

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**SECOND REGULAR SESSION**

**January 5, 1994 to April 14, 1994**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 14, 1994**

**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**

**7. Refuse filing.** The Secretary of State, in the Secretary of State's discretion, may refuse to file a name that:

A. Consists of or comprises language that is obscene, contemptuous, profane or prejudicial;

B. Inappropriately promotes abusive or unlawful activity; or

C. Falsely suggests an association with public institutions.

**Sec. 7. 31 MRSA §403, sub-§5** is enacted to read:

**5. Refuse filing.** The Secretary of State, in the Secretary of State's discretion, may refuse to file a name that:

A. Consists of or comprises language that is obscene, contemptuous, profane or prejudicial;

B. Inappropriately promotes abusive or unlawful activity; or

C. Falsely suggests an association with public institutions.

**Sec. 8. 31 MRSA §497, sub-§4**, as enacted by PL 1991, c. 552, §2 and affected by §4, is amended to read:

**4. Penalty.** The Secretary of State may fine any foreign limited partnership doing business in this State without first having been granted the authority to do business in this State \$750 for each year or part of a year during which the foreign limited partnership failed to obtain authority to do business in this State.

**Sec. 9. 33 MRSA §1905, sub-§2, ¶A**, as enacted by PL 1989, c. 502, Pt. A, §121, is amended to read:

A. Cause a certificate of release or nonattachment to be marked, held and indexed as if the certificate were a termination statement within the meaning of the Uniform Commercial Code; ~~Title 11, but the notice of lien to which the certificate relates may not be removed from the files; and~~

**Sec. 10. 33 MRSA §1905, sub-§4**, as enacted by PL 1989, c. 502, Pt. A, §121, is amended to read:

**4. Filing; fees.** Upon the written request of any person, the Secretary of State shall issue a certificate showing whether there is on file, on the date and hour stated in the request, any notice of lien or certificate or notice affecting any lien filed under this chapter naming a particular person and, if a notice or certifi-

cate is on file, giving the date and hour of filing of each notice or certificate. The fee for ~~a certificate certification~~ is ~~\$5~~ \$10, plus 50¢ for each page of the certificate after the first page. Upon request, the Secretary of State shall furnish a copy of any notice of federal lien, or notice or certificate affecting a federal lien, for a fee of ~~\$1~~ \$2, plus 50¢ for each page of the copy after the first page.

**Sec. 11. 33 MRSA §1906**, as enacted by PL 1989, c. 502, Pt. A, §121, is amended to read:

#### **§1906. Fees**

Applicable fees ~~shall be~~ are governed by ~~section 751, subsection 8 and~~ Title 5, section 86.

See title page for effective date.

## **CHAPTER 617**

### **S.P. 619 - L.D. 1721**

#### **An Act to Amend the Laws that Deal with the Protection of Natural Resources**

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

**Sec. 1. 38 MRSA §480-Q, sub-§2**, as amended by PL 1989, c. 430, §6, is further amended to read:

**2. Maintenance and minor repair.** Maintenance and minor repair of structures in ~~fragile mountain areas, or to structures above the high water line causing no additional intrusion of an existing structure into the great pond, river, stream or brook, wetland or sand dune; and maintenance and, on, over or adjacent to a protected natural resource and maintenance and minor repair of private crossings of a river, stream or brook, provided that if:~~

A. Erosion control measures are taken to prevent sedimentation of the water;

B. The crossing does not block fish passage in the water course; ~~and~~

C. There is no additional intrusion into the ~~river, stream or brook~~ protected natural resource; and

D. The dimensions of the repaired structure do not exceed the dimensions of the structure as it existed 18 months prior to the repair.

For the purposes of this subsection, the term "minor repair" means an activity that requires fixing or restoring less than 50% of a structure;

**Sec. 2. 38 MRSA §480-Q, sub-§2-B** is enacted to read:

**2-B. Floating docks.** Replacement of a floating dock with another floating dock if the dimensions of the replacement dock do not exceed those of the dock being replaced and the configuration of the replacement dock is the same as the dock being replaced. In any action brought by the department against a person claiming an exemption under this subsection, the burden is on that person to demonstrate that the replacement dock satisfies the requirements of this subsection;

**Sec. 3. Rules.** The Board of Environmental Protection shall amend its permit-by-rule performance standards as necessary to allow a person to replace, within a reasonable time and without an individual permit under the natural resources protection laws, a dock, wharf or pier that was destroyed or rendered substantially useless by acts of nature. Those amendments to the permit-by-rule performance standards must take effect by January 1, 1995 and must:

**1. Eligible replacements.** Allow the replacement of a dock, wharf or pier under permit-by-rule performance standards if:

A. Restoring the dock, wharf or pier to its condition prior to the damage requires fixing, restoring or replacing more than 50% of the dock, wharf or pier;

B. The dock, wharf or pier was destroyed or rendered substantially useless by one or more acts of nature within 18 months prior to the date the application for a permit by rule was submitted;

C. The same method of construction is used for the replacement dock, wharf or pier as was used for the dock, wharf or pier that was destroyed or rendered useless; and

D. The dimensions of the replacement dock, wharf or pier do not exceed the dimensions of the dock, wharf or pier as it existed 18 months prior to the repair; and

**2. Must file within 18 months.** Allow a person to replace a dock, wharf or pier under permit-by-rule performance standards if that person files a permit-by-rule application within 18 months after the date on which the dock, wharf or pier was destroyed or rendered substantially useless.

A permit by rule obtained pursuant to this section and rules adopted under this section is valid for 3 years from the date of filing.

See title page for effective date.

## CHAPTER 618

S.P. 620 - L.D. 1722

### An Act to Promote Economic and Employment Growth in the Financial Services Sector

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

**Sec. 1. 9-A MRSA §2-402, sub-§§3 and 4,** as amended by PL 1987, c. 129, §44, are further amended to read:

**3.** ~~The~~ Except with respect to loans made pursuant to a lender credit card, the charge earned in each billing cycle shall may not exceed the greater of the product of the average daily balance times the number of days in the billing cycle times .049315% or, if the billing cycle is monthly, 1 1/2% of the amount pursuant to subsection 2. A billing cycle is monthly if the closing date of the cycle is the same date each month or does not vary by more than 4 days from the regular date.

**4.** With respect to loans made pursuant to a lender credit card, except for cash advances, and except when there is an outstanding balance from the prior billing cycle, no finance charge may be imposed on purchases or leases of goods or services purchased during the billing cycle, provided that they are paid for not later than 25 days after the closing date of the billing cycle in which the purchase or lease occurred.

**Sec. 2. 9-A MRSA §2-402, sub-§5** is enacted to read:

**5.** With respect to loans made pursuant to a lender credit card, a creditor may not impose a finance charge if it is in excess of that set forth in the agreement between the consumer and the creditor.

**Sec. 3. 9-A MRSA §2-501, sub-§1, ¶E,** as amended by PL 1987, c. 129, §45, is further amended to read:

E. An annual charge, ~~not to exceed \$12 on each account,~~ for the privilege of using a lender credit card; ~~and~~

**Sec. 4. 9-A MRSA §2-501, sub-§1, ¶F,** as enacted by PL 1987, c. 129, §45, is amended to read: