

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 20, 2007

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

Penmor Lithographers
Lewiston, Maine
2007

Sec. 37. 5 MRSA §18802-A, sub-§4, as enacted by PL 1997, c. 12, §1 and as affected by §2, is amended to read:

4. Term. The terms of the members are as follows.

A. Each member, ~~except the initial appointees, shall serve~~ serves a term of 5 years.

B. A member shall continue to serve after the expiration of that member's term until a qualified successor is ~~appointed~~ designated. The member's continuation as a member does not change the expiration of that member's term.

C. The term of a member ~~appointed~~ designated to succeed a member whose term has expired expires 5 years after the expiration date of the term of the previous member, regardless of the effective date of the new ~~appointment~~ designation. There is no limit to the number of terms to which a member may be ~~appointed~~ designated.

D. The ~~appointing~~ designating authority shall ~~appoint~~ designate a person to fill a vacancy caused by death, resignation or ineligibility within 60 days. This ~~appointment~~ designation is for the unexpired portion of the term and must be made from a ~~nomination~~ designation provided by the organization the former member represented, as provided by subsection 1. With the agreement of the member being replaced and of the ~~nominating and appointing authorities~~ designating authority, the member being replaced ~~shall serve~~ serves until a replacement is ~~appointed~~ designated. Otherwise, a vacancy exists until a replacement is ~~appointed~~ designated.

E. The terms of the initial appointments are as follows.

(1) Members who represent participating local district employees are appointed by the Governor, one each, to terms of 1, 2, 3, 4 and 5 years.

(2) Members who represent participating local districts are appointed by the Governor, one each, to terms of 1, 2, 3, 4 and 5 years.

F. A member is considered to have resigned if:

(1) The member severs the affiliation with the organization that ~~nominated~~ designated the member in accordance with subsection 1; or

(2) The member is absent from 3 consecutive meetings of the advisory committee without good cause as determined by the advisory committee.

See title page for effective date.

**CHAPTER 250
S.P. 516 - L.D. 1489**

An Act To Enhance Fairness in Arbitration

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

Sec. 1. 10 MRSA c. 212-B is enacted to read:

CHAPTER 212-B

CONSUMER ARBITRATION AGREEMENTS

§1391. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Administrator. "Administrator" means the Director of the Office of Consumer Credit Regulation within the Department of Professional and Financial Regulation.

2. Consumer. "Consumer" means an individual who uses, purchases, acquires, attempts to purchase or acquire or is offered or furnished credit or a loan for personal, family or household purposes.

3. Consumer arbitration. "Consumer arbitration" means binding arbitration under a consumer arbitration agreement in which a party to the arbitration is a consumer.

4. Consumer arbitration agreement. "Consumer arbitration agreement" means a standard contract with a consumer concerning the use of, purchase of, acquisition of, attempt to purchase or acquire, offer of or furnishing of credit or a loan for personal, family or household purposes.

5. Provider. "Provider" means a person that provides consumer arbitration or services related to consumer arbitration.

§1392. Reporting by arbitration service providers

1. Report on arbitration proceedings. Notwithstanding any contractual nondisclosure provisions governing a consumer arbitration proceeding or its disposition, a provider shall provide to the administrator, on a quarterly basis beginning January 1, 2008, the following information for each consumer arbitration with which the provider was involved during the prior quarter:

A. The name of every party to the consumer arbitration and the name of the arbitrator;

B. The type of dispute involved, such as credit card, personal loan, credit sale or other specified financial product or service;

C. Whether the consumer was the prevailing party;

D. Whether the consumer was represented by an attorney;

E. The dates the provider received the request for consumer arbitration, the arbitrator was appointed and the disposition of the consumer arbitration was rendered;

F. The type of disposition of the consumer arbitration, including withdrawal, abandonment, settlement, award after hearing, award without hearing, default and dismissal without hearing;

G. The amount of the claim and the amount of any award or relief granted unless a settlement agreement prohibits the disclosure of this information; and

H. The percentage of the arbitrator's fee allocated to each party.

2. Confidentiality. Except for the name of the provider and of individual arbitrators, the information reported to the administrator by a provider pursuant to subsection 1 related to each consumer arbitration is confidential and may not be disclosed by the administrator unless the information is disclosed in aggregate form.

3. Liability in providing information. A provider has no liability related to providing the information required to be provided under this section.

4. Violation. If a provider violates this section, the administrator may compel compliance pursuant to the provisions of Title 9-A, section 6-108 or, if the provider is an attorney, refer the violation to the Board of Overseers of the Bar.

Sec. 2. Report to the Legislature. On or before April 1, 2009, the Director of the Office of Consumer Credit Regulation within the Department of Professional and Financial Regulation shall compile the information reported by arbitration providers pursuant to the Maine Revised Statutes, Title 10, chapter 212-B and submit a report to the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters. The joint standing committee may submit legislation based on the report to the First Regular Session of the 124th Legislature.

See title page for effective date.

**CHAPTER 251
H.P. 831 - L.D. 1138**

**An Act To Prohibit Maine
from Participating in the
Federal REAL ID Act of 2005**

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

Sec. 1. 29-A MRSA §1411 is enacted to read:

§1411. Prohibition against participation in the federal REAL ID Act of 2005

The State may not participate in the federal REAL ID Act of 2005, enacted as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, Public Law 109-13. The Secretary of State may not amend the procedures for applying for a driver's license or nondriver identification card under this chapter in a manner designed to conform to the federal REAL ID Act of 2005.

See title page for effective date.

**CHAPTER 252
H.P. 829 - L.D. 1136**

**An Act To Amend the
Commission on Governmental
Ethics and Election Practices'
Appointment Process**

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

Sec. 1. 1 MRSA §1002, sub-§1-A, ¶F, as amended by PL 2005, c. 295, §1, is further amended to read:

F. Upon a vacancy during an unexpired term, the term must be filled as provided in this paragraph for the unexpired portion of the term only. The nominee must be appointed by the Governor from a list of 3 qualified candidates provided by the leader of the party from the body of the Legislature that suggested the appointee who created the vacancy. If the vacancy during an unexpired term was created by the commission member who was appointed from the list of candidates presented to the Governor by the leaders of each party of each body of the Legislature jointly, the nominee must be appointed from a list of 3 qualified candidates provided jointly by the leaders of each party of each body of the Legislature. If the list of 3 qualified candidates required by this paragraph to be presented to the Governor by the leaders of each party from each body of the Leg-