

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

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

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 1998 to June 19, 1999**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 18, 1999**

**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**  
**1999**

**Sec. 10. 29-A MRSA §2061, sub-§1**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**1. Prohibition.** A person commits a traffic infraction if that person occupies a camp trailer, mobile home, vehicle being towed by a wrecker or by a motor vehicle using a tow bar, semitrailer or trailer while it is being moved on a public way.

**Sec. 11. 29-A MRSA §2078, 2nd ¶**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

An operator or pedestrian commits a Class E crime if that operator or pedestrian refuses to follow the directions for the movement of vehicles or pedestrians on request or signal of a law enforcement officer.

**Sec. 12. 29-A MRSA §2085** is enacted to read:

**§2085. Riding in trunk prohibited**

A person may not ride in or occupy the trunk of a vehicle while the vehicle is in motion on a public way.

**Sec. 13. 29-A MRSA §2308, sub-§2**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**2. Stopping.** The operator of a vehicle on a way, in a parking area or on school property, on meeting or overtaking a school bus from either direction when the bus has stopped with its red lights flashing to receive or discharge passengers, shall stop the vehicle before reaching the school bus. The operator may not proceed until the school bus resumes motion or until signaled by the school bus operator to proceed.

See title page for effective date.

---



---

**CHAPTER 184**

**H.P. 1023 - L.D. 1434**

**An Act to Make Minor Corrections  
to the Laws Governing Financial  
Regulation and Debt Collection**

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

**Sec. 1. 9-A MRSA §2-202, sub-§7**, as enacted by PL 1995, c. 84, §4, is amended to read:

**7.** With respect to consumer credit sales made pursuant to an open-end a credit agreement card, other

than a lender credit card, a creditor may not impose a finance charge if it is in excess of that set forth in the agreement between the consumer and the creditor.

**Sec. 2. 9-A MRSA §2-302, sub-§2, ¶A**, as amended by PL 1997, c. 727, Pt. B, §5, is further amended to read:

A. Every applicant shall also, at the time of filing such application, file with the administrator, if the administrator so requires, a bond satisfactory to the administrator in an amount not to exceed ~~\$25,000~~ \$50,000. The terms of the bond must run concurrent with the period of time during which the license will be in effect. The bond must run to the State for the use of the State and of any person or persons who may have a cause of action against the licensee under this Act. The bond must be conditional that the licensee will faithfully conform to and abide by the provisions of this Act and to all rules lawfully made by the administrator ~~hereunder~~ under this Act and will pay to the State and to any such person or persons any and all amounts of money that may become due or owing to the State or to such person or persons from the licensee under and by virtue of this Act during the period for which the bond is given;

**Sec. 3. 9-A MRSA §2-401, sub-§7, ¶B**, as enacted by PL 1975, c. 298, §2, is amended to read:

B. ~~Seven dollars and fifty cents~~ Fifteen dollars when the amount financed exceeds \$75, but is less than \$250; or

**Sec. 4. 9-A MRSA §2-502, sub-§1**, as amended by PL 1985, c. 763, Pt. A, §34, is further amended to read:

**1.** With respect to a precomputed consumer credit transaction ~~and~~, a consumer lease or a fixed-rate consumer credit transaction that is not made pursuant to open-end credit and that is secured only by an interest in real estate, the parties may contract for a delinquency charge on any installment not paid in full within 15 days after its scheduled or deferred due date in an amount not exceeding the greater of:

A. An amount, not exceeding \$10, which is 5% of the unpaid amount of the installment; or

B. The deferral charge, section 2-503, that would be permitted to defer the unpaid amount of the ~~installment~~ installment for the period that it is delinquent.

**Sec. 5. 9-A MRSA §6-117** is enacted to read:

**§6-117. Contracts with other state and federal agencies**

1. The administrator may employ and engage experts, professionals or other personnel of other state or federal regulatory agencies as may be necessary to assist the administrator in carrying out the regulatory functions of this Act. The administrator may contract agency staff to other state and federal agencies to assist those other state and federal agencies in carrying out their regulatory functions.

2. The administrator may enter into cooperative agreements with other state, federal or foreign agencies to facilitate the regulatory functions of the administrator, including, but not limited to, information sharing, coordination of examinations and joint examinations.

3. Any information furnished pursuant to this section by or to the administrator that has been designated as confidential by the agency furnishing the information remains the property of the agency furnishing the information and must be kept confidential by the recipient of the information except as authorized by the furnishing agency.

**Sec. 6. 9-B MRSA §212, sub-§4**, as enacted by PL 1995, c. 628, §9, is amended to read:

**4. Contracts with other state and federal regulatory agencies.** The superintendent may employ and engage experts, professionals or other personnel of other state and federal regulatory agencies as may be necessary to assist the bureau in carrying out its regulatory functions. The superintendent may contract bureau staff to other state and federal agencies to assist those agencies in carrying out their regulatory functions. Contracts for services under this subsection are designated sole source contracts and are not subject to the procurement requirements of Title 5, chapter 155.

