

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1993

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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arises out of home repair services during the 4 years prior to making the application, all criminal and civil suits pending against the seller that arise out of home repair services and all criminal convictions and criminal suits pending for theft against the seller.

The seller shall promptly notify the department of all changes or additions in the information required by this section.

Knowingly, intentionally or recklessly making a false statement in an application is grounds for denial of the application or revocation of the registration; and

**4. Photograph.** A recent photograph of the home repair seller.

#### **§14508. Renewal application**

An annual renewal application must be filed by the seller on October 31st or at such other times as the department designates. The renewal application must include changes or additions to the information required by section 14507. The department shall mail notice to the transient seller's last known address 30 days in advance of the expiration date. The renewal application must be accompanied by a renewal fee, as provided in section 14509.

#### **§14509. Registration fee**

A transient seller must pay to the department the following fees at the time an application is made for registration or renewal:

**1. Transient seller registration.** For an original transient seller of home repair services registration, \$100; and

**2. Renewal.** For a renewal application, \$75.

The aggregate of fees provided for by this section is appropriated for the use of the department. Any balance of funds may not lapse but must be carried forward to be expended for the same purposes in the following fiscal year.

#### **§14510. Service of process**

The department is an agent of a transient seller of home repair services engaging in those services for service of any process, notice or demand required or permitted by law. This service is binding upon the seller. Service of any such process, notice or demand must be made as provided by the Maine Rules of Civil Procedure.

#### **§14511. Forms and model contract**

The Department of the Attorney General has rule-making authority to adopt all forms necessary to fully

implement this chapter. The Department of the Attorney General shall prepare a form contract for door-to-door sales, that fully meets the obligations of a transient seller of home repair services under this chapter. The Department of the Attorney General shall provide these forms at no cost to the department.

#### **§14512. Penalties**

**1. Criminal penalty.** A transient seller of home repair services who engages in those services in violation of this chapter commits a Class D crime.

**2. Civil penalty.** A transient seller of home repair services or the seller's employee failing to register in violation of this chapter commits a civil violation for which a civil penalty of up to \$2,000 may be adjudged against the seller and each employee. If the person violates this chapter 2 or more times, or if the injured consumer is more than 60 years of age, the civil violation penalty may be up to \$5,000. Subsection 1 and this subsection are enforceable by either the Department of the Attorney General or the District Attorney.

**3. Unfair trade practice.** A transient seller of home repair services who fails to register in violation of this chapter commits an unfair trade practice in violation of Title 5, section 207.

**4. Revocation.** In any action under this section the court may also revoke the seller's registration to engage in the door-to-door sale of home repair services.

See title page for effective date.

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## **CHAPTER 445**

### **H.P. 845 - L.D. 1150**

#### **An Act to Promote Electronic Transfer of Funds and Other Information System Improvements in State Government**

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

**Sec. 1. 5 MRSA §1543, first ¶,** as repealed and replaced by PL 1979, c. 312, §3, is amended to read:

~~No money shall~~ Money may not be drawn from the State Treasury; except in accordance with appropriations duly authorized by law. Every disbursement from the State Treasury ~~shall~~ must be upon the authorization of the State Controller and the Treasurer of State, as evidenced by their facsimile signatures, except that the Treasurer of State may authorize interbank and intrabank transfers for purposes of pooled investments. Disbursements ~~shall~~ must be in the form of a check or an electronic transfer of funds against a designated bank or trust

company acting as a depository of the State Government.

**Sec. 2. Electronic transfer of cash assistance payments.** By January 1, 1995, the Department of Human Services shall give recipients of all cash assistance programs the option of receiving the cash assistance through an electronic transfer of funds. Cash assistance programs include, but are not limited to, Aid to Families with Dependent Children, Additional Support for People in Retraining and Education and child support collection payments. The Department of Human Services shall phase in as soon as possible, but not later than July 1, 1995, the use of electronic transfer technology to reimburse municipalities for all general assistance money owed under the Maine Revised Statutes, Title 22, chapter 1161.

**Sec. 3. Electronic transfer of retirement benefits.** By January 1, 1995, the Maine State Retirement System shall make available payments to beneficiaries through electronic transfers of funds. Retirement beneficiaries who take advantage of the electronic transfer option do not receive a monthly statement of benefit transfers, but must receive at least an annual summary statement of benefits transferred and a statement whenever there is a change in their benefits.

**Sec. 4. Automation of functions in the Department of Human Services.** The Department of Human Services shall accept the highest possible federal match to implement enhanced computer technology in the Medicaid program that reduces to the greatest extent practicable paper claims from Medicaid providers and creates an instantaneous data base of Medicaid claims information. The Department of Human Services shall accept the highest possible federal match to automate eligibility functions in income maintenance programs. The Department of Human Services shall phase in these technological improvements as soon as possible and shall implement a single eligibility process for its income maintenance programs within 6 months of implementation of the technological improvements.

See title page for effective date.

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## CHAPTER 446

### H.P. 1038 - L.D. 1390

#### An Act to Strengthen the Public Disclosure of Lobbying Activities

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; 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:**

#### PART A

**Sec. A-1. 3 MRSA §312-A, sub-§1**, as enacted by PL 1983, c. 160, §1, is amended to read:

**1. Campaign fund raising activity.** "Campaign fund raising activity" means any event or solicitation by letter or any other means ~~which that~~ is held for the purpose of receiving contributions ~~or moneys~~ for a political party, political committee, political action committee, candidate for political office in any primary or election, any elected official or a referendum committee.

**Sec. A-2. 3 MRSA §312-A, sub-§1-A** is enacted to read:

**1-A. Campaign contribution.** "Campaign contribution" is a contribution, as defined in Title 21-A, section 1012, subsection 2.

**Sec. A-3. 3 MRSA §312-A, sub-§4**, as amended by PL 1987, c. 816, Pt. KK, §4, is further amended to read:

**4. Compensation.** "Compensation" means ~~money, service or anything of value or financial benefit which that~~ is received or to be received in return for, or in connection with, services rendered or to be rendered. ~~For purposes of the annual report filed pursuant to section 317, subsection 2, "compensation" includes any money, anything of value or any financial benefit received as a retainer by a lobbyist or the lobbyist's firm.~~

**Sec. A-4. 3 MRSA §312-A, sub-§7**, as enacted by PL 1983, c. 160, §1, is repealed and the following enacted in its place:

**7. Expenditure.** "Expenditure" means anything of value or any contract, promise or agreement to transfer anything of value, whether or not legally enforceable. Expenditure includes:

A. Any campaign contribution that is provided to a Legislator between the time a Legislator is sworn into office for the first regular session of the Legislature and the end of the second regular session;