

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

2. Contracts. Contracts for the provision of small containerized solid waste hauling service to customers located in this State are governed by the following provisions.

A. If a contract under this subsection contains an automatic renewal provision, the contractor shall notify the customer by mail between 60 and 90 days prior to the contract termination date that if the customer does not, within 60 days of receipt of the contractor's notification, notify the contractor of the customer's intention to terminate the contract, the contract will be automatically renewed. Notice of termination by the customer may be by any reasonable method, including mail, electronically transmitted facsimile and e-mail. A contract may not contain terms that require a customer to provide notice of termination prior to the time frames provided for in this paragraph.

B. The financial charge for early termination of a contract under this subsection may not exceed 3 times the current monthly charge.

C. A contract under this subsection may not require the customer to inform a contractor concerning prices or other terms offered by competitors or require the customer to afford the contractor an opportunity to match or respond to a competitor's offer.

This subsection does not apply to contracts in force on the effective date of this subsection.

Sec. 2. 38 MRSA §2124-A, as enacted by PL 1995, c. 588, §4, is amended by adding at the end a new paragraph to read:

The report must include an analysis of how changes in available disposal capacity have affected or are likely to affect disposal prices. When the office determines that a decline in available landfill capacity has generated or has the potential to generate supra-competitive prices, it shall include this finding in its report and shall include recommendations for legislative or regulatory changes as necessary.

See title page for effective date.

CHAPTER 339

H.P. 1084 - L.D. 1479

An Act To Protect Maine Consumers from Hidden Fees and Charges

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

Sec. 1. 33 MRSA §1952, sub-§§4-A and 5-A are enacted to read:

4-A. Face value. "Face value" means the original purchase price or original issued value of a gift obligation if unused or, if partially used, the remaining balance prior to the deduction of any service charges, fees or dormancy charges.

5-A. Gift obligation. "Gift obligation" means an obligation of a business association arising from a transaction between the business association and a consumer to provide goods or services at a future date. This includes, but is not limited to, a gift certificate, gift card, on-line gift account or other representation or evidence of the obligation.

Sec. 2. 33 MRSA §1953, sub-§1, ¶G, as amended by PL 2003, c. 20, Pt. T, §21, is further amended to read:

G. A gift certificate obligation, 3 years after December 31st of the year in which the certificate was sold; the gift obligation occurred. A period of limitation may not be imposed on the owner's right to redeem the gift obligation. The amount unclaimed is the price paid by the purchaser for face value of the gift certificate obligation, except that the amount unclaimed is 60% of the certificate's gift obligation's face value if the issuer of the certificate gift obligation does not impose a dormancy charge or period of limitations on the owner's right to redeem the certificate at 100% of face value. Fees or charges may not be imposed on gift obligations unless they are noted on the gift obligation and are in accordance with section 1956. The amount of these charges or fees may not be unconscionable;

See title page for effective date.

CHAPTER 340

H.P. 1113 - L.D. 1520

An Act To Amend the Motor Vehicle Laws

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

Sec. 1. 29-A MRSA §555, sub-§2-B, as enacted by PL 2001, c. 507, §1, is amended to read:

2-B. Participation in federal pilot program; temporary exemptions from hours-of-service regulations. The Commissioner of Public Safety shall bureau may grant temporary exemptions from the weekly restrictions in the intrastate hours-of-service regulations for the transportation of home heating oil