

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
Second Regular Session
Non-Emergency Laws Is
April 30, 2004

SECOND SPECIAL SESSION
February 3, 2004 to April 30, 2004

The General Effective Date For
Second Special Session
Non-Emergency Laws Is
July 30, 2004

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

Penmor Lithographers
Lewiston, Maine
2004

ence with a minimum of 100 hours of personal supervision.

3. Licensed marriage and family therapist.

To be qualified as a licensed marriage and family therapist, an applicant ~~shall have demonstrated~~ must demonstrate to the satisfaction of the board adherence to the ethics of the counseling profession, ~~shall have successfully completed~~ complete the examination prescribed by the board and ~~shall have received~~:

A. A master's degree or a doctoral degree in marriage and family therapy or its equivalent from an accredited institution or a program approved by the board. Such schooling ~~shall have included~~ must include a minimum core curriculum to include a one-year clinical practicum and total credit hours adopted by the board; and

B. Two years of experience after obtainment of a master's degree or a doctoral degree comprised of at least 1,000 hours of direct clinical contact with couples and families and 200 hours of supervision, at least 100 of which ~~shall~~ must be individual supervision.

Sec. 3. 32 MRSA §13858, sub-§3-A, ¶B, as amended by PL 1991, c. 263, §3, is further amended to read:

B. Received a Master of Divinity degree or a Doctor of Divinity degree, or an equivalent degree approved by the board, from an accredited institution or a program approved by the board. Academic preparation includes a minimum graduate core curriculum to include 20 credit hours of counseling and human relations and 400 hours of clinical pastoral education;

Sec. 4. 32 MRSA §13858, sub-§8 is enacted to read:

8. Rulemaking. The board shall adopt rules to implement the provisions of subsections 1, 2 and 3 and subsection 3-A, paragraph B. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. 5. 32 MRSA §13865 is enacted to read:

§13865. Service of process; filing requirement

Licenses who maintain licensure in this State and establish legal residency in another jurisdiction shall submit to the Board of Counseling Professionals Licensure within 30 days of residency in another jurisdiction an irrevocable consent to service of process on the licensee for an action filed in a court of this State arising out of the licensee's activities as a licensee in this State. Service may be made by delivery of the process to the Director of the Office of

Licensing and Registration within the Department of Professional and Financial Regulation if, in the exercise of due diligence, a plaintiff can not effect personal service upon the licensee.

See title page for effective date.

CHAPTER 543

S.P. 602 - L.D. 1638

An Act To Amend the Maine Consumer Credit Code Regarding Balloon Payments

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

Whereas, current Maine law prohibits automobile dealers from offering consumers a motor vehicle loan involving a final balloon payment unless the term of the loan is for a minimum period of 4 years; and

Whereas, this statutory provision puts Maine automobile dealers at a competitive disadvantage and limits the financing options that dealers can make available to consumers; and

Whereas, this legislation would allow Maine automobile dealers to offer financing options with balloon payments for terms of less than 4 years if the contract contains adequate protections for Maine consumers, including the right to return the vehicle in lieu of the final payment; 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. 9-A MRSA §3-308, sub-§4, as amended by PL 1997, c. 94, §2, is further amended to read:

4. A schedule of payments may require a final payment not substantially equal to all other periodic payments if the transaction is made for a term of not less than 4 years and if the contract evidencing the consumer credit transaction gives the consumer the right to refinance the amount of the final payment in order to fully amortize the obligation on terms then generally offered by the creditor, if the consumer satisfies reasonable credit standards and if the property satisfies reasonable ~~loan-to-value~~ loan-to-value

standards. The administrator shall examine the reasonableness of standards during regular examinations and upon consumer complaint. At least 60 days but not more than 180 days prior to the maturity of the loan, the creditor must notify the consumer in writing of the maturity date and the amount due on the maturity date; ~~and. The 4-year limitation does not apply to a consumer credit transaction secured by a motor vehicle if the contract evidencing the transaction otherwise conforms to the requirements of this section and also permits the consumer to transfer the motor vehicle to the creditor in lieu of making the final payment without further liability, except that the contract may provide for the assessment against the consumer of one or more of the following:~~

- A. A reasonable disposition fee;
- B. Reasonable charges for excess mileage;
- C. Reasonable charges for excess wear and tear; and
- D. Reasonable charges for damage to the motor vehicle; and

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

Effective March 10, 2004.

CHAPTER 544

S.P. 609 - L.D. 1677

An Act To Amend the Laws Concerning Automobile Dealer Registration Plates

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

Whereas, Public Law 2003, chapter 496 requires that a motor vehicle dealer be denied renewal of the dealer license if the dealer sold fewer than 4 motor vehicles in the previous license year; and

Whereas, because of the often low-volume annual sales of classic autos, motor vehicle dealers who sell only classic autos will be denied renewal of their dealer's license; and

Whereas, to ensure that motor vehicle dealers that sell only classic autos may continue to do business, it is imperative that this legislation take effect immediately; 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. 29-A MRSA §903, sub-§3, as amended by PL 2003, c. 496, §1, is further amended to read:

3. Plate reduction. Upon renewal of a dealer license, the number of plates allowed a motor vehicle dealer who fails to sell, ~~through retail sales,~~ a minimum of one vehicle per month or 12 vehicles within a 12-month period must be reduced to one dealer plate, and the motor vehicle dealer may not be issued a dealer plate under section 1002, subsection 1, paragraph B. Upon a 2nd application for renewal of a dealer license, a motor vehicle dealer must be denied renewal if the Secretary of State determines that the dealer sold fewer than 4 vehicles, ~~through retail sales,~~ in the previous license year, at which time all dealer credentials issued previously must be returned to the Secretary of State.

A motor vehicle dealer who is denied a license renewal under this subsection may not reapply until the license has been expired at least one year.

A motor vehicle dealer who holds a vehicle auction business license under section 1051 is exempt from this subsection.

A motor vehicle dealer who engages primarily in the sale of classic vehicles, emergency vehicles or industrial or farm equipment is exempt from this subsection.

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

Effective March 10, 2004.

CHAPTER 545

H.P. 1227 - L.D. 1649

An Act To Rename the Former Vocational-technical Secondary Education Schools, Now Called Applied Technology Centers and Regions, Career and Technical Education Centers and Regions

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