

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2004 to March 30, 2005**

**FIRST SPECIAL SESSION**  
**April 4, 2005 to June 18, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 17, 2005**

**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**  
**2005**

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

**Sec. 1. 35-A MRSA §302-A** is enacted to read:

**§302-A. Rules governing political activities, promotional advertising and institutional advertising**

Rules adopted by the commission concerning promotional advertising; promotional allowances, including, but not limited to, the granting of promotional rebates or credits; advertising to promote corporate image or goodwill; or political activities by public utilities are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. Rules on these matters in effect on the effective date of this section remain in effect and do not require legislative approval but any changes to such rules are subject to review and approval in accordance with Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

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**CHAPTER 205**

**S.P. 49 - L.D. 143**

**An Act To Improve Access to Public Lands**

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

**Sec. 1. I.B. 1975, §3, 2nd ¶** is enacted to read:

The Department of Conservation, Bureau of Parks and Lands may construct and maintain a trail, not more than one mile in length, in the southeast corner of the Bigelow Preserve at a location and of a width to be determined and approved by the bureau. The trail within the Preserve is to be a segment of a longer trail. The trail within the Preserve is for use by the public at no charge for hiking, cross-country skiing and other compatible nonmotorized trail uses only. Motorized equipment and vehicles may be used for the construction of the trail and for grooming of the cross-country ski trail. The Director of the Bureau of Parks and Lands may enter into a lease or other agreement to facilitate the construction, operation or maintenance of the trail by another entity consistent with the Maine Revised Statutes, Title 12, section 1852. All necessary permits and agreements for the trail to be located on land abutting the Preserve must be completed with the owners of the abutting land prior to construction of the

trail within the Preserve. If the segment of trail within the Preserve is not constructed by December 31, 2008, this authorization terminates.

See title page for effective date.

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**CHAPTER 206**

**H.P. 980 - L.D. 1416**

**An Act To Amend the Maine Consumer Credit Code**

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

**Sec. 1. 9-A MRSA §1-201, sub-§10** is enacted to read:

10. Notwithstanding any other provision of law, this Act applies to any person offering, arranging or purporting to offer or arrange a consumer credit transaction if that person, in advertising or soliciting or otherwise communicating with a consumer, asserts to be located in this State or to possess a license or registration issued pursuant to this Act.

**Sec. 2. 9-A MRSA §6-201**, as amended by PL 2001, c. 371, §5, is further amended to read:

**§6-201. Applicability**

This Part applies to a person engaged in this State in entering into consumer credit transactions and to a person having an office or place of business in this State who takes assignments of ~~and~~ or undertakes direct collection of payments from or enforcement of rights against debtors arising from these transactions. In addition, this Part applies to a person, wherever located, who takes assignments of ~~and~~ or undertakes direct collection of payments from or enforcement of rights against debtors arising from a consumer credit ~~sale of a motor vehicle transaction~~ subject to this Title. This Part also applies to a person, other than a supervised financial organization, wherever located, who takes assignments of ~~and~~ or undertakes direct collection of payments from or enforcement of rights against debtors arising from a consumer credit transaction subject to Article ~~IX~~ 9.

**Sec. 3. 9-A MRSA §§9-305-A and 9-305-B** are enacted to read:

**§9-305-A. Timely payments from escrow**

A creditor, assignee or servicer that holds or controls funds of a consumer in an escrow account for the payment of taxes or insurance premiums shall make timely payments from that escrow account for a consumer credit transaction secured by a mortgage on