

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
JUNE 26, 1997

FIRST SPECIAL SESSION
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 121**H.P. 500 - L.D. 691****An Act to Clarify the Sanctions for Violating Laws Relating to Animal Pulling Events****Be it enacted by the People of the State of Maine as follows:****Sec. 1. 7 MRSA §74-A, sub-§8**, as enacted by PL 1995, c. 602, §2, is amended to read:

8. Administrative hearing; suspension. In ~~addition to or in~~ lieu of the civil action authorized by subsection 9, the commissioner may institute an administrative proceeding. If the commissioner institutes an administrative proceeding, the commissioner shall give notice and an opportunity for hearing under Title 5, chapter 375, subchapter IV, on any alleged violation of this section. Upon giving notice, the commissioner shall prohibit immediately the person against whom the violation is alleged from competing in an event within the State. This prohibition remains in effect for 30 days or until the commissioner's decision following the hearing is received, whichever occurs first, ~~exclusive of any delays resulting from continuances requested by the person against whom the violation is alleged~~ except that the prohibition period is extended by any delays of the hearing requested by the person against whom the violation is alleged.

If the person against whom the violation is alleged does not request a hearing or if, after a hearing, the commissioner finds a violation of this section, the commissioner shall prohibit that person from competing in any event within the State for a period of 2 years and also exclude the animal from competing in any event within the State for a period of one year.

Sec. 2. 7 MRSA §74-A, sub-§9, ¶A, as enacted by PL 1995, c. 602, §2, is amended to read:

A. The following forfeitures may be adjudged ~~and collected by the commissioner~~ in a civil action in a court of competent jurisdiction:

- (1) For the first violation, a forfeiture of not less than \$100 nor more than \$500; or
- (2) For a 2nd or subsequent violation, a forfeiture of not less than \$500 nor more than \$1,000.

Forfeitures adjudged under this paragraph and collected by the commissioner must be deposited in the General Fund.

Sec. 3. 7 MRSA §74-A, sub-§9, ¶B, as enacted by PL 1995, c. 602, §2, is repealed.**Sec. 4. 7 MRSA §74-A, sub-§9, ¶B-1** is enacted to read:

B-1. When a violation is adjudicated under this section, the commissioner shall immediately suspend the right of the person adjudicated to have committed the violation from all events for a period of 2 years and shall also exclude the animal involved from competing in any event for a period of one year. An action by the commissioner based upon an adjudication under this section is automatic and there is no right to a hearing before the commissioner on the suspension. A person who participated in an event during any period of suspension or prohibition ordered by the commissioner under this paragraph or subsection 8 and the owner and trainer of any animal that competes during a period of suspension or prohibition commit an additional violation of this section.

See title page for effective date.

CHAPTER 122**H.P. 519 - L.D. 710****An Act Amending the Maine Consumer Credit Code****Be it enacted by the People of the State of Maine as follows:****Sec. 1. 9-A MRSA §1-301, sub-§11, ¶A**, as amended by PL 1987, c. 396, §4, is further amended to read:

A. ~~Except as provided in paragraph B, a~~ A "consumer credit sale" is a sale of goods, services or an interest in land in which:

- (i) ~~credit~~ Credit is granted either pursuant to a credit card other than a lender credit card or by a seller who regularly engages as a seller in credit transactions of the same kind;
- (ii) ~~the~~ The buyer is a person other than an organization;
- (iii) ~~the~~ The goods, services or interest in land are purchased primarily for a personal, family or household purpose;
- (iv) ~~either~~ Either the debt is payable in ~~in-~~ installments or a finance charge is made; ~~and~~