

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.

J.S. McCarthy Company
Augusta, Maine
1993

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:

F. Charges authorized as permissible additional charges by rule adopted by the administrator, for other benefits conferred on the consumer, if the benefits are of value to ~~him~~ the consumer and if the charges are reasonable in relation to the benefits or of a type that is not for credit; and

Sec. 5. 9-A MRSA §2-501, sub-§1, ¶G is enacted to read:

G. A late fee on credit card accounts, not to exceed the lesser of \$10 or 5% of the unpaid amount of the installment, on an installment not paid in full within 15 days after its scheduled or deferred due date.

See title page for effective date.

CHAPTER 619

H.P. 1278 - L.D. 1726

An Act to Modify the Workers' Compensation Board Assessment

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

Whereas, the Maine Revised Statutes, Title 39-A, section 154, requires an assessment on workers' compensation insurers to fund the operations of the Workers' Compensation Board; and

Whereas, the Legislature intended that the assessment be a direct pass through to state employers such that insurers would suffer no financial loss as a result of the assessment; and

Whereas, the implementation of the assessment by the Workers' Compensation Board has caused workers' compensation insurers to suffer financial loss; and

Whereas, the next assessment is due to be levied by May 1, 1994 and paid by June 1, 1994, prior to the effective date of nonemergency legislation enacted in the Second Regular Session; 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. 5 MRSA §1737, sub-§4, as enacted by PL 1993, c. 470, §9, is amended to read:

4. Directed services. Notwithstanding the provisions of subsection 2, the director may provide insurance advice or services for family foster homes as defined in Title 22, section 8101, subsection 3; respite care providers as defined in Title 34-B, section 6201, subsection 2-A; the Casco Bay Island Transit District created by Private and Special Law 1981, chapter 22; the University of Maine System; the Maine Technical College System; ~~and~~ the Maine Maritime Academy; and the State's service delivery areas designated under the federal Job Training Partnership Act, Public Law 97-300, as amended.

Sec. 2. 39-A MRSA §154, sub-§3, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is repealed and the following enacted in its place:

3. Assessment on workers' compensation insurance. The following provisions apply regarding the Workers' Compensation Board assessment on workers' compensation insurance.

A. Every insurance company or association that writes workers' compensation insurance in the State and that does business or collects premiums or assessments in the State shall pay to the board the assessment determined pursuant to this section for the purpose of providing partial support and maintenance of the board.

B. The assessment must be a percentage of gross direct premiums written, whether in cash or in notes absolutely payable on contracts written on risks located or resident in the State for workers' compensation insurance, less the amount of the direct return premiums on the gross direct premiums written and all dividends paid to policyholders on direct workers' compensation premiums. In determining the assessment, consideration must be given to the balance in the Workers' Compensation Board Administrative Fund.

C. The assessment must be determined by the board by May 1st of each year. Insurance companies or associations must begin collecting the assessment from all employers on July 1st of each year.

D. Every insurance company or association subject to the assessment imposed by this section with an annual assessment of over \$5,000 must on or before the last day of each January, each April, the 25th day of each June and the last day of each October file with the board on forms prescribed by the board a return for the quarter