**Sec. 7. 9-B MRSA §226, sub-§3**, as amended by PL 1995, c. 628, §14, is further amended to read:

**3. Disclosure to others.** The superintendent may disclose the information specified in subsection 1 to the following persons or entities, except that information furnished to the superintendent that has been designated as confidential by a state or federal agency furnishing the information may not be disclosed by the recipient of the information unless disclosure has been authorized by the furnishing agency. ~~However, Whenever confidential information is disclosed pursuant to this section, the information remains the property of the bureau or the furnishing agency and the recipients of the confidential information may not disclose or make public information so~~

communicated, except as authorized by the superintendent or pursuant to other provisions of this Title:

A. The Treasurer of State and the Commissioner of Professional and Financial Regulation;

C. State departments that, in the opinion of the superintendent, require this information;

D. Other persons, including other state, foreign or federal regulatory officials, who, in the opinion of the superintendent, require this information to facilitate the general conduct of supervisory activities of the bureau;

E. A court of law or equity, but only with the written consent of the superintendent or pursuant to a special order of the court; and

F. To those persons or entities necessary in order to comply with provisions of this Title relating to disclosure or publication of certain applications, reports, statistics and information.

**Sec. 8. 9-B MRSA §226-A**, as enacted by PL 1995, c. 628, §15, is amended to read:

**§226-A. Cooperative agreements**

The superintendent may enter into cooperative agreements with other state, federal or foreign regulatory agencies to facilitate the regulatory ~~supervision of financial institutions authorized to do business in this State~~ functions of the bureau, including, but not limited to, information sharing, coordination of examinations and joint examinations.

**Sec. 9. 9-B MRSA §252, sub-§3-A**, as enacted by PL 1995, c. 521, §1, is amended to read:

**3-A. Confidential treatment of other state and federal regulatory information.** Any records or information in the possession of any state or federal agency ~~directly or indirectly~~ involved in the regulation of financial institutions or financial institution holding companies or the affiliates or subsidiaries of financial institutions or financial institution holding companies that is recognized under state or federal law as confidential remains confidential if delivered or disclosed to the superintendent or a bureau employee in the course of a decision-making proceeding under this chapter. The superintendent may rely upon any records or information considered confidential pursuant to this subsection as the basis for a decision on an application if these records or information is disclosed to the applicant and any interested party to the proceeding.

**Sec. 10. 10 MRSA §1312, sub-§3, ¶B**, as repealed and replaced by PL 1997, c. 155, Pt. B, §2 and affected by §13, is amended by amending subparagraph (2) to read:

(2) Any communication of information exempt under subparagraph ~~(3)~~ (1) among persons related by common ownership or affiliated by corporate control;

**Sec. 11. 10 MRSA §1320, sub-§2-B**, as enacted by PL 1991, c. 453, §4 and affected by §10, is amended to read:

**2-B. User request for consumer report.** After ~~the effective date of this subsection January 1, 1992,~~ a person may not request a consumer report in connection with an application made for credit, employment or insurance, unless the applicant is first informed, in writing or in the same manner in which the application is made, that a consumer report may be requested in connection with the application and that the applicant, upon request, will be informed whether or not a consumer report was requested, and if a report was requested, informed of the name and address of the consumer reporting agency that furnished the report.

**Sec. 12. 10 MRSA §8002, sub-§8**, as amended by PL 1997, c. 727, Pt. A, §4, is further amended to read:

**8. Adequate resources.** Ensure that each bureau, office, board and commission has adequate resources to carry out regulatory functions and that the department's expenditures are equitably apportioned; ~~and~~

**Sec. 13. 10 MRSA §8002, sub-§9**, as enacted by PL 1997, c. 727, Pt. A, §5, is amended to read:

**9. Licensing.** Coordinate all administrative processes related to licensing functions of bureaus, offices, boards and commissions within the department, including but not limited to the frequency and form of applications and licenses; and

**Sec. 14. 10 MRSA §8002, sub-§10** is enacted to read:

**10. Confidentiality of shared information.** Keep confidential any information provided by or to the commissioner that has been designated confidential by the agency, bureau, board or commission within the department that furnished the information and that is the property of the agency, bureau, board or commission that furnished the information. Any information provided pursuant to this subsection may not be disclosed by the recipient of the information unless disclosure has been authorized by the agency, bureau, board or commission that furnished the information.

