

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

By January 31, 1990, the departments shall submit to the joint standing committee of the Legislature having jurisdiction over boating laws a plan for this report including cost deadlines for each phase and objectives against which the success of this legislation will be measured. To the extent possible, these objectives shall be statistically measurable.

See title page for effective date.

CHAPTER 470

H.P. 787 - L.D. 1099

An Act to Require Distributor Reports on Bottle Deposits

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

Sec. 1. 32 MRSA §1866, sub-§6 is enacted to read:

6. Distributors reports and payments. Each distributor shall, prior to March 1st of each year, report to the commissioner the total amount of deposits paid to it by any person during the preceding calendar year, as well as the total amount of refunds paid by it to any person during that calendar year.

Sec. 2. 32 MRSA §1869, sub-§3 is enacted to read:

3. False reports. Any individual person who knowingly makes any false report pursuant to section 1866, subsection 6, is guilty of a Class E crime.

Sec. 3. **Effective date.** This Act shall take effect January 1, 1990, except that the first report to the Commissioner of Agriculture, Food and Rural Resources is not required until March 1, 1991.

Effective January 1, 1990.

CHAPTER 471

H.P. 1068 - L.D. 1490

An Act to Amend the Real Estate Brokerage License Laws

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

Whereas, the 113th Legislature passed legislation prohibiting owners and lessors of real estate that do not conduct real estate transactions as part of their business from selling their real estate without benefit of a real estate broker; and

Whereas, this law has created unforeseen and unintended difficulties for several businesses; 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. 32 MRSA §13002, sub-§1, as enacted by PL 1987, c. 395, Pt. A, §212, is repealed and the following enacted in its place:

1. Transactions by owner or lessor. Transactions conducted by any person who is the owner or lessor of the real estate, or to their regular employees with regard to the employer's real estate, provided that:

A. The real estate transaction services rendered by the employee are performed as an incident to the usual duties performed for the employer; or

B. The real estate transaction services are subject to the provisions of the Maine Condominium Act, Title 33, chapter 31.

Sec. 2. 32 MRSA §13062, sub-§1, as enacted by PL 1987, c. 395, Pt. A, §212, is amended to read:

1. Real Estate Commission composition. The Real Estate Commission, established by Title 5, section ~~42004~~ 12004-A, subsection 4 37, shall be referred to in this chapter as the "commission." The commission shall consist of 4 industry members and ~~one~~ 2 public ~~member~~ members.

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

1989-90 1990-91

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Real Estate Commission

Personal Services	\$630	\$840
All Other	900	1,200

Provides funds for the per diem and expenses of the additional member of the Real Estate Commission.

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

TOTAL	\$1,530	\$2,040
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