

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 1-452

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

J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

State, in another state or in a Federal Court for a crime, the degree of which or the potential penalty of which is increased as a result of the challenged criminal judgment of this State. This requirement is not satisfied unless:

(1) The subsequent crime, as enhanced, is, in the case of a crime in this State, punishable by incarceration of one year or more or, in the case of a crime in another jurisdiction, is a felony or an infamous crime; and

(2) If a sentence for the subsequent crime has been imposed, the length of that sentence actually exceeds the amount of incarceration which could have been imposed for the subsequent crime had its potential penalty not been enhanced by the challenged criminal judgment; or

C. A pending trial or any of the restraints or impediments specified in subsection 1 following a criminal judgment in this State, another state or in a Federal Court for a crime for which proof of the criminal judgment of this State that is challenged constitutes an element of the subsequent crime.

Sec. 6. 15 MRSA §2128, as enacted by PL 1979, c. 701, §15, is amended by inserting before subsection 1 the following:

A person under restraint or impediment specified in section 2124 shall demonstrate that relief is not unavailable on the basis of waiver as described in subsections 1 to 5.

Effective September 23, 1983.

CHAPTER 236

H.P. 1134 - L.D. 1487

AN ACT to Amend the Statutes Relating
to Itinerant Sellers.

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

Sec. 1. 32 MRSA §4682-A is enacted to read:

§4682-A. Licenses

1. Issuance. The Department of Business Regulation shall issue to each transient seller and employee of that transient seller a license which, among other things, shall indicate that the person whose name appears thereon is a licensed seller or employee of a licensed seller under this chapter.

2. Possession and presentation. Every transient seller of consumer merchandise and each of the seller's employees shall have a valid license, as required by this chapter, in his immediate possession at all times when engaging in sales of consumer merchandise in this State and shall present the license for inspection upon request of any person.

3. Penalty. A violation of subsection 2 is a civil violation for which a forfeiture of not more than \$200 may be adjudged.

Sec. 2. 32 MRSA §4684-A, as amended by PL 1979, c. 302, §6, is further amended to read:

§4684-A. Renewal application

A renewal application made upon a form prescribed by the Department of Business Regulation shall be filed ~~biennially~~ by the applicant on October 31st or at such other times as the Commissioner of Business Regulation may designate. The renewal application shall include all changes or additions in the information required by section 4684. Notice shall be mailed to each person's last known address 30 days in advance of his expiration date. The renewal application shall be accompanied by a ~~\$10 biennial~~ renewal fee, as provided in section 4685.

Sec. 3. 32 MRSA §4685, as amended by PL 1977, c. 696, §§385 and 386, is repealed and the following enacted in its place:

§4685. License fee and security deposit

1. Fee. Every person, including the self-employed or those who employ one or more transient sellers of consumer merchandise, shall pay to the Department of Business Regulation the following fees at the time an application is made for the license or renewal:

A. For an original or renewal transient seller's license, \$15; and

B. For a license of each employee of transient sellers and for renewals thereof, \$5.

2. Dedicated revenues. All fees received under this chapter shall be paid to the Treasurer of State to be used for carrying out this chapter. Any balance of these fees shall not lapse, but shall be carried forward as a continuing account to be expended for the same purpose in the following fiscal year.

3. Security deposit. Every person, including the self-employed or those who employ one or more transient sellers of consumer merchandise, shall also make a security deposit of \$10,000 or of a sum equal to the anticipated yearly gross revenues in this State, whichever is less, with the Department of Business Regulation for the protection of consumers as described in section 4687. The security deposit may be made by a bond as drawn by the Department of Business Regulation and as secured by a surety approved by the Department of Business Regulation. Only one security deposit shall be required of each business entity engaged in transient sales of consumer merchandise.

4. License issued. The Department of Business Regulation shall issue to a transient seller of consumer merchandise and to employees of that transient seller a license upon receipt of a completed application in proper form, appropriate fees and a security deposit.

Effective September 23, 1983.

CHAPTER 237

H.P. 860 - L.D. 1110

AN ACT to Conform the Requirements for
Construction of Generating Facilities or
Transmission Lines.

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

35 MRSA §13-A, as amended by PL 1979, c. 265, §§4 and 5, is further amended by adding at the end the following new paragraphs to read:

When the petition is filed, the electric company or companies involved shall pay to the Public Utilities Commission an amount equal to 2/100th of 1% of the estimated cost of the purchase or conversion. The utility or utilities may, at the time of the filing of notice of its intent to file the petition, request the commission to waive all or a portion of