

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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PUBLIC LAWS
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1. **Five-year warranty.** A 5-year manufacturer's express warranty against defects in materials or manufacture of solar collectors;
2. **One-year warranty.** A one-year warranty against failure of the solar system when such failure is the result of improper installation; and
3. **Implied warranty.** Those implied warranties established in the Maine Uniform Commercial Code, Title 11, sections 2-314 and 2-315.

§ 1494. **Civil forfeiture; Unfair Trade Practices Act violation**

Any person who fails to provide the purchaser of solar energy equipment, as defined in this chapter, with a minimum warranty, as established by law, shall be deemed to have committed a civil violation for which a forfeiture of not less than \$200 nor more than \$500 for the first offense and not less than \$500 nor more than \$1,000 for each subsequent offense shall be adjudged. In addition to the civil penalty provided in this section, any violation of this chapter shall constitute a violation of Title 5, chapter 10.

Effective September 14, 1979

CHAPTER 300

S. P. 398 — L. D. 1216

AN ACT to Transfer the State Board of Certification for Geologists and Soil Scientists to the Department of Business Regulation.

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

Sec. 1. 32 MRSA § 4907, first sentence, as repealed and replaced by PL 1977, c. 78, § 188 is amended to read:

The State Board of Certification for Geologists and Soil Scientists is created and shall administer this chapter and its office shall be within the ~~Department of Conservation~~ Department of Business Regulation.

Sec. 2. 32 MRSA § 4907, sub-§ 4, as repealed and replaced by PL 1975, c. 760, § 10 is repealed and the following enacted in its place:

4. **Meetings.** The board shall meet annually and at such other times as it may deem necessary and keep a record of proceedings. The board shall, every 2 years, elect a chairman who shall be a member of the board. No chairman shall serve more than 2 consecutive terms.

Four members shall constitute a quorum.

Sec. 3. 32 MRSA § 4908, as last amended by PL 1977, c. 694, § 645, is repealed and the following enacted in its place:

§ 4908. Powers and duties

The board may adopt, amend or repeal rules and regulations, pursuant to Title 5, chapter 375, subchapter II, to carry out this chapter, including, but not limited to, rules and regulations relating to professional conduct in accordance with the policy of this chapter.

The board may receive and expend moneys derived from fees and other sources.

1. **Register.** The Central Licensing Division of the Department of Business Regulation shall compile and maintain a complete and up-to-date list of all licenses. The list shall be made available to any person upon request.

2. **Reports.** On or before August 1st of each year, the board shall submit to the Commissioner of Business Regulation for the preceding fiscal year ending June 30th, its annual report of its operations and financial position, together with such comments and recommendations as the commissioner deems essential.

The board shall submit to the Commissioner of Business Regulation its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget.

3. **Employees.** The Commissioner of Business Regulation, with the advice and consent of the board, shall be empowered to appoint, subject to the Personnel Law, such employees as may be necessary to carry out this chapter. Any person employed shall be located in the Department of Business Regulation and under the administrative and supervisory direction of the Commissioner of Business Regulation.

4. **Liaison.** The board shall establish relations with bodies which regulate the practice of geology and the practice of soil science, or closely related disciplines, or which certify geologists or soil scientists in other states, and may establish relations with such bodies in other countries for the purposes of achieving uniformly high professional standards and mutual recognition of certification.

Sec. 4. 32 MRSA § 4910, as amended by PL 1975, c. 760, § 14, is repealed.

Sec. 5. 32 MRSA § 4911, as enacted by PL 1973, c. 558, § 1 is repealed and the following enacted in its place:

§ 4911. Expiration and renewal

Certificates shall expire on December 31st biennially and shall become invalid on that date unless renewed. Any individual not renewing a certificate within 5 years after expiration will be considered as a new applicant. It shall be the duty of

the Central Licensing Division of the Department of Business Regulation to notify, at his last known address, every person registered under this chapter of the date of the expiration of his license and the amount of the fee that shall be required for its renewal for a 2-year period. The notice shall be mailed at least one month in advance of the expiration date.

Effective September 14, 1979

CHAPTER 301

H. P. 1017 — L. D. 1250

AN ACT to Prohibit the Licensing of Deceptively Similar Names for Firms or Corporations of Agents, Brokers, Adjusters or Consultants under the Insurance Law.

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

24-A MRSA § 1517, sub-§§ 4-A and 4-B are enacted to read:

4-A. All the licensees shall be subject to the same restrictions with regard to deceptively similar names as applied to insurers under section 408, sub-§ 1.

4-B. All the licensees shall advertise only in the name under which they are licensed.

Effective September 14, 1979

CHAPTER 302

S. P. 446 — L. D. 1366

AN ACT Concerning Licensing Manufactured Housing Dealers, Itinerant Vendors, Lightning Rod Salesmen and Apprentices and Helper Electricians.

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

Sec. 1. 10 MRSA § 9021, sub-§ 4, as enacted by PL 1977, c. 550, § 1, is repealed and the following enacted in its place:

4. License term. Licenses shall expire February 28th or at such other times as the Commissioner of Business Regulation may designate and shall be issued on a biennial basis upon payment of a license fee.

Sec. 2. 10 MRSA § 9021, sub-§ 5 is enacted to read: