

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE

**FIRST SPECIAL SESSION**

October 9, 1987 to October 10, 1987

**SECOND SPECIAL SESSION**

October 21, 1987 to November 20, 1987

and the

**SECOND REGULAR SESSION**

January 6, 1988 to May 5, 1988

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

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Twin City Printery  
Lewiston, Maine  
1988

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST AND SECOND SPECIAL SESSIONS  
and  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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A. February 1, 1992; or

**Sec. 5. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	<u>1987-88</u>	<u>1988-89</u>
<u>LABOR, DEPARTMENT OF</u>		
Job Training Partnership Program		
Personal Services	\$ 13,000	\$ 52,000
All Other	287,000	123,000
 Total	 <u>\$300,000</u>	 <u>\$175,000</u>
Provides funds to meet additional job training demands.		

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective February 10, 1988.

**CHAPTER 571**

H.P. 1425 — L.D. 1936

**AN ACT to Extend the Sunset Review Period for Rate Regulation Reform for Certain Electric Utilities.**

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

35-A MRSA §3505, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

§3505. Sunset provision

This section and sections 3501 to 3504 are repealed on ~~June 30, 1989~~ October 1, 1992, pending review by the joint standing committee of the Legislature having jurisdiction over utilities and unless continued by legislative Act.

Effective August 4, 1988.

**CHAPTER 572**

H.P. 1530 — L.D. 2084

**AN ACT Concerning Elected Clerks Handling Absentee Ballots.**

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, preparations for the absentee balloting process are already underway to allow for the timely

printing and delivery of these ballots in advance of when they are needed for municipal elections this spring; and

Whereas, under Public Law 1987, chapter 364, which was enacted in the First Regular Session of the 113th Legislature, municipal clerks who are also candidates who will be elected by written ballot subject themselves to Class D criminal penalties if they in any way "handle" absentee ballots; and

Whereas, this new law is severely hampering elected clerks' ability to conduct their traditional and necessary supervision of the absentee balloting process; and

Whereas, this law must, at the earliest possible opportunity, be repealed for those clerks who are candidates for their office in uncontested elections to ensure that they may perform their official duties this spring; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

21-A MRSA §791, sub-§2, ¶B, as enacted by PL 1987, c. 364, is amended to read:

B. Notwithstanding this subchapter, a candidate who delivers, receives, accepts, notarizes or witnesses an absentee ballot, other than his own absentee ballot, furnished by the clerk of a municipality in this State. This paragraph does not apply to an elected municipal clerk who is a candidate for the office of municipal clerk in an election where no other name for the office of clerk appears on the ballot. In a contested election for the office of clerk, a clerk shall not be exempted from the provisions of this paragraph, but shall instead appoint a deputy or an assistant to whom the municipality shall pay all associated costs for the duration of the deputy's or assistant's temporary employment in that capacity; or

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective February 12, 1988.

**CHAPTER 573**

S.P. 839 — L.D. 2176

**AN ACT to Clarify the Laws Relating to Notaries Public.**

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

Sec. 1. 4 MRSA §954-A is enacted to read:

§954-A. Conflict of interest if notary related

A notary public shall not perform any notarial act for any person if that person is the notary public's spouse, parent, sibling, child, spouse's parent or child's spouse. This section does not affect or apply to notarial acts performed before the effective date of this section.

Sec. 2. 4 MRSA §955-A, as amended by PL 1981, c. 456, Pt. A, §10, is repealed and the following enacted in its place:

§955-A. Removal from office

1. Complaint by Secretary of State. The Secretary of State may file a complaint with the Administrative Court to have a notary public removed from office.

2. Action by Administrative Court. If the Administrative Court, upon complaint by the Secretary of State, finds that the notary public has performed in an improper manner any duty imposed upon the notary public by law, or has performed acts not authorized by law, the Administrative Court may remove the notary public from office.

Sec. 3. 4 MRSA §955-B is enacted to read:

§955-B. Maintenance of records

The Secretary of State shall recommend that every notary public keep and maintain records of all notarial acts performed.

Effective August 4, 1988.

## CHAPTER 574

S.P. 838 — L.D. 2175

### AN ACT to Require Basic Written Contracts for Home Construction Work.

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

10 MRSA c. 219-A is enacted to read:

#### CHAPTER 219-A

#### HOME CONSTRUCTION CONTRACTS

§1486. Definitions

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

1. Change orders. "Change orders" means a writ-

ten amendment to the home construction contract which becomes part of and in conformance with the existing contract.

2. Down payment. "Down payment" means all payments to a home construction contractor prior to or contemporaneous with the execution of the home construction contract.

3. Materials. "Materials" means all supplies which are used to construct, alter or repair a residence.

4. Home construction contract. "Home construction contract" means a contract to build, remodel or repair a residence.

5. Residence. "Residence" means a dwelling structure with 3 or less living units and garages. Buildings used for commercial or business purposes are not subject to this chapter.

§1487. Home construction contracts

Any home construction contract for more than \$1,400 in materials or labor must be in writing and must be signed by both the home construction contractor and the homeowner or lessee. Both the contractor and the homeowner or lessee shall receive a copy of the executed contract prior to any work performance. This basic contract must contain the entire agreement between the homeowner or lessee and the home construction contractor and must contain at least the following parts:

1. Names of parties. The name, address and phone number of both the home construction contractor and the homeowner or lessee;

2. Location. The location of the property upon which the construction work is to be done;

3. Work dates. Both the estimated date of commencement of work and the estimated date when the work will be substantially completed;

4. Contract price. The total contract price, including all costs to be incurred in the proper performance of the work, or, if the work is priced according to a "cost-plus" formula, the agreed-upon price and an estimate of the cost of labor and materials;

5. Payment. The method of payment, with the initial down payment being limited to no more than 1/3 of the total contract price;

6. Description of the work. A general description of the work and materials to be used;

7. Warranty. A warranty statement which reads:

"In addition to any additional warranties agreed to by the parties, the contractor warrants that the work will be free from faulty materials; construct-