

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.

Twin City Printery
Lewiston, Maine
1988

PUBLIC LAWS

OF THE

STATE OF MAINE

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

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Sec. 1. 4 MRSA §1151, sub-§2, as repealed and replaced by PL 1987, c. 141, Pt.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 A, §9, is repealed and the following enacted in its place: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

the director of the state authority serving ex officio, who shall be chairman of the commissioners. The director of the state authority shall be appointed by the Governor, subject to review by the ~~Joint State-
ing Committee on State Government joint standing~~ committee of the Legislature having jurisdiction over economic development and to confirmation by the Legislature. ~~Said~~ The 5 commissioners shall include, but not be limited to, representatives of bankers and of low income or elderly people. One commissioner shall be a resident of housing which is subsidized or assisted by programs of the United States Department of Housing and Urban Development or of the Maine State Housing Authority. In making such appointment, the Governor shall give priority consideration to nominations that may be made by tenant associations established in the State.

The commissioners shall elect a vice-chairman of the commissioners from among their number. The commissioners of the state authority shall have the power and duty to establish and revise from time to time policies of the authority relative to the following particular matters:

- (1) Standards of issuing, servicing and redeeming bonds;
- (2) Purchase, sale or commitment to purchase mortgages or notes;
- (3) Initiating project construction and accepting properly completed facilities;
- (4) Setting and establishing selection and evaluation standards, criteria and procedures under which it will purchase, sell or agree to purchase loans, notes or obligations, having regard among other things to property values, local economic conditions and expectancy, credit and employment, and to local housing conditions and needs and the availability of credit resources to meet the same relative to similar or competing conditions and needs in other localities in the State;
- (5) Setting and establishing procedures for the servicing of loans, notes and obligations acquired by it, including the allowance of servicing fees to participating lenders to whom the state authority may entrust such servicing;
- (6) Setting and establishing procedures for the collection of ~~moneys money~~ due from persons liable for the payment of the same, as to any loan, note or obligation held by the state authority, by subrogation or otherwise, and to initiate and maintain any action at law or in equity, including foreclosure proceedings, to enforce such payment;
- (7) Setting and establishing procedures for the orderly liquidation and disposition of any property acquired by the state authority through foreclosure

or otherwise in full or partial satisfaction of any debt or obligation held by it; and

- (8) Establishing and maintaining out of income or otherwise such reserves as the state authority from time to time determines to be necessary and prudent in addition to those specifically required.

Following reasonable notice to each commissioner, 4 commissioners of the state authority shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes, notwithstanding the existence of any vacancies. Action may be taken by the commissioners upon a vote of a majority of the commissioners present, unless its bylaws ~~shall~~ require a larger number.

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

Effective March 4, 1988.

CHAPTER 597

H.P. 1255 — L.D. 1713

AN ACT to Amend Laws Relating to Certain Licensing Boards.

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

Sec. 1. 32 MRSA §1658-A, sub-§§1 and 2, as repealed and replaced by PL 1983, c. 413, §75, are amended to read:

1. License for person. No person may engage in the sale of or practice of fitting and dealing in hearing aids or display a sign or in any other way advertise or represent himself as a person who practices the fitting, dealing and sale of hearing aids, unless he holds a valid license issued by the board as provided in section 1658-I. The board shall issue a license to any person who applies for the license and who is qualified for the license pursuant to section 1658-I, upon payment of a fee of \$100. ~~The license shall be effective for 12 months following the date of issuance.~~ Licenses shall expire annually on January 31st or on such other date as the Commissioner of Professional and Financial Regulation determines. The license required by this chapter shall be conspicuously posted in the licensee's office or place of business. The board shall, without requiring additional payment, issue duplicate licenses to license holders operating more than one office. A license issued under this chapter shall confer on the holder the right to select, fit and sell hearing aids.

2. License for business organization. Any corporation, partnership, trust, association or other like organization engaged in the business of selling or offering for sale hearing aids at retail in the State shall apply to the