

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

9-D. Pedestrian. "Pedestrian" means a person on foot or an operator of a wheelchair or a 4-wheeled or 3-wheeled motorized wheelchair.

Sec. 3. 29 MRSA §253, as amended by PL 1987, c. 415, §7, is repealed.

See title page for effective date.

CHAPTER 58

H.P. 83 - L.D. 113

An Act to Create a Program to Promote the Purchase of State-grown Produce by Needy Persons

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

Whereas, it is important that all people have easy access to fresh and nutritious food; and

Whereas, promoting the purchase of state-grown produce by those who are nutritionally deprived will benefit the consumer who may as a result eat more and fresh produce and also Maine farmers, food processors and food outlets; and

Whereas, unless this legislation is enacted as an emergency measure, the program may not be available for the 1993 harvest; 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. 7 MRSA c. 101, sub-c. II-B is enacted to read:

SUBCHAPTER II-B

STATE-GROWN PRODUCE PROGRAM

§471. Farmers' Market Program

The department, in cooperation with the Commissioner of Human Services or the commissioner's designee, shall adopt rules to institute and administer a program to promote the purchase of state-grown and processed food products at local farmers' markets and farmstands by nutritionally at-risk groups.

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

Effective April 15, 1993.

CHAPTER 59

S.P. 65 - L.D. 127

An Act to Amend the Laws Related to Pawn Transactions

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

Sec. 1. 30-A MRSA §3960 is enacted to read:

§3960. Definitions

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

1. Pawn transaction. "Pawn transaction" means the lending of money on the security of pledged tangible personal property. The term also includes the purchase of tangible personal property on the condition that it may be repurchased by the seller for a fixed price within a fixed period of time.

2. Pawnbroker. "Pawnbroker" means a person who engages in pawn transactions.

Sec. 2. 30-A MRSA §3962, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

§3962. Account of business done and disclosure to consumer

1. Account kept. Every pawnbroker shall ~~keep a book~~ maintain records in which the pawnbroker shall enter:

A. The date, duration, amount ~~and~~ periodic rate of interest and annual percentage rate of every loan that is made;

A-1. The finance charge, due dates for payment and the total payment needed to redeem or repurchase the pawned property;

B. An accurate account and description of the property pawned; ~~and~~

B-1. The terms of redemption or repurchase, including any reduction in the finance charge for early redemption or repurchase and the right of the con-

sumer to at least one extension of 31 days at the same rate of interest upon request in writing or in person; and

C. The name and residence of the pawner consumer.

The pawnbroker shall allow the municipal officers to inspect ~~this book~~ these records at all reasonable times.

2. Delivery to consumer. At the same time of the pawnbroker makes the entry required by subsection 1 for any pawn transaction, the pawnbroker shall deliver to the pawner consumer a signed, written memorandum disclosure complying with the truth-in-lending provisions of the Maine Consumer Credit Code, containing the substance of that entry items required by subsection 1 and the name and address of the pawnbroker.

3. List filed with law enforcement agency. Before the 15th day of every month, the pawnbroker shall file with the municipal clerk a list of the entries required under subsection 1 that were made law enforcement agency of jurisdiction, in a form acceptable to that agency, a summary of the pawn transactions entered into during the preceding calendar month. This list shall be available for public inspection:

4. Violation. Any pawnbroker who violates A violation of this section commits a civil violation for which a forfeiture of \$20 may be adjudged for each offense constitutes a violation of Title 9-A, section 5-201, subsection 1, subject to the civil remedies of the Maine Consumer Credit Code, and constitutes a violation of the Maine Unfair Trade Practices Act.

Sec. 3. 30-A MRSA §3963, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is repealed and the following enacted in its place:

§3963. Pawn transaction terms

1. Maximum finance charge established. A pawnbroker may not directly or indirectly receive a finance charge of greater than 25% per month on that part of a loan that is \$500 or less, nor more than 20% per month on that part of a loan that is more than \$500, made upon property pawned. Accrued interest may not be incorporated as interest-bearing principal.

2. Minimum finance charge authorized. Notwithstanding subsection 1, a pawnbroker may contract for and receive a minimum charge of not more than \$2.50.

3. Other charges prohibited. A pawnbroker may not charge a fee in addition to a finance charge allowed under subsections 1 and 2.

4. Time period. The initial redemption or repurchase period of a pawn transaction, not including an extension under subsection 5, may not exceed 60 days.

5. Extension required upon request. A consumer is entitled to at least one extension of the pawn transaction of 31 days at the same rate of interest upon request in writing or in person.

6. Violation. A violation of this section constitutes a violation of Title 9-A, section 5-201, subject to the civil remedies of the Maine Consumer Credit Code, and constitutes a violation of the Maine Unfair Trade Practices Act.

Nothing in this section prohibits a pawnbroker from charging a consumer a lower rate of interest than established by this section.

Sec. 4. 30-A MRSA §3964, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is repealed.

Sec. 5. 30-A MRSA §3964-A is enacted to read:

§3964-A. Regulation of pawnbrokers

1. Exemption from state license. A pawnbroker licensed by a municipality pursuant to section 3961 is not required to obtain a supervised lender's license pursuant to Title 9-A, section 2-301 in order to engage in pawn transactions.

2. Application of law. Pawnbrokers are subject to Title 9-A, sections 6-104, 6-106, 6-202 and 6-203.

3. Model forms. The Superintendent of Consumer Credit Protection may issue model disclosure forms and clauses to facilitate compliance with the disclosure and computational requirements of this subchapter, pursuant to the truth-in-lending provisions of the Maine Consumer Credit Code.

Sec. 6. 30-A MRSA §3965, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is repealed.

See title page for effective date.

CHAPTER 60

H.P. 190 - L.D. 253

An Act Concerning Maine Wineries and Microbreweries

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

Whereas, current law does not allow tasting tours in small breweries, nor does current law allow ordering by mail of malt liquor and wine for personal use; and