

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**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  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

---

---

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

board for a license to engage in that business. No business entity may so engage in the business of selling or offering for sale hearing aids without a license to do so. The board shall issue a license upon payment by the business entity of a fee in such amount as the board may establish up to \$150 and upon filing of a sworn statement from a person with authority from the business entity. That sworn statement shall list the names and addresses of all hearing aid dealers and fitters directly or indirectly employed by the entity and shall certify that the entity employs only hearing aid dealers and fitters who are duly licensed by the State. ~~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. Licenses may be renewed annually by each such business engaged in the fitting and sale of hearing aids by filing an application for a renewal of its license accompanied by a fee in such amount as the board may establish up to \$150. A license may be renewed up to 90 days after the date of its expiration upon payment of a late fee of \$10 in addition to the renewal fee. Any application for renewal submitted more than 90 days after the license expiration date shall be subject to all requirements governing new applicants under this chapter.~~

The license required by this chapter shall be conspicuously posted in the licensee's office or place of business. Notwithstanding this subsection, the board may, whenever it deems necessary, extend existing licenses so that an equal number expire each month to allow for the equal distribution of relicensure throughout the year.

**Sec. 2.** 32 MRSA §1658-B, as repealed and replaced by PL 1975, c. 463, §3, is amended to read:

**§1658-B. Payment; trial period**

At the time of purchase of one or more hearing aids, the seller-licensee may demand ~~and accept~~ no more than 50% of the purchase price. The purchaser, however, has the right to pay in full at this time the total price of the purchase. Not less than 20 days nor more than 35 days after the purchase of one or more hearing aids, the seller-licensee shall make personal contact with the purchaser and provide, free of charge, any service, fitting or repair that may be necessary for the beneficial and comfortable use of the hearing aid. The purchaser, during this trial period, may cancel the transaction by notifying the seller-licensee on or before the day of personal service contact and shall have the right to a refund. If at the time the seller-licensee makes personal contact with the purchaser, the purchaser in writing expresses his satisfaction with the hearing aid, then the balance of the purchase price is due and payable to the seller-licensee. If service or repair of the hearing aid is necessary, there shall be a further trial period of the same duration, with the same right of cancellation.

In the event of cancellation pursuant to this section, the seller-licensee, at the time he makes the personal con-

tact required by this section, shall refund the downpayment less 10% of the purchase price ~~of one hearing aid and less the reasonable price of the ear mold or ear molds of one or more hearing aids and less the reasonable price of the ear mold or ear molds and lab fees.~~ In the event of cancellation pursuant to this section, the purchaser shall return the hearing aid to the seller-licensee at the time of the personal contact and the seller-licensee shall return to the purchaser all hearing aid or aids, devices, accessories and ear molds that the seller-licensee has received from the purchaser.

Any person who practices the fitting and sale of hearing aids shall, in addition to the notice required in section 1658-C, advise the prospective purchaser in a separate writing of that purchaser's right to cancel the transaction and right to have a refund of the downpayment made less 10% of the purchase price ~~of one hearing aid and less the reasonable price of the ear mold or ear molds~~ one or more hearing aids and less the reasonable price of the ear mold or ear molds and lab fees.

Any provision of a contract which limits or conditions in any way the rights guaranteed to purchasers by this section shall be deemed to be against public policy and void. Any violation of the requirements of this section shall, in addition to being deemed unethical conduct as defined by the regulations pursuant to section 1658-N, constitute a violation of Title 5, chapter 10, Unfair Trade Practices Act.

**Sec. 3.** 32 MRSA §1658-C, sub-§4, ¶D, as repealed and replaced by PL 1975, c. 463, §3, is amended to read:

D. The notice shall state that the purchaser may cancel the transaction if he consults an ~~audiologist~~ audiologist or a physician with specialized training in the field of otolaryngology who in writing states that the hearing aid is not advisable and in writing specifies the audiological or medical reason or both therefor. This notice shall state that the purchaser may cancel only if the written opinion from the audiologist or physician is submitted to the seller within 60 calendar days from the date of purchase. If the purchaser cancels a transaction pursuant to this paragraph, the seller-licensee shall within 60 days of the notice of the cancellation and the return by the purchaser of the hearing aid or aids refund to the purchaser the amount paid less 10% of the purchase price of one ~~or more hearing aid aids~~ and less the reasonable price of the ear mold or molds and lab fees.

