

# 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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ed according to the standards of the building code applicable for this location; constructed in a skillful manner and fit for habitation. The warranty rights and remedies set forth in the Maine Uniform Commercial Code apply to this contract”;

8. Resolution of disputes. A statement allowing the parties the option to adopt one of 3 methods of resolving contract disputes. At a minimum, this statement must provide the following information:

“If a dispute arises concerning the provisions of this contract or the performance by the parties, then the parties agree to settle this dispute by jointly paying for one of the following (check only one):

(1) Binding arbitration as regulated by the Maine Uniform Arbitration Act, with the parties agreeing to accept as final the arbitrator’s decision ( \_\_\_\_\_ );

(2) Nonbinding arbitration, with the parties free to not accept the arbitrator’s decision and to seek satisfaction through other means, including a lawsuit ( \_\_\_\_\_ ); or

(3) Mediation, with the parties agreeing to enter into good faith negotiations through a neutral mediator in order to attempt to resolve their differences ( \_\_\_\_\_ );”;

9. Change orders. A change order statement which reads:

“Any alteration or deviation from the above contractual specifications that involve extra cost will be executed only upon the parties entering into a written change order”;

10. Door-to-door sales. If the contract is being used for sales regulated by the consumer solicitation sales law, Title 32, chapter 69, subchapter V or the home solicitation sales law, Title 9-A, Part 5, a description of the consumer’s rights to avoid the contract, as set forth in these laws; and

11. Residential insulation. If the construction includes installation of insulation in an existing residence, any disclosures required by chapter 219, Insulation Contractors.

#### §1488. Change orders

Each change order to a home construction contract must be in writing and becomes a part of and is in conformance with the existing contract. All work shall be performed under the same terms and conditions as specified in the original contract unless otherwise stipulated. The change order must detail all changes to the original contract that result in a revision of the contract price. The previous contract price must be stated and the revised price shall also be stated. Both parties must sign the change order.

#### §1489. Exemption

Parties to a home construction contract may exempt themselves from the requirements of this chapter only if the contractor specifically informs the homeowner or lessee of his rights under this chapter and the parties then mutually agree to a contract or change order that does not contain the parts set forth in sections 1487 and 1488.

#### §1490. Penalties

1. Violation. Any violation of this chapter shall constitute prima facie evidence of a violation of the Unfair Trade Practices Act, Title 5, chapter 10.

2. Civil penalty. Each violation of this chapter constitutes a civil violation for which a forfeiture of not less than \$100 nor more than \$1,000 may be adjudged. No action may be brought for a civil violation under this subsection more than 2 years after the date of the occurrence of the violation. No home construction contractor may be held liable for a civil violation under this subsection if the contractor shows by a preponderance of the evidence that the violation was unintentional and a bona fide error, notwithstanding the maintenance of procedures reasonably adopted to avoid any such error.

Effective August 4, 1988.

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## CHAPTER 575

S.P. 656 — L.D. 1879

### AN ACT to Clarify the Authority for Judicial Suspension of Motor Vehicle Licenses.

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

Whereas, it is necessary to immediately clarify the authority of the court to suspend motor vehicle operators’ licenses for failure to appear in court; 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:

29 MRSA §2301-A, first ¶, as amended by PL 1987, c. 415, §29, is further amended to read:

If a person fails to appear in court on the day specified in response to a Uniform Traffic Ticket and Complaint, a summons, a condition of bail or order of court for any violation of Title 23, section 1980, Title 28-A, section 2052 or any provision of this Title, or for any

further appearance ordered by the court, including one for the payment of a fine, either in person or by counsel, the court shall suspend his license or permit, his right to operate motor vehicles in this State and the right to apply for or obtain a license.

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

Effective February 19, 1988.

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## CHAPTER 576

S.P. 736 — L.D. 1995

### AN ACT to Clarify the Offense of Furnishing Liquor to a Minor.

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

28-A MRSA §2081, sub-§1, ¶B, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

B. Allow any minor under his control, or ~~on premises~~ in any place under his control, to consume liquor.

Effective August 4, 1988.

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## CHAPTER 577

S.P. 714 — L.D. 1944

### AN ACT Clarifying the Authority of Superior Court Justices to Sit in District Court.

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

4 MRSA §120 is enacted to read:

§120. Justice or Active Retired Justice of the Superior Court to sit in District Court

A Justice or Active Retired Justice of the Superior Court may be assigned by the Chief Justice of the Supreme Judicial Court to sit in the District Court in any district and, when so directed, the justice or active retired justice shall have the same authority and jurisdiction in the District Court as a regular Judge of the District Court; and whenever the Chief Justice of the Supreme Judicial Court so directs, the assigned justice may hear all matters and issue all orders, decrees and judgments that any Judge of the District Court may hear and issue.

The order of the Chief Justice of the Supreme Judicial Court directing a Justice or an Active Retired Justice of the Superior Court to sit in the District Court shall

be filed with the Executive Clerk of the Supreme Judicial Court, but need not be docketed or otherwise recorded in any case heard by the assigned justice.

Effective August 4, 1988.

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## CHAPTER 578

S.P. 746 — L.D. 2005

### AN ACT to Amend the Membership of the Soil and Water Conservation Commission.

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

12 MRSA §51, first ¶, as amended by PL 1983, c. 812, §71, is further amended to read:

The State Soil and Water Conservation Commission, as established by Title 5, section 12004, subsection 8, shall serve as an agency of the State and shall perform the functions conferred upon it in this chapter. It shall consist of the following 11 members: The Dean of the College of Life Sciences and Agriculture Vice-president for Research and Public Service of the University of Maine, the Commissioner of Agriculture, Food and Rural Resources, the Commissioner of Conservation, the Commissioner of Inland Fisheries and Wildlife and, the Commissioner of Marine Resources and the Commissioner of Environmental Protection, who shall serve ex officio ex officio, except that each ex officio member may delegate one of his that member's staff with policy-making authority to serve regularly in his absence, and 6 soil and water conservation district supervisors, one of which shall represent each of the following 6 areas: Area 1, composed of St. John Valley, Central Aroostook and Southern Aroostook Soil and Water Conservation Districts; Area 2, composed of Washington and Hancock County Soil and Water Conservation Districts; Area 3, composed of Penobscot, Piscataquis and Somerset County Soil and Water Conservation Districts; Area 4, composed of Kennebec, Knox-Lincoln and Waldo County Soil and Water Conservation Districts; Area 5, composed of Androscoggin Valley, Oxford and Franklin County Soil and Water Conservation Districts; Area 6, composed of Cumberland and York County Soil and Water Conservation Districts. Any district organized after October 1, 1975, shall be included in one of these 6 areas as determined by the State Soil and Water Conservation Commission.

Effective August 4, 1988.

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## CHAPTER 579

S.P. 774 — L.D. 2031

### AN ACT Relating to the Use of Unoccupied Interment Spaces.