

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

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

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

without obtaining the required license, certification or registration, or after the license, certification or registration has expired or has been suspended or revoked or temporarily suspended or revoked, or who installs or alters a system without obtaining a permit as required by this chapter is guilty of a Class E crime.

2. Injunction. The State may bring an action in Superior Court to enjoin any person from violating this chapter, regardless of whether proceedings have or may be instituted in Administrative Court or whether criminal proceedings have been or may be instituted.

§1381. Fire Sprinkler Advisory Council

1. Membership. The Fire Sprinkler Advisory Council established in Title 5, section 12004-I shall consist of 7 persons appointed by the commissioner as follows:

A. Two persons who have been actively engaged in the management of a fire sprinkler system business for not less than 5 years preceding their appointments;

B. One journeyman sprinkler fitter;

C. One person from a municipal fire department of this State, nominated by the Maine Fire Chiefs Association;

D. One person from the Professional Firefighters of Maine;

E. One person who is either a fire protection engineer or a mechanical engineer licensed in this State who is involved in building construction design; and

F. One person from the property insurance industry, nominated by the Superintendent of Insurance.

2. Terms of office. Members shall serve staggered 4-year terms. Initial members shall have terms as follows: 3 members for 2-year terms, 3 members for 3-year terms and one member for a 4-year term. The commissioner shall designate the term for each initial member. A member may serve no more than 2 consecutive 4-year terms.

3. Quorum. Four members shall constitute a quorum for the conduct of business.

4. Chair. The State Fire Marshal shall serve as chair of the Fire Sprinkler Advisory Council, in an ex officio, non-voting role.

5. Compensation. Members shall be compensated according to the provisions of Title 5, chapter 379.

6. Duties. In addition to other duties specified by the commissioner, the Fire Sprinkler Advisory Council may:

A. Advise the State Fire Marshal concerning practices in the fire sprinkler system industry and the

rules necessary to implement and administer this chapter;

B. Make recommendations to the State Fire Marshal regarding forms and procedures for certification, registration and licensure, and plan reviews and fees charged for those reviews; and

C. Advise the State Fire Marshal as to future changes that this chapter may require to protect the public health, safety and welfare.

7. Sunset. The Fire Sprinkler Advisory Council shall terminate January 1, 2000.

§1382. Department rules

Following the procedures of Title 5, chapter 375, the commissioner shall adopt such rules as are necessary for the implementation of this chapter.

Sec. 3. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1989-90	1990-91
PUBLIC SAFETY, DEPARTMENT OF		
Office of State Fire Marshal		
Positions	(1)	(1)
Personal Services	\$13,226	\$28,806
All Other	3,588	7,175
Capital Expenditures	11,424	
Provides funds for a fire sprinkler installation supervisor, general operating expenses, a compact car and anticipated expenses of the advisory council.		
DEPARTMENT OF PUBLIC SAFETY		
TOTAL	<u>\$28,238</u>	<u>\$35,981</u>

Sec. 4. Effective date. This Act shall take effect January 1, 1990, except that the Maine Revised Statutes, Title 32, section 1372, shall take effect July 1, 1990.

Effective January 1, 1990, unless otherwise indicated.

CHAPTER 248

H.P. 921 - L.D. 1287

An Act to Amend the Law on Home Construction Contracts

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

Sec. 1. 10 MRSA §1486, sub-§§4 and 5, as enacted by PL 1987, c. 574, are amended to read:

4. Home construction contract. "Home construction contract" means a contract to build, remodel or repair a residence, including not only structural work but also electrical, plumbing and heating work; carpeting; window replacements; and other nonstructural work.

5. Residence. "Residence" means a dwelling ~~struc-
ture~~ with 3 or ~~less~~ fewer living units and garages, if any. Buildings used for commercial or business purposes are not subject to this chapter.

Sec. 2. 10 MRSA §1487, sub-§§7 and 9, as enacted by PL 1987, c. 574, are amended to read:

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

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

"Any alteration or deviation from the above contractual specifications that ~~involve extra cost~~ results in a revision of the contract price will be executed only upon the parties entering into a written change order";

See title page for effective date.

CHAPTER 249

H.P. 284 - L.D. 396

An Act to Require Mandatory Checking of Motorists' Maintenance of Financial Responsibility

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

29 MRSA §780, sub-§2, as amended by PL 1987, c. 789, §16, is further amended to read:

2. Evidence of insurance or financial responsibility. ~~Every~~ When a law enforcement officer stops an operator or owner of a motor vehicle, trailer or semitrailer registered in this State ~~shall~~ for a moving violation or the operator is involved in an accident which must be reported under section 891, the officer shall request that the operator present evidence of motor vehicle liability insurance or financial respon-

~~sibility upon the request of a law enforcement officer if the operator is stopped for a moving violation or is involved in an accident which shall be reported under section 891.~~

See title page for effective date.

CHAPTER 250

H.P. 476 - L.D. 656

An Act to Promote Equity in the Court Adjudication of Alimony Awards

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

Sec. 1. 19 MRSA §721, as amended by PL 1979, c. 424, §§1 and 2, is repealed and the following enacted in its place:

§721. Alimony

1. Factors. The court shall consider the following factors when determining an award of alimony:

- A. The length of the marriage;
- B. The ability of each party to pay;
- C. The age of each party;
- D. The employment history and employment potential of each party;
- E. The income history and income potential of each party;
- F. The education and training of each party;
- G. The provisions for retirement and health insurance benefits of each party;
- H. The tax consequences of the division of marital property, including the tax consequences of the sale of the marital home, if applicable;
- I. The health and disabilities of each party;
- J. The tax consequences of an alimony award;
- K. The contributions of either party as homemaker;
- L. The contributions of either party to the education or earning potential of the other party;
- M. Economic misconduct by either party resulting in the diminution of marital property or income;
- N. The standard of living of the parties during the marriage; and