**Sec. 4.** 32 MRSA §2276, sub-§1, as enacted by PL 1983, c. 746, §2, is amended to read:

1. License required. No person may practice, or hold himself out as authorized to practice occupational therapy, as an occupational therapist or certified occupational therapist in this State or use the words "occupational therapist" or "certified occupational therapy assistant" or the letters "O.T." "C.O.T.A." or other words or letters to indicate that the person using the words or

letters is a licensed occupational therapist or certified occupational therapy assistant, unless he is licensed in accordance with this chapter.

Sec. 5. 32 MRSA §3301, sub-§3, as amended by PL 1985, c. 389, §17, is further amended to read:

3. Journeyman plumber. "Journeyman plumber" shall mean any person who customarily performs the work of installing plumbing and drainage under the employment and direction of a master plumber or, not being a master plumber, does plumbing repair work as a regular part time occupation. The biennial fee for a journeyman plumber's license shall ~~be \$30~~ not exceed \$75.

Sec. 6. 32 MRSA §3301, sub-§4, as repealed and replaced by PL 1977, c. 469, §3, is amended to read:

4. Limited license. "Limited license" shall mean a limited plumber's license to install and service plumbing work related to a specific type of plumbing equipment or to specific plumbing installations shall be granted to any person who has passed a satisfactory examination before the board. It shall specify the name of the person who shall be limited to engage in the occupation of installing and servicing the plumbing work related to the type of equipment or to specific plumbing installations only as authorized by the license. The biennial fee for a limited license shall ~~be \$30~~ not exceed \$75.

Sec. 7. 32 MRSA §3301, sub-§5, as amended by PL 1983, c. 468, §13, is further amended to read:

5. Master plumber. "Master plumber" means any person, firm or corporation, qualified under this chapter, engaging in, or about to engage in, the business of installing plumbing or plumbing systems. The license shall specify the name of the person, firm or corporation to whom the license is issued and in the case of a firm or corporation the license shall further specify the licensed master plumber in whose name it is issued, pursuant to the requirements of section 3507. The biennial fee for a master plumber's license shall ~~be \$80~~ not exceed \$150.

Sec. 8. 32 MRSA §3301, sub-§6, as amended by PL 1983, c. 413, §14, is amended to read:

6. Trainee plumber. "Trainee plumber" means any person who is engaged in assisting in making plumbing installations under the direct supervision of a journeyman plumber or master plumber, whether for the purpose of learning the trade or otherwise. The biennial fee for a trainee plumber license shall ~~be \$4~~ not exceed \$40.

Sec. 9. 32 MRSA §3401, as amended by PL 1983, c. 812, §229, is repealed and the following enacted in its place:

§3401. Membership; vacancies; removal; compensation

A Plumbers' Examining Board, as established by Ti-

tle 5, section 12004, subsection 1, shall consist of 5 members, who shall be appointed by the Governor. One of the members shall be a representative of the public, 2 shall be master plumbers as defined in section 3301, and 2 shall be journeyman plumbers as defined in section 3301, both of whom have been engaged in the business of plumbing for at least 2 years.

The appointive members shall be appointed for terms of 4 years, except that at least one appointive member's term shall expire in each calendar year and appointments for terms of less than 4 years may be made in order to comply with this limitation. Upon expiration of a member's term, that member shall serve until a successor is qualified and appointed. The successor's term shall be 4 years from the date of the expiration, regardless of the date of his appointment. No appointive member may be eligible to serve more than 2 full consecutive terms, provided that, for this purpose only, a period actually which exceeds 1/2 of the 4-year term shall be deemed a full term.

Any member of the board may be removed from office for cause, by the Governor. The members of the board shall each be compensated according to the provisions of Title 5, chapter 379.

Sec. 10. 32 MRSA §3501, sub-§2, ¶A, as repealed and replaced by PL 1983, c. 468, §17, is amended to read:

A. A minimum of at least 2 years with 4,000 hours of work in the field of plumbing installations as a trainee plumber under the supervision of a master plumber, or the equivalent thereof, and obtaining a passing grade as determined by the board on the journeyman's examination; or

Sec. 11. 32 MRSA §3501, sub-§2-A, ¶A, as enacted by PL 1983, c. 468, §18, is amended to read:

A. A minimum of at least one year with 2,000 hours of work in the field of plumbing installations as a journeyman plumber or a minimum of at least 4 years with 8,000 hours of work in the field of plumbing installations as a trainee plumber under the supervision of a master plumber, or the equivalent; and

Obtaining a passing grade, as determined by the board on the master's examination.

