

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**November 13, 2002 to November 14, 2002**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 2002 to June 14, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**FEBRUARY 13, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 13, 2003**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2003**

**§376. Purposes for which loans may be awarded**

The board may award loans to qualifying borrowers for the following purposes; ~~including, but not limited to, the following:~~

**1. Individual independence.** To assist one or more persons with disabilities to improve their independence through the purchase of adaptive equipment; ~~and~~

**2. Productive members of community.** To assist one or more persons with disabilities to become more independent members of the community and improve quality of life within the community through the purchase of adaptive equipment; ~~and~~

**3. Transportation assistance.** For the purpose set forth in section 377, subject to the limitations set forth in that section. This subsection is repealed June 30, 2005.

**Sec. 3. 10 MRSA §377** is enacted to read:

**§377. Loans for transportation assistance pilot program**

The board may award loans for the purpose of assisting persons with disabilities to purchase used vehicles necessary to obtain or retain employment or employment training, subject to the following limitations.

**1. Qualifications of borrower.** A loan may be made under this section only to a qualifying borrower who meets the other requirements of this chapter and who demonstrates a need for a vehicle as part of an individualized plan toward employment developed with a state or community-based organization that provides employment services to persons with disabilities and that is approved by the board.

**2. Limitation on loan amount.** Loans made under this section may not exceed \$7,000 per qualifying borrower.

**3. Aggregate amount of loans.** The maximum aggregate amount of loans made under this section may not exceed \$250,000 in fiscal year 2003-04 and \$250,000 in fiscal year 2004-05.

**4. Repeal.** This section is repealed June 30, 2005.

**Sec. 4. Report.** The Kim Wallace Adaptive Equipment Loan Program Fund Board shall present a report to the joint standing committee of the Legislature having jurisdiction over transportation matters before January 1, 2005. The report must identify the number and dollar amount of loans made under the transportation assistance pilot program pursuant to the

Maine Revised Statutes, Title 10, section 377 and the repayment history of borrowers under the program.

See title page for effective date.

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**CHAPTER 100****H.P. 234 - L.D. 291****An Act To Provide Parity in Lending  
by State-chartered Lenders**

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

**Sec. 1. 9-A MRSA §2-501, sub-§1, ¶G,** as amended by PL 1997, c. 94, §1, is repealed and the following enacted in its place:

G. Delinquency charges under section 2-502 and deferral charges under section 2-503.

**Sec. 2. 9-A MRSA §2-502, sub-§1,** as amended by PL 1999, c. 184, §4, is further amended to read:

**1.** ~~With respect to a precomputed consumer credit transaction, 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~~ A creditor may contract for and receive a delinquency charge on any outstanding, unpaid installment payment or portion of such payment due under a consumer credit transaction or open-end credit plan 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 that~~ 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 for the period that it is delinquent.

See title page for effective date.

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**CHAPTER 101****S.P. 99 - L.D. 265****An Act To Promote Affordable  
Telephone Service for Business and  
Residential Customers in Rural  
Maine**

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

**Whereas,** the Public Utilities Commission is proposing to adopt changes to its rules that will go into effect well before the Legislature adjourns and that are not designated as major substantive rules requiring approval by the Legislature before taking effect; and

**Whereas,** the proposed rule changes will require that the State's incumbent local exchange carriers reduce the level of their in-state access rates and, in most cases, significantly increase the level of their basic local exchange telephone rates; and

**Whereas,** as a result of federal and state access-rate policies, local customers are experiencing significant increases in local rates without corresponding reduction in toll rates; and

**Whereas,** the increases in local exchange rates increase the threat to the State's universal service priorities, particularly in rural areas of the State; 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. 35-A MRSA §7101-B, sub-§2,** as enacted by PL 1997, c. 259, §1, is repealed and the following enacted in its place:

**2. Access rates.** After any decrease of interstate access rates by the Federal Government, the commission shall consider corresponding reductions in intrastate access rates, taking into account both the disadvantages to customers of intrastate access rates that exceed interstate access rates and the disadvantages to customers of increases in rates for local telephone service that may result from reductions in intrastate access rates.

A. By May 31, 2005, the commission shall ensure that intrastate access rates are equal to interstate access rates established by the Federal Communications Commission as of January 1, 2003.

B. If achieving the result required under paragraph A would result in an increase of more than 50% in the price of local telephone service, whether as a result of an increase in local service rates or an increase in universal service fund collections, the commission shall:

(1) Phase in intrastate access rate reductions through stepped reductions so as to produce as smooth a transition as possible; and

(2) To the maximum extent possible, keep increases in the price of local telephone service to no more than 50% for each stepped reduction in the intrastate access rate.

C. If interstate access rates are reduced by the Federal Communications Commission below the rates as of January 1, 2003, the commission may further require reductions in intrastate access rates beyond what is required under paragraph A, except that, within any 2-year period, the commission may not require such further access rate reduction if the result will be an increase of more than 50% in local service rates or an increase of more than 50% in the collection rate for the state universal service fund.

The commission may adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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

Effective May 2, 2003.

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## CHAPTER 102

S.P. 386 - L.D. 1182

### An Act To Change the Definition of Family or Household Members for Purposes of Criminal Statutes

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

**Sec. 1. 17-A MRSA §15, sub-§1, ¶A,** as amended by PL 2001, c. 667, Pt. A, §34, is further amended by amending subparagraph (5-A) to read:

(5-A) Assault, criminal threatening, terrorizing, stalking, criminal mischief, obstructing the report of a crime or injury or reckless conduct if the officer reasonably believes that the person and the victim are family or household members, as defined in Title ~~45~~ 19-A, section ~~324~~ 4002, subsection 4;

See title page for effective date.

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