**Sec. 15. 10 MRSA §8003, sub-§2, ¶E**, as amended by PL 1997, c. 210, §1, is further amended to read:

E. To perform licensing functions for other state agencies on a fee-for-service basis; ~~and~~

**Sec. 16. 10 MRSA §8003, sub-§2, ¶F**, as enacted by PL 1997, c. 210, §2, is amended to read:

F. To study jurisdictional overlap between the department's boards and commissions and other state agencies for purposes of streamlining and consolidating related legal authorities and administrative processes;

**Sec. 17. 10 MRSA §8003, sub-§2, ¶¶G and H** are enacted to read:

G. To employ and engage experts, professionals or other personnel of other state or federal regulatory agencies as necessary to assist the office in carrying out its regulatory functions and to contract office staff to other state and federal regulatory agencies to assist those agencies in carrying out their regulatory functions; and

H. To enter into cooperative agreements with other state, federal or foreign regulatory agencies to facilitate the regulatory functions of the office, including, but not limited to, information sharing, coordination of examinations or inspections and joint examinations or inspections. Any information furnished pursuant to this paragraph by or to the office that has been designated confidential by the agency furnishing the information remains confidential and the property of the agency furnishing the information and may not be disclosed by the recipient of the information unless disclosure has been authorized by the agency that furnished the information.

**Sec. 18. 24-A MRSA §208-A** is enacted to read:

**§208-A. Cooperative agreements**

The superintendent, in the superintendent's discretion, may enter into cooperative agreements with other state, federal or foreign law enforcement or regulatory agencies to facilitate the regulatory functions of the superintendent, including, but not limited to, information sharing, coordination of examinations and investigations and joint examinations and investigations.

**Sec. 19. 24-A MRSA §216, sub-§5**, as enacted by PL 1995, c. 375, Pt. B, §1, is amended to read:

**5.** In order to assist the superintendent in the regulation of insurers in this State, it is the duty of the superintendent to maintain as confidential a document or information received from the National Association of Insurance Commissioners ~~or insurance departments~~

~~of other states, public officials of other jurisdictions, agencies of the Federal Government or political subdivisions or other agencies of this State,~~ if the document or the information has been provided to the superintendent with notice that it is confidential under the laws of the jurisdiction that is the source of the document or information. Any information furnished pursuant to this subsection by or to the superintendent that has been designated confidential by the official or agency furnishing the information remains the property of the agency furnishing the information and must be held as confidential by the recipient of the information, except as authorized by the official or agency furnishing the information. The superintendent may share information, including otherwise confidential information, with the National Association of Insurance Commissioners, ~~insurance departments of other states or other state agencies~~ public officials of other jurisdictions, agencies of the Federal Government or political subdivisions or other agencies of this State, if the other jurisdiction, political subdivision or agency agrees to maintain the same level of confidentiality as is available under Maine law and has demonstrated that it has the legal authority to do so. This subsection does not alter prohibitions or restrictions applicable to ex parte contacts in the course of an adjudicatory proceeding in which a state agency is a party. For purposes of this subsection, "other ~~state agencies of this State~~" includes bureau personnel and consultants designated as serving in an advocacy capacity in an adjudicatory proceeding before the superintendent.

**Sec. 20. 32 MRSA §1102, sub-§6,** as amended by PL 1993, c. 126, §1, is further amended to read:

**6. Debt collector.** "Debt collector" means any person conducting business in this State, the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another. ~~The term "Debt collector"~~ includes persons who furnish collection systems carrying a name that simulates the name of a debt collector and who supply forms or form letters to be used by the creditor even though the forms direct the debtor to make payments directly to the creditor. Notwithstanding the exclusion provided by section ~~4404 11003~~, subsection 7, ~~the term "debt collector"~~ includes any creditor who, in the process of collecting the creditor's own debts, uses any name other than the creditor's that would indicate that a 3rd person is collecting or attempting to collect these debts. For purposes of subchapter II, ~~the term "debt collector"~~ includes any attorney-at-law whose principal activities include collecting debts as an attorney on behalf of and in the name of clients. ~~The term "Debt collector"~~ also includes any person regularly engaged in the enforcement of security interests securing debts. ~~The term~~

"Debt collector" does not include any person who retrieves collateral when a consumer has voluntarily surrendered possession. A person is regularly engaged in the enforcement of security interests if that person enforced security interests more than 5 times in the previous calendar year. If a person does not meet these numerical standards for the previous calendar year, the numerical standards must be applied to the current calendar year.

**Sec. 21. 32 MRSA §10701, sub-§4,** as amended by PL 1989, c. 542, §55, is repealed and the following enacted in its place:

**4. Nonpublic information.** The confidentiality provisions of Title 9-B, section 226 apply to nonpublic matters and information. For purposes of this Act, nonpublic information includes:

A. Information filed with or obtained by the administrator to the extent the information would be considered as nonpublic matters and information by the Securities and Exchange Commission as provided by 17 Code of Federal Regulations 200.80 et seq.; and

B. Any information furnished to the administrator by an agency designated in section 10702, subsection 1 or by the administrator to an agency designated in section 10702, subsection 1 that has been designated as confidential by the agency furnishing the information remains confidential and the property of the agency furnishing the information, and the recipient of the information may not disclose the information except as authorized by the furnishing agency.

