

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

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Chapters 1-542

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Twin City Printery
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PUBLIC LAWS

OF THE

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Sec. 18. 29 MRSA §2448, as enacted by PL 1983, c. 476, §6, is amended to read:

§2448. License required

No person may engage in business as a salvage vehicle dealer, recycler or as a ~~repairer scrap processor~~ without having been issued a license under this subchapter. The terms of each license shall be for the period beginning from the date of issuance of that license and ending on the 31st day of December next following.

A person is engaged in the business of salvage vehicles, as a recycler or as a ~~repairer scrap processor~~ when that person ~~is in the business of buying more than 5 purchases or acquires salvage vehicles within a 12-month period~~ for the purpose of reselling the vehicle or component parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale, or for the purpose of selling the basic materials in the salvage vehicles, or permits the display or storage of salvage vehicles or parts thereof upon premises owned or controlled by him. Failure to obtain such a license is a Class E crime.

No person may engage in business as an insurance salvage pool without having been licensed under this section or under section 366 as a vehicle auctioneer.

A person is engaged in business as an insurance salvage pool when that person stores salvage vehicles on behalf of one or more insurers and disposes of the salvage vehicles for the insurer through any system of bidding or sales, regardless of whether the insurer or the insurance salvage pool is considered the seller.

No salvage vehicle transferred through the activity of an insurance salvage pool may be transferred to any person who is not licensed under this section.

Sec. 19. 29 MRSA §2451, sub-§2, ¶C, as enacted by PL 1983, c. 476, §6, is amended to read:

C. Whether the applicant has been found guilty of any ~~felony criminal offense~~ within the past 5 years ~~involving moral turpitude, or for any misdemeanor concerning fraud or conversion, or suffering has suffered any judgment in any civil action involving fraud, misrepresentation or conversion and, in~~ In the case of a corporation or partnership, the application shall provide the information required in this subsection for all directors, officers or partners;

Sec. 20. 29 MRSA §2453, sub-§2, as enacted by PL 1983, c. 476, §6, is repealed and the following enacted in its place:

2. Renewal application. The Secretary of State, after a thorough investigation, shall act upon an application for renewal of a motor vehicle dealer's license within 90 days after receipt of the application, by renewing that license or refusing to grant the license. If the Secretary of State refuses to renew a recycler's or scrap

processor's license, notice shall be given to that applicant that an opportunity for hearing before the Secretary of State or his deputy shall be provided upon request to show cause why that renewal should be issued.

Sec. 21. 29 MRSA §2455, sub-§1, ¶F, as enacted by PL 1983, c. 476, §6, is repealed and the following enacted in its place:

F. Having been convicted of any fraudulent act in connection with the business of selling motor vehicles or has suffered any judgment in any civil action involving fraud, misrepresentation or conversion;

Sec. 22. 29 MRSA §2455, sub-§1, ¶G, as enacted by PL 1983, c. 476, §6, is amended to read:

G. Any violation of Title 5, sections 206 to 212, unfair trade practices law, or violation of Title 17, section 3203 or a violation of Title 30, chapter 215, subchapter I;

Sec. 23. 29 MRSA §2456, as enacted by PL 1983, c. 476, §6, is amended to read:

§2456. Suspension and revocation

Notwithstanding Title 4, section 1151, subsection 2, and Title 5, sections 10003 and 10051, the ~~Administrative Court or the~~ Secretary of State may suspend, revoke or deny any license, registration or renewal issued pursuant to this subchapter.

Sec. 24. 29 MRSA §2460, as enacted by PL 1983, c. 476, §6, is amended to read:

§2460. Surrendering certificates of title

Any recycler or scrap processor who ~~dismantles~~, destroys, scraps or processes a vehicle shall mail or deliver the certificate of title or certificate of salvage to the Secretary of State for cancellation. A certificate of title or registration to the vehicle shall not again be issued.

Effective September 29, 1987.

CHAPTER 486

H.P. 1062 — L.D. 1445

AN ACT to Facilitate Access to In-home Services.

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

Sec. 1. 22 MRSA §303, sub-§11-A, as amended by PL 1985, c. 418, §2, is further amended to read:

11-A. Home health care provider. "Home health care provider" means any business entity or subdivision thereof, whether public or private, proprietary or not for

profit, which is engaged in providing acute, restorative, rehabilitative, maintenance, preventive or health promotion services through professional nursing and at least one other therapeutic service, such as physical therapy, occupational therapy, speech pathology, home health aides, nurse assistants, medical social work and nutritionist services, either directly or through contractual agreement, in a client's place of residence. This term does not apply to any sole practitioner providing private duty nursing services or other restorative, rehabilitative, maintenance, preventive or health promotion services in a client's place or residence. In addition, this term does not apply to hospitals, skilled nursing facilities or intermediate care facilities providing in-home services exempt from licensure under section 2147, subsection 10.

Sec. 2. 22 MRSA §2147, sub-§10, as amended by PL 1985, c. 189, §2, is further amended to read:

10. Facilities licensed pursuant to chapter 405. Hospitals, intermediate care facilities, skilled nursing facilities or other facilities licensed pursuant to chapter 405 when the services are provided to clients residing in those facilities, or to 6 or fewer clients at any one time in their homes under a plan of care approved by the department or its designee when it is documented in the patient's record that the licensed home health care agency or agencies serving the patient's area:

A. Have indicated that they are unable to provide those services; or

B. Agree that the plan of care is an acceptable plan.

The plan of care must meet standards for staff qualifications and supervision consistent with the standards required of licensed home health care providers;

Effective September 29, 1987.

CHAPTER 487

S.P. 606 — L.D. 1796

AN ACT to Allow Increased Participation of State Employees in the Electoral Process.

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

5 MRSA §7056, sub-§3, as enacted by PL 1985, c. 785, Pt. B, §38, is amended to read:

3. Candidacy for elective office. No officer or employee in the classified service of this State may be a candidate for elective office in a partisan public election other than for a local office. This subsection shall not be construed as to prohibit any such officer or employee of the State from being a candidate in any election if none of the candidates is to be nominated or elected at that election as representing a party, any of whose candidates

for presidential elector received votes in the last preceding election at which presidential electors were selected. Law enforcement officers shall continue to be subject to departmental rules regarding procedures on candidacy.

Effective September 29, 1987.

CHAPTER 488

S.P. 365 — L.D. 1100

AN ACT to License Acupuncturists.

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

Sec. 1. 5 MRSA §12004, sub-§1, ¶A, sub-¶(2-A) is enacted to read:

(2-A)	<u>Acupuncture Licensing Board</u>	<u>Expenses Only</u>	<u>32 MRSA §12406</u>
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Sec. 2. 10 MRSA §8001, as repealed and replaced by PL 1985, c. 737, Pt. A, §21, and as amended by PL 1985, c. 819, Pt. A, §15, is repealed and the following enacted in its place:

§8001. Department; organization

There is created and established the Department of Professional and Financial Regulation, in this chapter referred to as the "department," to regulate financial institutions, insurance companies, commercial sports, grantors of consumer credit and to license and regulate professions and occupations. The department shall be composed of the following bureaus, boards and commissions:

Banking, Bureau of;

Consumer Credit Protection, Bureau of;

Insurance, Bureau of;

Athletic Commission, Maine;

Pilotage Commission, Maine State;

Real Estate Commission;

Running Horse Racing Commission, State;

Arborist Examining Board;

Auctioneers, Board of Licensing of;

Barbers, State Board of;

Commercial Driver Education, Board of;

Dietetic Practice, Board of Registration of;