

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

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

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

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
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

nonrenewal of a license or other disciplinary action, the board shall conduct a hearing pursuant to the Maine Administrative Procedure Act. If the board establishes that a complaint does not state facts that warrant a hearing, the complaint may be dismissed. Persons making complaints must be advised in writing of each formal decision made by the board regarding that complaint.

Any individual whose license has been denied, suspended or revoked may apply to the board for licensure reinstatement one year after the date of the board's original action. A competency review must be a condition of reinstatement. The board shall determine the nature of this review.

The board shall conduct its proceedings in accordance with the provisions of Title 5, chapter 375, subchapter IV.

§13983. Repeal

This chapter is repealed July 1, 2000.

Sec. 4. Reports. By December 1, 1990, the Board of Real Estate Appraisers shall make a report to the Joint Standing Committee on Business Legislation indicating the accessibility to persons in various parts of the State of the courses required for initial licensure and license renewal.

By December 1, 1990, the board shall provide the Joint Standing Committee on Business Legislation with information as to the number and type of complaints received by the board, the Real Estate Commission and the Department of the Attorney General regarding appraisals made by real estate agents who are not licensed appraisers.

Sec. 5. Preauthorization review. For purposes of the evaluation required by the Maine Revised Statutes, Title 5, section 12015, subsection 3, the results of the evaluation by the Joint Standing Committee on Business Legislation are that:

1. Billions of dollars in loans that are secured by real estate are advanced every year to Maine consumers for which there are no uniform guidelines on how the appraised values or the qualifications of the individual conducting the appraisal are established;

2. Consumers are occasionally swept up with enthusiasm over what may be an unrealistically inflated real estate market only to find that the resale value of their property is substantially lower in some future period;

3. Title XI of the federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989, Public Law 101-73, requires that, after July 1, 1991, all real estate appraisals in connection with federally related transactions must be performed by appraisers certified or licensed by the State; and

4. The State must establish a process for licensing real estate appraisers in order to assure that uniform, competent guidelines are established for the rendering of real estate appraisals and to fulfill the federal mandate.

Sec. 6. 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		
Division of Licensing and Enforcement		
Positions	(2)	(2)
Personal Services	\$13,000	\$52,000
All Other	12,000	35,600
Capital Expenditures	10,000	5,000

Funds to be used for start-up costs of the Board of Real Estate Appraisers from the available dedicated revenue funds of the Department of Professional and Financial Regulation. The Board of Real Estate Appraisers shall reimburse the Department of Professional and Financial Regulation when sufficient revenues are collected through licensing fees.

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION		
TOTAL	<u>\$35,000</u>	<u>\$92,600</u>

Sec. 7. Effective date. The Maine Revised Statutes, Title 32, section 13964 takes effect January 1, 1991.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved, unless otherwise indicated.

Effective April 10, 1990, unless otherwise indicated.

CHAPTER 807

H.P. 1740 - L.D. 2404

An Act Concerning the Annual License Fee for Overboard Discharges

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

38 MRSA §414, sub-§3-A, as enacted by PL 1989, c. 442, §2, is repealed and the following enacted in its place:

3-A. Inspection of overboard discharges. At least twice each calendar year, the department shall inspect all licensed overboard discharges operated on a year-round

basis. At least once each calendar year, the department shall inspect all licensed overboard discharges operated no more than 6 months of a calendar year. The department shall assess the costs of inspection as an annual license fee payable by the license holder based on the adjusted gross income of the license holder under the federal Internal Revenue Code of 1986, as amended, according to the following schedule:

A. For residential overboard discharges:

(1) License holders with an adjusted gross income equal to or greater than \$30,000 annually - \$100;

(2) License holders with an adjusted gross income equal to or greater than \$15,000 and less than \$30,000 annually - \$75;

(3) License holders with an adjusted gross income equal to or greater than \$7,500 and less than \$15,000 annually - \$50; and

(4) License holders with an adjusted gross income less than \$7,500 - no fee; and

B. For commercial overboard discharge license holders at all income levels - \$100.

See title page for effective date.

CHAPTER 808

S.P. 60 - L.D. 43

An Act Relating to the Maine Correctional Advisory Commission

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

Whereas, the Maine Correctional Policy Advisory Commission needs to begin its work immediately; 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. 5 MRSA §12004-I, sub-§4, as enacted by PL 1987, c. 786, §5, is amended to read:

4. Corrections	Maine	\$25/Day	34-A
	Correc-	Expenses	MRSA
	tional	and	§1204
	Advisory	\$25/day	§1204-A
	Commission	for non-	
		legislative	
		members.	
		Expenses	
		and	
		legislative	
		per diem	
		for	
		legislative	
		members.	

Sec. 2. 34-A MRSA §1204, as amended by PL 1989, c. 503, Pt. B, §158, is repealed.

Sec. 3. 34-A MRSA §1204-A is enacted to read:

§1204-A. Maine Correctional Advisory Commission

The Maine Correctional Advisory Commission, as established by Title 5, section 12004-I, subsection 4, is within the department.

1. Composition. The commission consists of 14 members to be appointed as follows:

A. Two members of the House of Representatives appointed by the Speaker of the House of Representatives;

B. Two Senators appointed by the President of the Senate;

C. One member representing juvenile corrections appointed by the Governor;

D. One member representing law enforcement appointed by the Governor; and

E. Eight other members appointed by the Governor, including at least:

(1) One full-time nonadministrative employee from the state correctional system;

(2) One former inmate of the correctional system;

(3) One person representing victims of crimes; and

(4) Two members of the public.

The commission shall ask the Chief Justice of the Supreme Judicial Court to designate a judge from the District Court and a justice from the Superior Court, both of whom serve on the Maine Judicial Council, to act as advisors to the commission.