**Sec. 22. 32 MRSA §10702, sub-§1,** as amended by PL 1999, c. 37, §18, is further amended to read:

**1. Cooperation.** The administrator and the employees of the administrator may cooperate, including bearing the expense of the cooperation, with the securities agencies or securities administrator of another state or ~~Canadian~~ province or territory ~~or~~ of another country, the United States Securities and Exchange Commission, the United States Commodity Futures Trading Commission, the Federal Trade Commission, the United States Securities Investor Protection Corporation, any self-regulatory organization established under the United States Securities Exchange Act of 1934 or the United States Commodity Exchange Act, any national or international organization of securities officials or agencies, state regulatory agencies and any governmental law enforcement agency.

**Sec. 23. 32 MRSA §10702, sub-§3** is enacted to read:

**3. Contracts for services.** The administrator may employ and engage experts, professionals and other personnel of other state and federal regulatory agencies as necessary to assist the Securities Division in carrying out its regulatory functions.

**Sec. 24. 32 MRSA §11031, sub-§2,** as enacted by PL 1985, c. 702, §2, is amended to read:

**2. Licenses.** Licenses granted by the superintendent under this section ~~shall be~~ are for a period of 2 years and ~~shall~~ expire on July 31st or at such other times as the superintendent may designate. Each license may be renewed biennially ~~so~~ as long as the superintendent regards the business as responsible and safe, but in all cases ~~to~~ terminate unless renewed by the expiration date. Each license ~~shall~~ must plainly state the name and business address of the licensee and ~~shall~~ be posted in a conspicuous place in the office where the business is transacted. The fee for each biennial license is \$400. When the unexpired license term of an applicant is or will be less than one year at a time of licensure, the license fee ~~shall~~ may not exceed 1/2 the biennial license fee. If ~~the~~ a licensee desires to carry on business in more than one place ~~within the State, he~~ the licensee shall procure a branch office license for each additional place where the business is to be conducted. The fee for each biennial branch office license is \$200.

See title page for effective date.

## CHAPTER 185

H.P. 1026 - L.D. 1437

### An Act to Reorganize the Real Estate Appraisers Law

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

**Sec. 1. 5 MRSA §12004-A, sub-§9-B,** as enacted by PL 1989, c. 806, §1, is amended to read:

**9-B.** Board of \$35/Day 32 MRSA ~~@13967-~~  
Real Estate §14011  
Appraisers

**Sec. 2. 23 MRSA §152, first ¶,** as amended by PL 1991, c. 684, §1, is further amended to read:

The State Claims Commission, established by Title 5, section 12004-B, subsection 5, consists of 5 members. Four of the members must be appointed by the Governor, 2 of whom must be qualified appraisers certified as general real estate appraisers pursuant to Title 32, chapter ~~423~~ 124 and 2 of whom must be attorneys-at-law. The Governor shall designate one of the attorneys-at-law to be chair. The members of the

commission appointed by the Governor shall serve for terms of 4 years. They must be sworn, and for inefficiency, willful neglect of duty or for malfeasance in office may, after notice and hearing, be removed by the Governor on the address of both branches of the Legislature or by impeachment. In case of a vacancy occurring through death, resignation or removal, the Governor shall appoint a successor for the whole term of the member whose place that successor takes, subject to removal as provided in this section.

**Sec. 3. 32 MRSA §13251-A,** as enacted by PL 1995, c. 240, §1, is amended to read:

#### **§13251-A. Conflict of interest**

A real estate broker or associate broker may not knowingly provide or offer an appraisal or opinion of market value, as set forth in section ~~43963~~ 14004, on real estate in a transaction where the broker or associate broker, or any other licensee licensed with the agency, is to receive a fee on that transaction.

**Sec. 4. 32 MRSA c. 123,** as amended, is repealed.

**Sec. 5. 32 MRSA c. 124** is enacted to read:

## CHAPTER 124

### REAL ESTATE APPRAISAL LICENSING AND CERTIFICATION

#### SUBCHAPTER I

#### GENERAL PROVISIONS

##### §14001. Short title

This chapter may be known and cited as the "Real Estate Appraisal Licensing and Certification Act."

##### §14002. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Appraisal.** "Appraisal" means an analysis, opinion or conclusion prepared by a real estate appraiser related to the nature, quality, value or utility of specified interests in, or aspects of, identified real property.

**2. Appraisal foundation.** "Appraisal foundation" means the appraisal foundation incorporated as an Illinois nonprofit corporation on November 30, 1987 and recognized under the federal Financial Institutions Reform, Recovery, and Enforcement Act