

# 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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suant to section 2296, until at least 3 years after the original date scheduled for eligibility to apply for relief of that status.

3. Presumption of identity. If the name and date of birth of the person being prosecuted under this section are the same as the habitual offender whose privilege to operate has been revoked, then there shall be a presumption that that person is the same person whose license was revoked under this chapter.

Effective August 4, 1988.

## CHAPTER 592

S.P. 738 — L.D. 1997

### AN ACT to Authorize the Bureau of Banking, Securities Division, to Adopt a Simplified Registration Statement for Limited Public Offerings.

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

32 MRSA §10404, sub-§5 is enacted to read:

5. Simplified statement. For purposes of simplifying the registration statement for smaller offerings and promoting uniformity with other states, the superintendent may adopt, by rule promulgated in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, a form to be used as the registration statement for securities being registered under this section and sold in offerings in which the aggregate offering price does not exceed the maximum amount specified in the rule. The form need not require all the information included in this section and may require information not included in this section.

Effective August 4, 1988.

## CHAPTER 593

H.P. 1435 — L.D. 1952

### AN ACT Relating to Disclosures when Selling Used Cars.

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

10 MRSA §1475, sub-§3, ¶D, as amended by PL 1987, c. 136, is further amended to read:

D. A statement identifying the type of damage, if any, that the vehicle has sustained, such as fire, water or substantial collision damage, if such information is known to the seller.

Effective August 4, 1988.

## CHAPTER 594

H.P. 1647 — L.D. 2253

### AN ACT Concerning Sanitary Conditions on Railroad Property.

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

Whereas, Public Law 1985, chapter 5, requires the Legislative Task Force on Railroads to submit its report, together with any necessary legislation to the Legislature prior to May 1, 1987; and

Whereas, the task force finds it necessary to continue this study to June 30, 1988, to identify the most effective role to be played by the State in retaining and enhancing rail transportation; 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:

Sec. 1. 26 MRSA c. 5, sub-c. III-A is enacted to read:

#### §351. Rules

The Commissioner of Labor shall adopt rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, relating to sanitation on railroad property as it affects the safety and health of railroad employees, including, but not limited to, enginemen, trainmen, yardmen, maintenance-of-way employees, clerical employees, carmen and enginehouse employees.

#### §352. Scope

This subchapter applies to locomotives and caboose cars and other rolling stock, including camp cars and any other work area in which sanitation is not governed by a federal agency or another state agency. It does not apply to locomotives used only in yard switching service.

#### §353. Inspections

For the purposes of this subchapter, the Commissioner of Labor or the commissioner's designee may, at any reasonable time and upon presentation of appropriate identification, enter and inspect a workplace.

#### §354. Prohibition; penalty

A person who violates any rule that is adopted by the commissioner under this subchapter shall be subject to

a civil forfeiture not to exceed \$1,000 for each violation. Each day of violation shall constitute a separate violation.

Sec. 2. PL 1985, c. 813, §2, sub-§3, as amended by PL 1987, c. 5, §2, is further amended to read:

3. Report. The task force shall submit its report, together with any necessary legislation to the Legislature prior to May 1, 1987 June 30, 1988.

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

Effective February 26, 1988.

## CHAPTER 595

S.P. 733 — L.D. 1992

### AN ACT to Strengthen the Disciplinary Authority of Various State Regulatory Boards.

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

Sec. 1. 4 MRSA §1151, sub-§2, as repealed and replaced by PL 1987, c. 141, Pt. B, §1; c. 395, Pt. A, §15; and c. 402, Pt. A, §9, is repealed and the following enacted in its place:

2. Licensing jurisdiction. Except as provided in Title 5, section 10004; Title 10, section 8003, subsection 5; Title 29; Title 32, chapter 113; and Title 35-A, section 3132, the Administrative Court shall have exclusive jurisdiction upon complaint of an agency or, if the licensing agency fails or refuses to act within a reasonable time, upon complaint of the Attorney General, to revoke or suspend licenses issued by the agency, and shall have original jurisdiction upon complaint of a licensing agency to determine whether renewal or reissuance of a license of that agency may be refused. The Administrative Court shall have original concurrent jurisdiction to grant equitable relief in proceedings initiated by an agency or the Department of the Attorney General alleging any violation of a license or licensing laws or rules.

Notwithstanding any other provisions of law, no licensing agency may reinstate or otherwise affect a license suspended, revoked or modified by the Administrative Court pursuant to a complaint filed by the Attorney General, without the approval of the Attorney General.

Sec. 2. 10 MRSA §8003, sub-§5, ¶A, as enacted by PL 1985, c. 748, §18, is amended to read:

A. Suspend a violator's license for up to 90 days; or impose a civil penalty of up to \$500, or both, for any violation of the applicable laws, rules or license terms under its jurisdiction; or

Effective August 4, 1988.

## CHAPTER 596

S.P. 891 — L.D. 2303

### AN ACT Concerning Legislative Review of Nominations to the Maine State Housing Authority Board and the Board of Directors of the Finance Authority of Maine.

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

Whereas, vacancies to the boards which are subject to this legislation may occur before the expiration of the 90-day period; 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:

Sec. 1. 10 MRSA §965, sub-§§2 and 3, as enacted by PL 1983, c. 519, §6, are amended to read:

2. Designated members. Three members appointed by the Governor and subject to review by the joint standing committee of the Legislature having jurisdiction over State Government economic development and subject to confirmation by the Legislature shall consist of:

- A. One member who is a certified public accountant;
- B. One member who is an attorney; and
- C. One member who is a commercial banker.

3. At-large members. Three members appointed by the Governor and subject to review by the joint standing committee of the Legislature having jurisdiction over State Government economic development and subject to confirmation by the Legislature shall be appointed from at large.

Sec. 2. 30 MRSA §4602, sub-§2, ¶B, as amended by PL 1987, c. 403, §5, is further amended to read:

B. The state authority, as authorized by Title 5, section 12004, shall have 7 commissioners, 5 of whom shall be appointed by the Governor, subject to review by the Joint Standing Committee on State Government joint standing committee of the Legislature having jurisdiction over economic development and to confirmation by the Legislature, and one of whom shall be the Treasurer of State or his designee, ex officio. The designee of the Treasurer of State shall be the Deputy Treasurer of State. The 7th commissioner shall be