

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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1979

PUBLIC LAWS
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STATE OF MAINE
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ONE HUNDRED AND NINTH LEGISLATURE
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The board shall meet at least once ~~each month~~ **every 2 months** and in addition may meet as often as necessary, at such times and places as the chairman may designate.

Effective September 14, 1979

CHAPTER 195

H. P. 543 — L. D. 674

AN ACT to Prohibit an Intentional Attempt to Elude a Police Officer through High-speed Driving.

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

Sec. 1. ~~29~~ MRSA § 2121, 2nd ¶, last sentence, as amended by PL 1975, c. 731, § 58, is further amended to read:

Failure to comply with this requirement shall be ~~a misdemeanor~~ **Class E crime**.

Sec. 2. ~~29~~ MRSA § 2121, as last amended by PL 1975, c. 731, § 58, is further amended by inserting after the 2nd paragraph the following new paragraph:

Whoever, after being requested or signaled to stop, attempts to elude the officer by driving a vehicle at a reckless rate of speed which results in a high-speed chase between the operator's vehicle and any law enforcement vehicle using a blue light or siren shall be guilty of a Class D crime.

Effective September 14, 1979

CHAPTER 196

H. P. 1303 — L. D. 1559

AN ACT to Provide for Continuing Education for Real Estate Brokers and Salesmen.

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

Sec. 1. ~~32~~ MRSA § 4115, 2nd sentence as repealed and replaced by PL 1975, c. 767, § 76, is amended to read:

The commission shall issue a new pocket card for each ensuing biennial period in

the absence of any reason or condition which might warrant the refusal of granting a license, upon receipt of the written request of the applicant and, the biennial fee therefor and upon the applicant's presenting evidence of compliance with the requirements of section 4115-B.

Sec. 2. 32 MRSA §§ 4115-B and 4115-C are enacted to read:

§ 4115-B. Continuing Education Committee, members, duties

Each biennial licensing period, actively licensed real estate brokers and real estate salesmen shall attend 12 clock hours of real estate oriented educational programs, approved by the Continuing Education Committee appointed by the commission. The committee shall consist of one member of the commission, one member from the field of education, one member representing the public and 4 licensees, each representing a different geographical area of the State, at least one of whom shall not belong to a professional real estate trade association. Members shall be appointed for staggered 3-year terms, except the commission member who shall be appointed annually.

Upon receipt of an application for approval as a continuing education program, the committee shall consider the apparent ability of the program to improve the licensee's knowledge of the real estate business and to assist the licensee in keeping abreast of changing laws, regulations or practices which will affect the interests of his client. The committee shall approve programs which will meaningfully contribute to improving the licensee's ability to meet the needs of his client.

Approved programs may include inoffice classes, video-tape and tele-lecture presentations, correspondence courses, professional seminars, college courses, workshops, courses designed for prelicensure education, and other formats, subject to approval of course content by the committee. The committee in approving applications shall also consider the desirability of low cost programs that can be accessible to licensees in rural areas.

The commission may promulgate rules necessary for implementation and enforcement of this section and shall maintain a current list of programs receiving approval under this section.

§ 4115-C. Exception to education requirements

Licensees applying for renewal of licenses which terminate upon June 30, 1980, in order to meet the educational requirements of section 4115-B, shall present evidence to the commission of participation or attendance during the preceding biennial license period of 6 clock hours of education courses approved in accordance with section 4115-B.

Sec. 3. 32 MRSA § 4118-A, last paragraph, as last amended by PL 1965, c. 513, § 70-B, is repealed and the following enacted in its place:

Anyone who has surrendered his license pursuant to this section and who applies for reinstatement of his license to active status shall be subject to all the provisions of this chapter applicable to an original applicant for a license except written examination and fee. The licensee shall demonstrate to the commission that he has within the previous biennium attended 12 clock hours of courses designated in section 4115-B.

Effective September 14, 1979

CHAPTER 197

H. P. 817 — L. D. 1019

AN ACT to Define Employer under the Occupational Safety and Health Law.

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

Sec. 1. 26 MRSA § 45-A, as last amended by PL 1975, c. 519, § 7, is repealed.

Sec. 2. 26 MRSA § 563, sub-§ 7, is enacted to read:

7. **Employer.** "Employer" shall mean the State, state agency, county, municipal corporation, school district or other political corporation or political subdivisions having employees.

Effective September 14, 1979

CHAPTER 198

H. P. 269 — L. D. 355

AN ACT to Permit the Advisory Council to the Commissioner of Inland Fisheries and Wildlife to Give Advice on the Approval of Rules.

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

Sec. 1. 12 MRSA § 1955, 5th sentence, as repealed and replaced by PL 1977, c. 78, § 50, is amended to read:

The council shall render to the commissioner information and advice concerning the administration of the department and carry out other duties specifically delegated by inland fish and game laws.