

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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
1995

Sec. 2. 17-A MRSA §1152, sub-§2, ¶H, as enacted by PL 1989, c. 502, Pt. D, §12, is amended to read:

H. A county jail reimbursement fee as authorized by chapter 54-B; or

Sec. 3. 17-A MRSA §1152, sub-§2, ¶I is enacted to read:

L. A specified number of hours of community service work as authorized by chapter 54-C.

Sec. 4. 17-A MRSA c. 54-C is enacted to read:

CHAPTER 54-C

COMMUNITY SERVICE WORK

§1345. Community service work

1. An offender convicted of a Class D or Class E crime may be sentenced to perform a specified number of hours of community service work for the benefit of the State, a county, a municipality, a school administrative district or other public entity, a charitable institution or other entity approved by the court.

2. An offender who has been sentenced to perform community service work and fails to complete the work within the time specified by the court must be returned to the court for further disposition.

3. The Division of Probation and Parole is not responsible for supervision of community service work pursuant to this section.

See title page for effective date.

CHAPTER 137

S.P. 18 - L.D. 49

An Act to Create Additional Employment Opportunities in the Financial Services Industry by Allowing Financial Organizations to Charge Additional Finance Charges

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

Whereas, several large credit card issuing companies are considering their expansion plans at this time; and

Whereas, Maine's current laws regarding credit cards may not attract these companies; and

Whereas, the changes to the credit card laws proposed by this legislation may help these nationally known companies decide to locate expansions or new operations in Maine, which will result in many new jobs; 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. 9-A MRSA §1-110, first ¶, as enacted by PL 1981, c. 218, is amended to read:

Notwithstanding the provisions of ~~Sections Section 501 and 521 to 523~~ of the United States Depository Institutions Deregulation and Monetary Control Act of 1980, Public Law 96-221, the Legislature declares that the maximum finance charges established in article II ~~shall~~ apply to:

Sec. 2. 9-A MRSA §1-110, sub-§1, as amended by PL 1987, c. 129, §2, is further amended to read:

1. Consumer credit transactions involving manufactured housing as defined in section 1-301, subsection 23-A; and

Sec. 3. 9-A MRSA §1-110, sub-§2, as amended by PL 1993, c. 134, §1, is repealed.

Sec. 4. 9-A MRSA §2-402, sub-§4, as amended by PL 1993, c. 618, §1, is further amended to read:

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 at the beginning of a 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. 5. 9-A MRSA §2-501, sub-§4 is enacted to read:

4. In addition to or in lieu of interest at a periodic rate or rates as provided in section 2-402, and in addition to any other charges permitted under this Act, a supervised financial organization may, if the agreement with the consumer governing an open-end

credit plan involving the use of a lender credit card so provides, charge and collect as an additional finance charge or interest, in such manner or form as the plan may provide, one or more of the following:

A. A daily, weekly, monthly, annual or other periodic charge in such amount as the agreement may provide for the privileges made available to the consumer under the plan;

B. A transaction charge or charges in such amount or amounts as the agreement may provide for each separate purchase or loan under the plan;

C. A minimum charge for each daily, weekly, monthly, annual or other scheduled billing period under the plan during any portion of which there is an outstanding, unpaid indebtedness under the plan;

D. Reasonable fees for services rendered or for reimbursement of expenses incurred in good faith by the creditor or its agents in connection with the plan, or other reasonable fees incident to the application for and the opening, administration and termination of the plan, including, without limitation, commitment, application and processing fees, official fees and taxes, and filing fees, but excluding costs of collections after default, other than reasonable attorney's fees not in excess of 15% of the unpaid debt incurred in connection with a legal action brought by an attorney who is not a salaried employee of the creditor;

E. A late or delinquency charge upon any outstanding, unpaid installment payments or portions of those payments under the plan that are not paid in full within 15 days after the scheduled or deferred due date;

F. Return-payment charges;

G. Documentary evidence charges;

H. Stop-payment fees;

I. Over-the-limit charges; and

J. Automated teller machine charges or similar electronic or interchange fees or charges.

This subsection does not apply to open-end credit plans secured by a consumer's principal dwelling or by any 2nd or vacation home of the consumer.

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

Effective May 22, 1995.

CHAPTER 138

S.P. 102 - L.D. 242

An Act to Increase the Bonding Limits of the Maine Turnpike Authority

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

Sec. 1. 23 MRSA §1968, as amended by PL 1993, c. 410, Pt. MM, §7, is repealed and the following enacted in its place:

§1968. Issuance of bonds

The authority may issue bonds as follows.

1. Turnpike revenue bonds. The authority may provide by resolution from time to time for the issuance of turnpike revenue bonds, including notes or other evidences of indebtedness or obligations defined to be bonds under this chapter, but not exceeding \$116,000,000 in the principal amount at any one time outstanding exclusive of refundings, for any purpose described in section 1969, subsection 1.

2. Bonds for construction and reconstruction of interchanges. In addition to bonds outstanding pursuant to subsection 1, the authority may provide by resolution from time to time for the issuance of turnpike revenue bonds, including notes or other evidences of indebtedness or obligations defined to be bonds under this chapter, but not exceeding \$40,000,000 in principal amount at any one time outstanding exclusive of refundings, to pay the cost, or a portion of the cost, of constructing or reconstructing interchanges. Construction or reconstruction costs of interchanges paid for with bonds in accordance with this subsection must be determined by the Department of Transportation and the authority to have a sufficient relationship to the public's use of the turnpike and the orderly regulation and flow of traffic on the turnpike in accordance with section 1974, subsection 3. New interchanges paid for with bonds in accordance with this subsection must be located in the Portland-Westbrook segment, the Lewiston-Auburn-Sabattus segment, or the Gray-New Gloucester segment of the turnpike.

3. Bonds; negotiable; not debt of State. The bonds of the authority do not constitute a debt of the State or of any agency or political subdivision of the