

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

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 C, §§8 and 10, is repealed and the following enacted in its place: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

Whereas, unless these changes are effectuated immediately, businesses, especially seasonal businesses, will lose a valuable economic opportunity; 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. 28-A MRSA §1355, sub-§2, ¶A-1 is enacted to read:

A-1. A holder of a small Maine brewery license may permit sampling of the malt liquor product on the premises for the following purposes.

(1) Employees may sample the product for the purpose of quality control of the product.

(2) Wholesalers and retailers may sample the product for the purpose of determining whether to carry the product as a wholesale or retail product, provided that the holder of the small Maine brewery license pays the excise tax on the product sampled according to section 1652.

(3) The public may sample the product in conjunction with a tour of the brewery's facilities, provided that:

(a) The holder of the small Maine brewery license pays the excise tax on the product according to section 1652; and

(b) Minors are not permitted to consume any product with an alcohol content greater than 1/2 of 1%.

Sec. 2. 28-A MRSA §2077-A is enacted to read:

§2077-A. Interstate reciprocal shipping of malt liquor and wine

1. Receipt. Notwithstanding section 2077, a person may apply to the commission and be issued a permit to receive, for personal use and not for resale, a shipment of malt liquor or wine from another state. For receipt of each shipment the following requirements must be satisfied.

A. The receiver may not be under 21 years of age.

B. The total amount of malt liquor received may not exceed 2.4 gallons per month per individual,

and the total amount of wine received may not exceed 2.4 gallons per month per individual.

C. The receiver may not be a licensee or licensed establishment.

D. The receiver must obtain a \$5 permit for every shipment of malt liquor that is received and a \$10 permit for every shipment of wine that is received.

2. Shipment. Notwithstanding section 2077, a person who lives in a state that affords Maine residents an equal reciprocal shipping privilege may ship, for personal use and not for resale, malt liquor or wine. For each shipment the following requirements must be satisfied.

A. The producer and shipper must be unlicensed in Maine.

B. The product must be one that is not normally for sale in the State to licensees, and the product must be clearly identified by label.

C. Brokers within the State may not solicit consumers to engage in interstate reciprocal malt liquor and wine shipments under this section.

D. Shippers located outside the State may not advertise interstate malt liquor and wine shipments in the State.

E. The product must be delivered by a common carrier. The carrier is authorized to make delivery of the shipment to the person named in the permit, as prescribed by subsection 1, paragraph D, after the receiver presents the carrier with the permit and proof of identification.

F. Shipments must be made in accordance with rules adopted by the commission.

It is not the intent of this section to impair distribution of malt liquor and wine through distributors or importing distributors, but only to permit shipments of malt liquor and wine for personal use.

Sec. 3. 28-A MRSA §2077-A, sub-§3 is enacted to read:

3. Penalty. Any person who procures or in any way assists in procuring, furnishing, giving or delivering liquor for or to a minor is in violation of section 2081.

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

Effective April 15, 1993.