Sec. 12. 32 MRSA §3501, sub-§5, as amended by PL 1983, c. 553, §44, is further amended to read:

5. Examinations. The following applicants for license shall present to the board a written application for examination and license, containing such information as the board may require, accompanied by ~~the required fee of \$15 for a master plumber's examination, \$10 for a journeyman plumber's examination and \$15 for a limited plumber's examination~~ a required fee as set forth by board rules. Examinations shall be in whole or in part in writing, shall be conducted by the board and shall be

of a thorough and practical character commensurate with the responsibilities of the prospective license holder.

Applications for a first examination shall be received by the board at least 15 days prior to a scheduled meeting of the board.

The passing grade on any examination shall be not less than 70%. A candidate failing one examination may apply for reexamination, which may be granted upon payment of a fee established by the board. Any candidate for registration having an average grade of less than 50% may not apply for reexamination for one year.

When the unexpired term of license of an applicant is or will be more than one year at the time of licensure, the board may require the applicant to pay an additional fee not to exceed 1/2 the biennial license fee.

**Sec. 13.** 32 MRSA §3507, as repealed and replaced by PL 1983, c. 468, §21, is amended to read:

§3507. Corporations, firms and partnerships

The board may issue a master plumber license to a corporation, firm or partnership which submits an application therefor on a form prescribed by the board. Such a license shall not be issued unless the applicant provides satisfactory evidence that it has a licensed master plumber directly in charge of its plumbing business activities who is an officer or full-time employee, in the case of a corporation, or a partner, member or full-time employee, in the case of a firm or partnership, and the license shall be issued in the name of that master plumber. A master plumber can only be affiliated with one corporation. Upon the death or severance from the company of the licensed master plumber in whose name the company licensed is held, the company license shall automatically terminate 30 days from the date of that death or severance, unless the company applies for reissuance of its license in the name of another licensed master plumber who is qualified under this section.

**Sec. 14. Allocation.** The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	1988-89
<u>PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF</u>	
Plumbers' Examining Board	
Positions	(1.0)
Personal Services	\$25,515
All Other	4,000
Total	\$29,515

**Sec. 15. Transition.** Members of the Plumber's Examining Board who have been appointed to terms extending beyond the effective date of this Act shall continue

to serve for their appointed terms of office and shall serve until their successors are appointed and qualified.

Effective August 4, 1988.

**CHAPTER 598**

H.P. 1509 — L.D. 2059

**AN ACT to Amend Procedures Under the Unclaimed Motor Vehicle Laws.**

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

**Sec. 1.** 29 MRSA §895-B, as amended by PL 1987, c. 72, §§1 and 2, is repealed.

**Sec. 2.** 29 MRSA §1111, 5th ¶, as amended by PL 1985, c. 152, is repealed and the following enacted in its place:

An officer may cause any vehicle parked, disabled or abandoned on any way so as to interfere with or hinder the removal of snow or the normal movement of traffic, or parked within the limits of a highway right-of-way, or any vehicle in connection with the physical arrest of the driver or owner, and the Department of Transportation may cause any vehicle parked or standing on property under its jurisdiction, to be removed from the way and placed in a suitable parking place, at the expense of the person in whose name the vehicle is registered. Neither the State nor political subdivisions of the State nor the officer is liable for any damages that may be caused by the removal.

**Sec. 3.** 29 MRSA §2444, sub-§3, as amended by PL 1981, c. 437, §30, is repealed.

**Sec. 4.** 29 MRSA §2610 is enacted to read:

§2610. Abandoned vehicles

1. Application. If a vehicle has been abandoned after being brought to or left at the premises of any place of business for garaging, repairing, parking or storing; if a vehicle has been abandoned after being towed to a place of business either at the request of the owner or driver or pursuant to section 1111; or if a vehicle is abandoned on private property, the owner of the premises or property shall comply with this section. For the purposes of this section, a vehicle shall be considered abandoned 30 days after authorized repair work is done or authorized garaging, parking or storing is completed, or after a vehicle has remained on a property for 30 days if no repair work, garaging, storing or parking was authorized by the vehicle's driver or owner.

2. Owner and lien holder unknown. If the owner of a vehicle described in subsection 1 is unknown, the owner of the premises or property where the vehicle is lo-