

# MAINE STATE LEGISLATURE

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

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

**FIRST SPECIAL SESSION**  
**November 28, 1995 to December 1, 1995**

**SECOND REGULAR SESSION**  
**January 3, 1996 to April 4, 1996**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 4, 1996**

**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**  
**1995**

for the other 6 months in the preceding calendar year; ~~and~~

(37) Services performed by an individual as a home stitcher as long as that employment is not subject to federal unemployment tax-; and

**Sec. 2. 26 MRSA §1043, sub-§11, ¶F**, as amended by PL 1995, c. 204, §§1 and 2, is further amended by adding a new subparagraph (38) to read:

(38) Services performed by a direct seller as defined in 26 United States Code, Section 3508, Subsection (b), Paragraph (2). This subparagraph does not include a person selling major improvements or renovations to the structure of a home, business or property.

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

Effective April 3, 1996.

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## CHAPTER 613

S.P. 759 - L.D. 1871

### An Act to Amend the Maine Turnpike Authority's Budget for Calendar Year 1996, to Clarify the Maine Turnpike Authority's Budget Process and to Facilitate the Evaluation of Automated Toll Collection

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

**Whereas**, unanticipated delays in the implementation of the Maine Turnpike Authority's automatic toll conversion project that delayed the related reductions in the authority's complement of toll collection personnel will require the authority to increase the amounts it must pay from turnpike revenues for Personal Services in the authority's 1996 fiscal year; and

**Whereas**, proper staffing of the authority's toll collection activities is essential to the safe and efficient operation of the authority under its enabling legislation and pursuant to its general bond resolution; 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. 23 MRSA §1961, sub-§6**, as amended by PL 1993, c. 563, §1, is further amended to read:

**6. Appropriation.** On or before January 31st of each year, the authority shall present to each regular session of the Legislature for its approval ~~the operating a budget for the operating expenses~~ of the authority for the calendar year that begins after the adjournment of that regular session and shall present to each regular session of the Legislature for informational purposes a statement of the revenues necessary for capital expenditures and reserves, and to meet the requirements of any resolution authorizing bonds of the authority during that calendar year, including debt service and the maintenance of reserves for debt service and reserve maintenance. The authority may only ~~make expenditures pay operating expenses~~ in accordance with allocations approved by the Legislature or as necessary to satisfy the requirements of any resolution authorizing bonds of the authority. The operating surplus must be transferred to the Department of Transportation and expended in accordance with allocations approved by the Legislature.

**Sec. 2. 23 MRSA §1964, sub-§6-A**, as amended by PL 1995, c. 504, Pt. C, §3, is further amended to read:

**6-A. Operating surplus.** "Operating surplus" means the total annual operating revenues of the Maine Turnpike Authority, after money has been put aside to pay the reasonable operating expenses, to pay or to reserve for capital expenditures and to meet the requirements of any resolution authorizing bonds of the Maine Turnpike Authority, including any amounts pledged to secure obligations issued pursuant to section 1968, subsection 2-A or to pay principal, interest or premium, if any, with respect to these obligations.

**Sec. 3. 23 MRSA §1965-A, sub-§1, ¶A**, as enacted by PL 1995, c. 341, §2, is amended to read:

A. ~~Convert~~ Complete an evaluation of the conversion of the turnpike toll collection system to an automated electronic system designed to move traffic more efficiently through toll plazas;

**Sec. 4. P&SL 1995, c. 29, §1, under the caption "MAINE TURNPIKE AUTHORITY,"** is amended by striking out all of that part

relating to "Fare Collection" and inserting in its place the following:

**Fare Collection**

Personal Services	9,816,323
All Other	3,779,089
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TOTAL	13,595,412

**Sec. 5. P&SL 1995, c. 29, §1, under the caption "MAINE TURNPIKE AUTHORITY,"** is amended by striking out all of the last line and inserting in its place the following:

<b><u>TOTAL</u></b>	<b><u>\$43,236,740</u></b>
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**Sec. 6. Legislative intent.** Those sections of this Act that amend the Maine Revised Statutes, Title 23, section 1961, subsection 6 and Title 23, section 1964, subsection 6-A clarify the intent of Initiated Bill 1991, chapter 1, to have the Legislature approve the Maine Turnpike Authority's operating budget and confirm the authority's practice of submitting an operating budget for approval and a statement on capital expenditures and debt service for informational purposes.

**Sec. 7. Retroactivity.** Those sections of this Act that amend the Maine Revised Statutes, Title 23, section 1961, subsection 6 and section 1964, subsection 6-A apply retroactively to December 20, 1991.

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

Effective April 3, 1996.

**CHAPTER 614**

**H.P. 1239 - L.D. 1699**

**An Act to Amend and Further Deregulate the Maine Consumer Credit Code**

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

**PART A**

**Sec. A-1. 9-A MRSA §2-202, sub-§2, ¶A,** as repealed and replaced by PL 1977, c. 421, §1, is amended to read:

A. The average daily balance in the billing cycle for which the charge is made, which is the sum of the amount unpaid each day during that cycle, divided by the number of days in that cycle. The

amount unpaid on a day is determined by adding to the balance, if any, unpaid as of the beginning of that day all debits, but excluding ~~all~~ purchases or leases of goods and services made on that day if a finance charge on these amounts is prohibited under subsection 5 and deducting all payments and other credits made or received as of that day; or

**Sec. A-2. 9-A MRSA §2-302, sub-§4,** as amended by PL 1983, c. 720, §8, is further amended to read:

4. A separate license ~~shall be~~ is required for each place of business. ~~No~~ A license fee exceeding \$200 may not be imposed for any license issued for a place of business other than that of the first licensed location of the licensee.

**Sec. A-3. 9-A MRSA §2-308, sub-§3,** as enacted by PL 1973, c. 762, §1, is repealed.

**Sec. A-4. 9-A MRSA §2-501, sub-§4,** as enacted by PL 1995, c. 137, §5, is amended by amending the first paragraph 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 or supervised lender 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:

**Sec. A-5. 9-A MRSA §5-105, sub-§2,** as enacted by PL 1973, c. 762, §1, is amended to read:

2. The maximum part of the aggregate disposable earnings of an individual for any workweek ~~which that~~ is subjected to garnishment to enforce payment of a judgment arising from a consumer credit transaction may not exceed the lesser of:

A. ~~25%~~ Twenty-five percent of ~~his the individual's~~ the individual's disposable earnings for that week; ~~or~~

B. The amount by which ~~his the individual's~~ the individual's disposable earnings for that week exceed 40 times the Federal minimum hourly wage prescribed by Section 6(a)(I) of the Fair Labor Standards Act of 1938, U.S.C. tit. 29, § 206(a)(I), in effect at the time the earnings are payable; or

C. In the case of earnings for a pay period other than a week, the administrator shall prescribe by rule a multiple of the Federal minimum hourly wage equivalent in effect to that set forth in paragraph B.