applies to tax years beginning on or after January 1, 1991.

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

Effective March 27, 1992.

CHAPTER 755

H.P. 1410 - L.D. 2022

An Act to Clarify the Laws Related to Credit Cards

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

Sec. 1. 9-A MRSA §8-303, sub-§7, as enacted by PL 1991, c. 212, is amended to read:

7. With respect to an open-end credit plan involving a credit card offered in connection with a seller located in this State using cards displaying the name of the seller:

A. The terms of the credit card contract must comply with the laws that would apply if the seller were the creditor; or

B. The name and ~~location~~ state of the financial institution underwriting the debt must appear ~~with equal prominence in at least 10-point type on the face of the credit card with the name of the seller.~~

This subsection applies to any new credit card programs implemented after November 1, 1991 ~~or to the next re-~~

~~newal for any and takes effect on December 31, 1992 for all other credit card accounts existing at that time and programs.~~ A violation of this section constitutes a violation of Title 5, chapter 10, Unfair Trade Practices Act.

Sec. 2. 9-B MRSA §241, sub-§7, as enacted by PL 1991, c. 135, is amended to read:

7. Restrictions on use of names of Maine financial institutions on credit cards. A credit card may be titled and may have on its face the name of a financial institution authorized to do business in this State only if the terms of the credit card contract comply with the laws applicable to that financial institution. This section ~~becomes effective for~~ applies to any new credit card programs implemented after November 1, 1991 ~~or at the next renewal for any and takes effect on December 31, 1992 for all other credit card accounts existing at that time and programs.~~

See title page for effective date.

CHAPTER 756

H.P. 1569 - L.D. 2211

An Act to Amend the State's Unclaimed Property Act

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

Sec. 1. 33 MRSA §1811-A is enacted to read:

§1811-A. Property originated or issued in State

1. Presumed abandoned. All intangible property, including but not limited to securities, principal, interest, dividends or other earnings on intangible property, less any lawful charges, that is held by a business association, federal, state or local government or governmental subdivision, agency or entity or any other person or entity, regardless of where the holder may be found, is presumed abandoned and subject to the custody of this State as unclaimed property if:

A. The owner has not claimed the property or corresponded in writing with the holder concerning the property within 3 years after the date prescribed for payment or delivery by the issuer, unless the holder is a state that has taken custody pursuant to its own unclaimed property laws, in which case no additional period of holding beyond that of that state is necessary under this section;

B. The last address of the owner is unknown; and

C. The person or entity originating or issuing the intangible property is this State or any political

subdivision of this State or is incorporated, organized, created or otherwise located in this State.

2. Property governed by other laws. Subsection 1 does not apply to property that is or may be presumed abandoned and subject to the custody of this State pursuant to any other laws, including, but not limited to, sections 1804 to 1810, that contain a dormancy period different than the one established in subsection 1.

3. Application. This section applies to property held on the date of or after enactment, regardless of when the property became or becomes presumptively abandoned.

See title page for effective date.

CHAPTER 757

H.P. 1691 - L.D. 2371

An Act to Broaden Reporting of Persons Operating Vehicles under the Influence of Intoxicating Liquor or Drugs

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

Sec. 1. 29 MRSA §1312-E, as amended by PL 1985, c. 530, §2, is further amended to read:

§1312-E. Optional reporting of operators operating under the influence of intoxicating liquor or drugs

The following provisions ~~shall~~ govern the optional reporting of ~~drivers~~ operators suspected of operating under the influence of intoxicating liquor or drugs.

1. Persons who may report. If, while acting in his a professional capacity, a medical or osteopathic physician, resident, intern, emergency medical ~~services~~ services person, medical examiner, physician's assistant, dentist, dental hygienist, dental assistant or registered or licensed practical nurse knows or has reasonable cause to suspect that a person has been operating a motor vehicle, snowmobile, all-terrain vehicle or watercraft while under the influence of intoxicating liquor or drugs or a combination of liquor and drugs within the meaning of this subchapter, and that motor vehicle, snowmobile, all-terrain vehicle or watercraft has been involved in an accident, ~~he the person~~ may immediately report or cause a report to be made to a law enforcement official.

2. Immunity from liability. A person participating in good faith in reporting under this section, or in participating in a related proceeding, is immune from any criminal or civil liability for the act of reporting or participating in the proceeding. Nothing in this section may be construed to bar criminal or civil action regarding

perjury. In a proceeding regarding immunity from liability, there ~~shall be~~ is a rebuttable presumption of good faith.

3. Privileged or confidential communications. The physician-patient privileges under the Maine Rules of Evidence and the confidential quality of communication under Title 24-A, section 4224; and Title 32, section 1092-A; are abrogated in relation to required reporting or other proceeding.

See title page for effective date.

CHAPTER 758

H.P. 1477 - L.D. 2089

An Act to Amend Certain Motor Vehicle Laws

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

Sec. 1. 29 MRSA §191, sub-§1, as amended by PL 1987, c. 31, is further amended to read:

1. Plate issue year. The Secretary of State shall reserve until July 1st the same registration number for the succeeding registration year for persons who notify the Secretary of State prior to May 1st in writing of their desire to retain their registration number. The fee for retention of the same registration number is \$5.

If a person wishes to retain ~~his~~ that person's registration number and does not have a vehicle to register on July 1st, ~~he the person~~ may hold ~~his~~ that registration number for a maximum of 2 registration years by depositing with the Secretary of State the sum of \$10 for each year; except that the registered owner of an antique vehicle may reserve the antique registration assigned to that person for 4 years by depositing the sum of \$12 for each registration year. These fees are not refundable and ~~shall may~~ not be applied as part payment of the registration fee.

All numbers other than those reserved ~~shall must~~ be released and issued in rotation after July 1st, except that a person wishing to select a number out of rotation may do so by paying ~~his~~ the registration fee and a reserved number fee of \$5.

Holders of initial plates shall pay the sum of \$15 which ~~shall must~~ be credited toward renewal of the initial plates reserved.

Sec. 2. 29 MRSA §191, sub-§2, as repealed and replaced by PL 1985, c. 725, Pt. H, §2, is amended to read:

2. Nonplate issue year. When a person fails to reregister during a nonplate issue year and the registra-