

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

CHAPTER 94**H.P. 554 - L.D. 745****An Act to Amend the Maine
Consumer Credit Code****Be it enacted by the People of the State of
Maine as follows:****Sec. 1. 9-A MRSA §2-501, sub-§1, ¶G**, as enacted by PL 1993, c. 618, §5, is amended 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.

Sec. 2. 9-A MRSA §3-308, sub-§4, as enacted by PL 1985, c. 113, §2, is amended to read:

4. A schedule of payments may require a final payment not substantially equal to all other periodic payments if the transaction is made for a term of not less than 4 years and if the contract evidencing the consumer credit transaction gives the consumer the right to refinance the amount of the final payment in order to fully amortize the obligation on terms at least as favorable, including, but not limited to, the rate of finance charge and periodic payment amount, as those specified in the original consumer credit transaction, in order to fully amortize the obligation then generally offered by the creditor, if the consumer satisfies reasonable credit standards and if the property satisfies reasonable loan to value standards. The administrator shall examine the reasonableness of standards during regular examinations and upon consumer complaint. At least 60 days but not more than 180 days prior to the maturity of the loan, the creditor must notify the consumer in writing of the maturity date and the amount due on the maturity date; and

See title page for effective date.

CHAPTER 95**S.P. 266 - L.D. 874****An Act to Clarify the Public Safety
Laws Concerning Visual Smoke
Detectors****Be it enacted by the People of the State of
Maine as follows:****Sec. 1. 25 MRSA §2464, sub-§1**, as enacted by PL 1981, c. 399, §1, is amended to read:

1. Definition. "Smoke detector" means any device ~~which that~~, when activated by the presence of smoke, provides an ~~audible~~ alarm suitable to warn the occupants within the individual dwelling unit in which it is attached, ~~which and that~~ has been approved for use in this State by the State Fire Marshal.

Sec. 2. 25 MRSA §2464, sub-§8 is enacted to read:

8. Smoke alarms for persons with disabilities. Upon the request of a deaf or hard-of-hearing occupant, the owner of the dwelling unit shall provide an approved smoke alarm suitable to warn the occupant within the dwelling unit. If the owner does not provide a suitable smoke alarm, the occupant may purchase, install and maintain a suitable smoke detector, or arrange for proper installation and maintenance of a suitable smoke detector, and may deduct the actual costs from the rent for the dwelling unit. An occupant or tenant may not be charged, evicted or penalized in any way for failure to pay the actual cost deducted from the rent for the dwelling unit.

See title page for effective date.

CHAPTER 96**S.P. 275 - L.D. 883****An Act to Extend the Exemptions for
Farm Stands to Include Farmers'
Markets****Be it enacted by the People of the State of
Maine as follows:****Sec. 1. 22 MRSA §2152, sub-§4-A, ¶D**, as enacted by PL 1995, c. 331, §1, is amended to read:

D. Establishments, such as farm stands and farmers' markets primarily selling fresh produce; not including dairy and meat products;

See title page for effective date.

CHAPTER 97**H.P. 705 - L.D. 969****An Act to Authorize the Issuance of a
Credit Card to Benefit the
Scholarships for Maine Fund****Be it enacted by the People of the State of
Maine as follows:**

Sec. 1. 10 MRSA §1013, sub-§2, as repealed and replaced by PL 1989, c. 698, §10, is repealed and the following enacted in its place:

2. Teachers for Maine Program. The Teachers for Maine Program, as established in Title 20-A, chapter 428;

Sec. 2. 10 MRSA §1013, sub-§10, as amended by PL 1995, c. 462, Pt. A, §17, is further amended to read:

10. Student financial assistance counseling and outreach program. The student financial assistance counseling and outreach program, as established in Title 20-A, chapter 430-B; and

Sec. 3. 10 MRSA §1013, sub-§13, as amended by PL 1991, c. 824, Pt. C, §1, is further amended to read:

13. Higher Education Loan Program. The Higher Education Loan Program, as established in Title 20-A, chapter 417-C;

Sec. 4. 10 MRSA §1013, sub-§§14 and 15 are enacted to read:

14. University of Maine System Scholarship Fund. The University of Maine Scholarship Fund, as established in Title 20-A, chapter 419-B; and

15. Scholarships for Maine Fund. The Scholarships for Maine Fund, as established in Title 20-A, chapter 419-C.

Sec. 5. 20-A MRSA c. 419-C is enacted to read:

CHAPTER 419-C

SCHOLARSHIPS FOR MAINE FUND

§11651. Scholarships for Maine Fund

The Scholarships for Maine Fund is created and established as a nonlapsing fund under the jurisdiction and control of the Finance Authority of Maine. All revenues credited to this fund must be distributed as scholarships based on need for residents of the State who are enrolled in an accredited postsecondary education program of at least one year. The Finance Authority of Maine shall award scholarships and adopt rules for determining eligibility, terms and conditions of grants. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A. Interest earned on amounts in the fund may be used for the costs of administering the grants.

§11652. Finance Authority of Maine sponsored credit card

1. Finance Authority of Maine sponsored credit card. The Finance Authority of Maine may enter into an agreement with a financial institution, as defined in Title 9-B, section 131, subsection 17-A or a credit union, as defined in Title 9-B, section 131, subsection 12-A, or other credit card issuer to issue a credit card for the benefit of the Scholarships for Maine Fund.

2. Agreement. If the Finance Authority of Maine enters into an agreement with a financial institution, credit union or other credit card issuer in accordance with subsection 1, the Finance Authority of Maine shall negotiate the most favorable agreement for the Finance Authority of Maine, considering such factors as:

A. The rate of the fee by a credit card issuer;

B. The ability of a financial institution, credit union or other credit card issuer to market the card successfully; and

C. Customer service offered by the financial institution, credit union or other credit card issuer.

3. Distribution of proceeds. Funds received by the Finance Authority of Maine under the agreement with the financial institution, credit union or other credit card issuer must be deposited into the Scholarships for Maine Fund.

See title page for effective date.

CHAPTER 98

S.P. 353 - L.D. 1172

An Act Regarding the Funded Depreciation Accounts of the Maine Veterans' Homes

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

Sec. 1. 37-B MRSA §601, as repealed and replaced by PL 1993, c. 680, Pt. A, §34, is amended to read:

§601. Home established; purpose

There must be public homes for veterans in Maine known as "Maine Veterans' Homes." In addition to the existing home located in Augusta, a 120-bed home located in southern Maine, a home not to exceed 60 beds located in Aroostook County, a home located in Bangor not to exceed 120 beds and a home located in South Paris not to exceed 90 beds may be constructed if federal Veterans' Administration funds are available to meet part of the costs of each