

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
OCTOBER 9, 1991

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

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J.S. McCarthy Company  
Augusta, Maine  
1991

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
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**1991**

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(1) The designated broker had prior knowledge and did not take reasonable action to prevent the violation;

(2) The designated broker permitted or authorized a person to engage in activity for which ~~they~~ that person was not properly licensed; or

(3) The designated broker failed to exercise a reasonable degree of supervision over employees and independent contractors commensurate with their qualifications and experience;

**Sec. 4. 32 MRSA §13067, sub-§1, ¶¶K and L**, as enacted by PL 1987, c. 395, Pt. A, §212, are amended to read:

K. Continuing to act in a capacity requiring a license under this chapter after expiration, suspension or revocation of that license; ~~and~~

L. Failure to produce to the director any requested documents in the licensee's possession or under ~~his~~ the licensee's control concerning any transaction under investigation; ~~;~~ and

**Sec. 5. 32 MRSA §13067, sub-§1, ¶M** is enacted to read:

M. Failing to comply with a commission order or the terms of an executed and approved consent agreement.

**Sec. 6. 32 MRSA §13192, sub-§§3 and 4**, as enacted by PL 1987, c. 395, Pt. A, §212, are amended to read:

**3. Revocation of license.** Who has had any professional or occupational license revoked for disciplinary reasons or an application rejected for reasons relating to untrustworthiness within 3 years prior to the date of application; ~~or~~

**4. Conviction of crime.** Subject to Title 5, chapter 341, who has been convicted of any Class A, B or C crime or any crime ~~which that~~ bears directly on the practice of real estate brokerage; ~~;~~ or

**Sec. 7. 32 MRSA §13192, sub-§5** is enacted to read:

**5. Meeting requirements of subchapter.** Who fails to meet the professional qualifications for licensure as provided in this subchapter.

**Sec. 8. 32 MRSA §13196, first ¶**, as enacted by PL 1987, c. 395, Pt. A, §212, is amended to read:

Any ~~resident~~ licensee, who does not desire to perform any of the activities described in section 13001, and who wants to preserve ~~his~~ the license while not engaged in any brokerage activity, may surrender ~~his~~ that license

to the commission for placement on inactive status. The commission may ~~only~~ place the license on inactive status only upon proper application by the licensee. During inactive status, the licensee ~~shall be~~ is required to renew ~~his~~ the license biennially, but ~~shall~~ is not ~~be~~ required to maintain a place of business or meet the educational provisions of section 13197.

**Sec. 9. 32 MRSA §13239**, as affected by PL 1989, c. 600, Pt. A, §§15 and 16, is repealed.

**Sec. 10. Effective date.** Section 2 of this Act takes effect for each public member upon completion of the term of the person who is the current public member.

See title page for effective date, unless otherwise indicated.

## CHAPTER 54

### H.P. 132 - L.D. 192

#### An Act Dealing with the Public Utilities Commission's Involvement in Contract Settlements

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

**Whereas**, certain contracts will have to be negotiated prior to the expiration of the 90-day period; and

**Whereas**, this legislation is necessary to clarify the authority of the Public Utilities Commission prior to those contract negotiations; 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. 35-A MRSA §7304**, as enacted by PL 1989, c. 444, is repealed and the following enacted in its place:

#### §7304. Prohibition against ordering competitive bidding

The commission may not issue any order or adopt any rule that requires a local exchange carrier to consider competitive bids on, or requires notice to potential bidders of, the construction of any interexchange facility. Nothing in this section limits the ability of the commission to establish reasonable rates for customers.

**Sec. 2. Effect of Maine Revised Statutes, Title 35-A, section 7304 on existing commission rules.** Any rule or portion of a rule, such as section 6(C) of

Chapter 280 of the Public Utilities Commission's Rules, that conflicts with the Maine Revised Statutes, Title 35-A, section 7304 is superseded by Title 35-A, section 7304. The fact that section 6(C) of Chapter 280 is superseded by Title 35-A, section 7304 does not affect any other portion of Chapter 280.

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

Effective April 29, 1991.

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## CHAPTER 55

H.P. 196 - L.D. 287

### An Act to Amend the Law Concerning the Court Appointed Special Advocate Advisory Panel

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

**4 MRSA §1505**, as enacted by PL 1985, c. 581, §1, is amended to read:

**§1505. Court Appointed Special Advocate Advisory Panel**

A Court Appointed Special Advocate Advisory Panel ~~shall be~~ is appointed by the Chief Judge ~~Justice of the District Supreme Judicial Court~~ to set the policy for and monitor the Court Appointed Special Advocate Program. ~~The committee shall include, but not be limited to: The Chief Judge of the District Court or his designee; the State Court Administrator or his designee; the Commissioner of Human Services or his designee; and the Attorney General or his designee.~~

See title page for effective date.

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## CHAPTER 56

H.P. 208 - L.D. 299

### An Act Regarding the Filing of a Uniform Traffic Ticket and Complaint by Law Enforcement Officers

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

**29 MRSA §2300, sub-§4-A** is enacted to read:

**4-A. Responsibility of law enforcement officer to file Uniform Traffic Ticket and Complaint with District Court.** Every law enforcement officer issuing a Uniform Traffic Ticket and Complaint that charges the commission of an offense shall file the original of the Uniform Traffic Ticket and Complaint with the District Court having jurisdiction over the offense or in such other loca-

tion as instructed by the Chief Judge of the District Court without undue delay and, in any event, within 5 days after the issuance of the Uniform Traffic Ticket and Complaint.

See title page for effective date.

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## CHAPTER 57

H.P. 422 - L.D. 605

### An Act to Provide Administrative Oversight of Organic Food Certification in Maine

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

**Sec. 1. 7 MRSA §556**, as amended by PL 1989, c. 663, is further amended to read:

**§556. Certification**

~~No A food which that~~ is labeled or advertised as natural, organic, organically grown, biologically grown or by a similar term, may not be labeled or advertised as "certified" unless the name of the person or organization ~~which that~~ provides that certification is stated on the label or in the advertisement. Any organization within this State that provides certification of food may not make membership a condition of certification under this section. Organizations offering certification services in the State shall provide information on standards used to the department on an annual basis.

**Sec. 2. 7 MRSA §559**, as enacted by PL 1979, c. 240, §§1 and 2, is repealed.

**Sec. 3. 7 MRSA §562**, as amended by PL 1979, c. 731, §19, is repealed.

**Sec. 4. 7 MRSA §562-A** is enacted to read:

**§562-A. Enforcement obligations**

**1. Rules.** The department shall adopt rules as it determines appropriate for the proper administration of this subchapter.

**2. Violation notices.** The department shall issue notices to growers, manufacturers or sellers alleged to have violated any provision of this subchapter. A person who violates this subchapter commits a civil violation for which a forfeiture not to exceed \$1,000 may be adjudged. The department may also recover costs of investigation, with the limitation that the total forfeiture assessed for a violation may not exceed \$1,000.

See title page for effective date.