

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTIETH LEGISLATURE**  
**FIRST REGULAR SESSION**  
**December 6, 2000 to June 22, 2001**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 21, 2001**

**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**  
**2001**

be occupied by that person as a bona fide personal abode, providing the installation, alternation, repair or replacement conforms to the standards set forth in this chapter and any rules adopted by the commission or the department.

**Sec. B-13. 32 MRSA §4700-M**, as enacted by PL 1993, c. 25, §13, is amended to read:

**§4700-M. Reciprocity**

The commission may issue a registration license without examination, in a comparable classification, to any person who holds a registration or license in any state, territory or possession of the United States or any country, if the commission determines that the requirements for registration or licensure of well drillers or pump installers under which the person's registration or license was issued do not conflict with this chapter or the code of performance adopted by the commission under this chapter.

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

Effective May 18, 2001.

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**CHAPTER 210**

**S.P. 324 - L.D. 1092**

**An Act to Prohibit Negative Option Sales Without a Consumer's Express Agreement**

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

**Sec. 1. 10 MRSA c. 205-A** is enacted to read:

**CHAPTER 205-A**

**REQUIRED DISCLOSURES TO CONSUMERS**

**§1210. Charges after trial period**

In a sale agreed to by telephone, a merchant may not charge a consumer for a good or service after a trial period unless, prior to the charge, the consumer expressly agrees to be charged for the good or service if the consumer does not cancel the sale. At least 15 days prior to any charge, or 10 days prior to any charge if the good or service for which the consumer will be charged is physically delivered to the consumer on a weekly or more frequent basis, the merchant shall provide a consumer with a clearly written description of the agreement, the good or service being purchased, the amount being charged and the calendar date the consumer will be charged for

the good or service if the consumer does not cancel the sale. This notice also must provide the specific steps by which the consumer can cancel the agreement by both mail and telephone. The merchant has the burden of proving that the consumer expressly agreed to this arrangement and that the required written notices were provided within the time limits set forth in this section.

**§1210-A. Violation**

A merchant who violates this chapter commits an unfair and deceptive act and a violation of Title 5, section 207.

See title page for effective date.

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**CHAPTER 211**

**H.P. 1271 - L.D. 1729**

**An Act to Amend the Maine Banking Code**

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

**Sec. 1. 9-B MRSA §162, sub-§§2 and 3**, as amended by PL 1997, c. 537, §1 and affected by §62, are further amended to read:

**2. Disclosure in response to legal process.** The financial records are disclosed in response to a lawful subpoena, summons, warrant or court order that meets the requirements of section 163; ~~or~~

**3. Disclosure in response to a request by the Department of Human Services.** The financial records are disclosed in response to a request for information by the Department of Human Services for purposes related to establishing, modifying or enforcing a child support order; ~~or~~

**Sec. 2. 9-B MRSA §162, sub-§4** is enacted to read:

**4. Disclosure in response to a request by the Department of Labor.** The financial records are disclosed in response to a notice of levy issued by the Department of Labor pursuant to Title 26, section 1233.

**Sec. 3. 9-B MRSA §214, sub-§2-B**, as enacted by PL 1997, c. 398, Pt. K, §1, is amended to read:

**2-B. Assessment on nondepository trust companies.** Nondepository trust companies that are not affiliated with a financial institution shall pay an annual assessment of not less than \$2,000 or an amount determined by the superintendent ~~not to exceed~~ of at least 6¢ for every \$10,000 of fiduciary