

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.

Penmor Lithographers
Lewiston, Maine
2003

Sec. 5. 5 MRSA §17703, sub-§1-A, as enacted by PL 1991, c. 325, is amended to read:

1-A. Exception. In the case of an employee who has been laid off or an employee reentering the retirement system pursuant to section 17652, subsection 2-A, the repayment may be made immediately upon the date of restoration to membership and must be made before the date any retirement benefit becomes effective for the member.

Sec. 6. 5 MRSA §17704-A, first ¶, as enacted by PL 1995, c. 180, §3, is amended to read:

~~Notwithstanding section 17652, subsection 2, paragraph A and section 17704, an~~ An elected official or an official appointed for a fixed term who began membership after December 31, 1985 may purchase service credit for the period during which that person elected not to be a member of the retirement system if the following requirements are met.

Sec. 7. 5 MRSA §17704-A, sub-§1, as enacted by PL 1995, c. 180, §3, is repealed.

See title page for effective date.

CHAPTER 262

H.P. 685 - L.D. 928

An Act Regarding the Sale and Protection of Ferrets

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

Sec. 1. 7 MRSA c. 730-A is enacted to read:

CHAPTER 730-A

FERRETS

§3970-A. Sale and importation of juvenile ferrets

1. Prohibition on sale. A person, firm, corporation or other business entity may not sell or offer for sale or resale in the State any ferret that is less than 8 weeks of age as determined by examination for adult canine dentition.

2. Prohibition on importation. A person, firm, corporation or other business entity may not ship or bring into the State any ferret that is less than 8 weeks of age as determined by examination for adult canine dentition unless that ferret is transported with its mother.

3. Penalty. A person who violates this section commits a civil violation for which a fine not to exceed \$100 per violation may be adjudged.

See title page for effective date.

CHAPTER 263

S.P. 223 - L.D. 614

An Act To Provide Parity in Lending by State-chartered Financial Institutions

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

Sec. 1. 9-A MRSA §2-509, as enacted by PL 1973, c. 762, §1, is amended to read:

§2-509. Right to prepay

Subject to the provisions on rebate upon prepayment, section 2-510, the consumer may prepay in full the unpaid balance of a consumer credit transaction at any time without penalty, except for minimum charges as permitted by law. Notwithstanding any other provision of this Title, a reasonable charge may be assessed upon a consumer related to prepayment of a consumer loan made by a supervised financial organization and secured by an interest in land, other than a high-rate, high-fee mortgage, as defined in section 8-103, subsection 1, paragraph F-1, if the charge is reasonably calculated to offset the cost of origination of the loan. The administrator shall adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 9-B MRSA §429, sub-§§2 and 3, as repealed and replaced by PL 1983, c. 679, §2, are amended to read:

2. Payment of interest or dividends. Each mortgagee holding funds of a mortgagor in ~~an~~ a required escrow account on behalf of itself or another mortgagee for the payment of taxes or insurance premiums with respect to mortgaged property located in this State shall pay the mortgagor, at least quarterly, dividends or interest on the account at a rate of not less than 3% per year 50% of the 1-year Treasury Note rate or rate of a comparable instrument if the 1-year Treasury Note is not offered, as published in a financial newspaper of national circulation, as of the first business day of the year in which the quarterly interest or dividend is paid. The dividends or interest paid under this subsection may not be reduced by any charge for service or maintenance of the account.

3. Computing and crediting interest. Under subsection 2, interest ~~shall~~ must be computed on the daily balances in the account from the date of receipt to the date of disbursement and ~~shall~~ must be credited to the account as of the last business day of each quarter of a calendar or fiscal year. If ~~the~~ such an account is closed or discontinued before the last business day of a quarter of a calendar or fiscal year, interest ~~shall~~ must be computed and credited as of the day the account is closed or discontinued. For the purposes of this section calculating interest under subsection 2, the mortgagee may take into account debit balances resulting from advances and may elect to compute interest on the basis of the actual number of days in each quarter and year, or on the basis of a 30-day month and a 360-day year. At least once a year, the mortgagee shall give the mortgagor a statement showing the interest credited on the escrow account during the period ~~which~~ that the statement covers.

See title page for effective date.

CHAPTER 264

H.P. 329 - L.D. 421

An Act To Include a Representative of Mental Health Providers on the Board of Directors of the Maine Health Data Organization

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

Sec. 1. 22 MRSA §8703, sub-§2, ¶A, as amended by PL 2001, c. 457, §5, is further amended to read:

A. The Governor shall appoint 18 board members in accordance with the following requirements. Appointments by the Governor are not subject to review or confirmation.

- (1) Four members must represent consumers. For the purposes of this section, "consumer" means a person who is not affiliated with or employed by a 3rd-party payor, a provider or an association representing those providers or those 3rd-party payors.
- (2) Three members must represent employers. One member must be chosen from a list provided by a health management coalition in this State.
- (3) Two members must represent 3rd-party payors.

(4) Nine members must represent providers. Two provider members must represent hospitals chosen from a list of at least 5 current hospital representatives provided by the Maine Hospital Association. Two provider members must be physicians or representatives of physicians chosen from a list of at least 5 nominees provided jointly by the Maine Medical Association and the Maine Osteopathic Association. One provider member must be a chiropractor chosen from a list provided by a statewide chiropractic association. One provider member must be a representative, chosen from a list provided by the Maine ~~Ambulatory Care Coalition~~ Primary Care Association, of a federally qualified health center. One provider member must be a pharmacist chosen from a list provided by the Maine Pharmacy Association. One provider member must be a mental health provider chosen from a list provided by the Maine Association of Mental Health Services. ~~Two One provider members member must be representatives of other health care providers, at least one of whom is a current representative of represent~~ a home health care company.

See title page for effective date.

CHAPTER 265

S.P. 353 - L.D. 1022

An Act To Allow Petitions for Protection of Rental Property and Tenants Based on Actions by Guests or Dangerous Pets

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

Sec. 1. 14 MRSA §6030-A, sub-§1, as enacted by PL 1995, c. 650, §8, is amended to read:

1. Commencing action. A landlord may file a petition against a tenant, a guest or invitee of a tenant or the owner of a dangerous pet on the premises for the protection of rental property or tenants when the landlord, the landlord's employee or agent, the landlord's rental property or persons who are tenants of the landlord have experienced harm or have been threatened with harm by a tenant of the landlord, a guest or invitee of a tenant or a dangerous pet on the premises. The landlord may file the petition in the landlord's own name or, when the landlord has written