

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

6. Instructor training. Each instructor providing instruction in an approved alcohol server education course shall biennially attend a seminar on the liquor laws of the State provided by an employee of the Bureau of Liquor Enforcement. There is a \$5 fee for the seminar to offset expenses incurred in carrying out this subsection. The instructor of each seminar provided shall supply the Bureau of Liquor Enforcement with the name, address and telephone number of each attendant.

7. Course accountability. The Director of the Bureau of Liquor Enforcement may appoint an employee of the bureau to monitor each alcohol server education course to ensure that the course presents proper training and meets the approved criteria. The Bureau of Liquor Enforcement shall maintain a record of the participants who have completed an alcohol server training course. Each instructor of an approved course shall provide the Director of the Bureau of Liquor Enforcement with the names, addresses, dates of birth and social security numbers of students who complete the course and the date of completion. The instructors shall forward \$3 of the \$28 enrollment fee to the Bureau of Liquor Enforcement for every name submitted. The amounts collected must be retained by the Bureau of Liquor Enforcement to cover costs incurred in carrying out this subsection.

8. Alcohol server education courses; approval; suspension; revocation. The Commissioner of Public Safety may refuse to issue or renew approval for an alcohol server education course. The Commissioner of Public Safety may suspend or revoke approval for an alcohol server education course upon the recommendation of the advisory committee after reviewing the report of the monitor. The following are grounds for an action to refuse to issue or renew approval or to suspend or revoke approval.

A. The advisory committee finds that an alcohol server education course does not meet the criteria listed in subsection 3 or specific criteria determined by the committee.

B. The course, when presented, does not follow specific criteria determined by the advisory committee before issuance of approval.

C. The instructor of the course does not provide information or access to the monitor as required by subsection 7.

D. Fraud or deceit is used to obtain course approval or in providing the course or issuing certificates.

A person aggrieved by a decision of the Commissioner of Public Safety to refuse to issue or renew approval or to suspend or revoke approval for an alcohol server edu-

cation course may, within 30 days of receipt of that decision, appeal the decision to the Administrative Court.

See title page for effective date.

CHAPTER 267

S.P. 184 - L.D. 620

An Act to Clarify What Constitutes an Emergency Regarding Disconnection of Utility Service for the Emergency Assistance Program

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

Sec. 1. 22 MRSA §3761, 2nd ¶, as enacted by PL 1983, c. 477, Pt. E, sub-pt. 9, §1, is amended to read:

This program shall provide benefits to needy families with children in emergency situations in which the family is deprived of the basic necessities essential to their support, including, but not limited to, utility terminations, lack of adequate shelter, fire and other natural disasters. In determining what constitutes an emergency with respect to utility terminations, the department shall grant assistance when an otherwise qualified family has received a disconnection notice and has exhausted their ability to negotiate and pay the terms of a reasonable payment arrangement. The program shall may not be used to supplant local responsibility for operating or funding a general assistance program.

See title page for effective date.

CHAPTER 268

S.P. 177 - L.D. 591

An Act Related to Mortgage Companies

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

Sec. 1. 9-A MRSA §6-203, sub-§2, as amended by PL 1987, c. 590, is further amended to read:

2. Persons required to file notification who are sellers, lessors or lenders shall pay an additional fee, at the time and in the manner stated in subsection 1, of \$25 for each \$100,000, or part thereof, of the original unpaid balances arising from consumer credit transactions, ~~except those secured by an interest in land in which the rate of finance charge disclosed is 12 1/4% or less, and which are not variable rate transactions in which the annual percentage rate has the capacity to exceed 12 1/4%~~

~~during the term of the transaction~~, entered into in this State within the preceding calendar year and held either by the seller, lessor, or lender for more than 30 days after the inception of the sale, lease or loan giving rise to the obligations, or by an assignee who has not filed notification. A refinancing of a sale, lease or loan resulting in an increase in the amount of an obligation is considered a new sale, lease or loan to the extent of the amount of the increase.

Sec. 2. 9-A MRSA §6-203, sub-§§3-A and 3-B are enacted to read:

3-A. Notwithstanding subsections 2 and 3, lenders who are supervised financial organizations shall pay a volume fee of \$20 for each \$100,000, or part thereof, of the original unpaid balances arising from or taken by assignment from consumer credit transactions entered into in this State during the previous calendar year.

3-B. Notwithstanding subsections 2 and 3, lenders who are supervised lenders making loans secured by an interest in land shall pay a volume fee of \$15 for each \$100,000, or part thereof, of the original unpaid balances arising from consumer credit transactions entered into in this State during calendar year 1993 and \$20 per \$100,000 of such balances from transactions entered into in 1994 and subsequent calendar years.

Sec. 3. Report. The Superintendent of the Bureau of Consumer Credit Protection shall report to the Joint Standing Committee on Banking and Insurance on or before January 1, 1995 on the following issues: changing economic conditions; the portion of staff time expended relative to various categories and sizes of business on complaint resolution, product review, consumer education and enforcement activities; the need for maintenance of adequate reserves without retention of excessive carryover balances; and the bureau's administrative expenses in relation to the various categories and transaction volumes of lenders, lessors, sellers and assignees.

See title page for effective date.

CHAPTER 269

S.P. 363 - L.D. 1120

An Act to Amend the Law Regarding Rate Setting at Residential Treatment Centers

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

Sec. 1. 22 MRSA §8152, sub-§4, as repealed and replaced by PL 1987, c. 432, §1, is amended to read:

4. Interim rate. If a residential treatment center has substantially complied with subsection 3, paragraph A, and if the State has not offered, in good faith, a contract to a residential treatment center by July 1st of each year, services ~~which that~~ are currently being provided by that residential treatment center ~~shall~~ **must** be paid at a rate equal to the rate established immediately prior to July 1st of each year, increased or decreased by the ~~most current wage and price index established by Data Resources, Inc~~ annual inflation rate as measured by the most recent Consumer Price Index for all Urban Consumers (CPI-U) All Items, published by the United States Department of Labor. This interim rate ~~shall remain~~ remains in effect for a residential treatment center until the State offers that residential treatment center a contract. The rate ~~shall~~ **must** then return to the level established immediately prior to July 1st of each year until a negotiated contract has been signed by both parties.

See title page for effective date.

CHAPTER 270

H.P. 776 - L.D. 1049

An Act to Permit the Inclusion of Occupational Injury as a Reportable Condition under the Occupational Disease Reporting System

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

Sec. 1. 22 MRSA §1491, as enacted by PL 1985, c. 452, §1, is amended to read:

§1491. Occupational disease reporting

As used in this chapter the term "occupational disease" means any abnormal condition or disorder, ~~other than resulting from an occupational injury~~ including an occupational injury, caused by exposure to environmental factors associated with employment. Occupational diseases ~~shall~~ include the following: Asbestosis; mesothelioma; silicosis; and exposure to heavy metals. Reporting of other occupational diseases may be required only by departmental rules.

See title page for effective date.

CHAPTER 271

H.P. 980 - L.D. 1311

An Act to Change the Railroad Fire Protection Laws