

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

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4

J.S. McCarthy Company
Augusta, Maine
1995

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

State and are payable solely from the operating revenues of the turnpike. Notwithstanding any provision of law, any bonds issued pursuant to this chapter are fully negotiable. If any of the members or officers of the authority whose signatures appear on the bonds or coupons cease to be members or officers before the delivery of the bonds, the signature is, nevertheless, valid and sufficient for all purposes as if the members or officers had remained in office until that delivery.

Whether or not the bonds are of such form and character as to be negotiable instruments under Title 11, Article 8, the bonds are hereby made negotiable instruments within the meaning of and for all the purposes of Title 11, Article 8, subject only to the provisions of the bonds for registration.

It is the intention of this chapter that any pledge made by the authority in respect to the bonds or notes is valid and binding from the time when the pledge is made; that the funds or property so pledged and thereafter received by the authority is immediately subject to the lien of that pledge without any physical delivery of those funds or property or further act; and that the lien of such a pledge is valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority irrespective of whether those parties have notice of that lien. Neither the resolution, trust indenture nor any other instrument by which a pledge is created need be recorded.

The authority may, in the resolution authorizing prospective issues, provide as to those bonds:

A. The manner of executing the bonds and coupons;

B. The form and denomination of the bonds;

C. Maturity dates not more than 25 years from the date or dates of issuance, excluding the period, if any, during which bond anticipation notes are outstanding;

D. The interest rate or rates on the bonds, which may be fixed or variable or a combination of both;

E. For the redemption prior to maturity and the premium payable for the bonds;

F. The place or places for the payment of interest and principal;

G. For registration if the authority determines it to be desirable;

H. For the pledge of all or any of the operating revenues of the turnpike for securing payment;

I. For the replacement of lost, destroyed or mutilated bonds;

J. The setting aside of revenue and sinking funds and the regulation and disposition of these revenues and funds and for limitations on reserves, if any, established for capital outlay from operating revenues;

K. For limitations on the issuance of additional bonds;

L. For the procedure, if any, by which the contract with the bondholders may be abrogated or amended;

M. For the manner of sale, which may be public or private, and purchase of the bonds;

N. For covenants against pledging any or certain of the operating revenues of the turnpike;

O. For covenants fixing and establishing the prices, rates and charges for the use of the turnpike and other services made available in connection with the turnpike so as to provide at all times funds that will be sufficient:

(1) To pay all costs of operation and maintenance of the turnpike, together with the necessary repairs to the turnpike;

(2) To meet and pay the principal and interest of all such bonds as they severally become due and payable;

(3) For the creation of these reserves for the principal and interest of all such bonds and for the meeting of contingencies and the operation and maintenance of the turnpike as the authority determines; and

(4) To pay other lawful charges or costs for which the authority is responsible;

P. For such other covenants as to such prices, rates and charges as the authority determines;

Q. For covenants as to the rights, liability, powers and duties arising upon the breach by the authority of any covenant, condition or obligation;

R. For covenants as to the bonds to be issued and as to the issuance of the bonds in escrow and otherwise and as to the use and disposition of the proceeds of the bonds;

S. For covenants as to the use of its property and the maintenance and replacement of the property and the insurance to be carried on the property and the use and disposition of insurance money;

T. For limitations upon the exercise of the powers conferred upon the authority by this chapter;

U. For the issuance of these bonds in series or in serial form or for a stated term of years with or without mandatory retirements from a sinking fund or otherwise;

V. For the issuance, in addition to the issuance of notes and other evidences of indebtedness or obligations authorized under this chapter, of notes in anticipation of authorized bonds and for the exercise with respect to the bond anticipation notes of any or all of its powers delineated in this chapter for the issuance of bonds; and

W. For the performance by the authority of any acts and things necessary or convenient or desirable in order to secure its bonds or in the absolute discretion of the authority as will tend to make the bonds more marketable notwithstanding that those acts or things may not be enumerated in this chapter.

See title page for effective date.

CHAPTER 139

H.P. 397 - L.D. 532

An Act to Restrict the Use of Eminent Domain Power

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

Sec. 1. 5 MRSA §6207-A, as amended by PL 1993, c. 728, §11, is further amended to read:

§6207-A. Use of eminent domain

The board may expend funds to acquire an interest in land obtained by the use of eminent domain only if the ~~expenditure~~ or acquisition has been approved by the Legislature or is with the consent of the owner or owners of the land, as the identity and address of the owner or owners is shown on the tax maps or other tax records of the municipality in which the land is located. If the land is located within the unorganized territory, for purposes of this section the identity of the owner or owners must be as shown on the tax maps or other tax records of the State Tax Assessor.

See title page for effective date.

CHAPTER 140

S.P. 281 - L.D. 753

An Act to Correct and Clarify Certain Provisions of the Liquor Laws

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

Sec. 1. 5 MRSA §10051, sub-§3, as repealed and replaced by PL 1985, c. 748, §4, is amended to read:

3. Appellate jurisdiction. The Administrative Court ~~shall have~~ has exclusive jurisdiction to review disciplinary decisions of occupational licensing boards and commissions taken pursuant to Title 10, section 8003 and licensing decisions of the Bureau of Liquor Enforcement taken pursuant to Title 28-A, sections 453-A, 458 and 653. The Maine Administrative Procedure Act, chapter 375, subchapter VII, ~~shall govern~~ governs these proceedings as far as applicable, substituting "Administrative Court" for "Superior Court."

Sec. 2. 28-A MRSA §62-A, sub-§5, as enacted by PL 1993, c. 730, §21, is amended to read:

5. Act as a review board. Act as a review board on all appeals from the decisions of municipal officers. The bureau shall appoint a hearings officer to conduct appeal hearings. Except as provided in section 805, the decision of the chief is final. The hearings officer for the bureau is the Director of the Liquor Licensing and Tax Division.

The hearings officer may conduct hearings in any licensing matter pending before the bureau. The hearings officer shall, after holding the hearing, file with the bureau all papers connected with the case and report the findings to the ~~director~~ chief. The ~~director~~ chief shall render a final decision based upon the record of the hearing.

The hearings officer may administer oaths and issue subpoenas for witnesses and subpoenas duces tecum to compel the production of books and papers relating to any license question in dispute before the bureau or to any matter involved in a hearing. Witness fees in all proceedings are the same as for witnesses before the Superior Court and must be paid by the bureau, except that, notwithstanding Title 16, section 253, the bureau is not required to pay the fees before the travel and attendance occur;

Sec. 3. 28-A MRSA §161-B is enacted to read: