

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
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J.S. McCarthy Company
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PUBLIC LAWS
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J. The estimated percentage of each dollar contributed which that will be expended for program services, fund raising and management and, if a professional fund-raiser is employed for fund raising, the report required by section 5005, subsection 4;

Sec. 2. 9 MRSA §5005, sub-§4 is enacted to read:

4. Results of a fund-raising campaign. If a charitable organization employs a professional fund-raising counsel, professional solicitor or commercial coventurer for a specific fund-raising campaign, that charitable organization shall file within 30 days of the completion of that fund-raising campaign the following information:

A. The total contributions collected during the fund-raising campaign; and

B. Out of the contributions collected or expected to be collected during the fund-raising campaign, the total dollars that have been or will be expended for:

- (1) Program services;
- (2) The fund-raising campaign; and
- (3) Management.

See title page for effective date.

CHAPTER 78

S.P. 180 - L.D. 489

An Act to Change the Specifications for Membership of the Maine Dental Health Council

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

22 MRSA §2097, 3rd ¶, as enacted by P&SL 1975, c. 90, Sec. A, §1, is amended to read:

An official employee, consultant or any other individual employed, retained or otherwise compensated by or representative of the Executive Branch of Maine State Government ~~shall~~ may not be a member of the council; but shall assist the council if so requested. Membership ~~shall~~ must include 4 dental health personnel, including ~~one hygienist and one dentist or other professional staff employed full time by a private nonprofit dental clinic program~~ 2 staff employed at least 1/2 time by a public or private nonprofit dental clinic program, one of whom must be a registered dental hygienist and one of whom must be a dentist or other professional staff, and 2 dentists employed in private practice, one of whom shall must be appointed from a list of at least 3 names submitted by the Maine Dental Association and 5 interested citizens representing a balance of diverse social-economic socioeconomic groups and geographic locations, who shall

may not be employed in the dental health or medical care professions, or members of the immediate family of any person employed as a dental health or other medical care professional.

See title page for effective date.

CHAPTER 79

H.P. 379 - L.D. 553

An Act to Protect Stone Walls, Stone Impoundments and Timber Bridges of Historical Significance

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

30-A MRSA §4326, sub-§1, ¶I, as enacted by PL 1989, c. 104, Pt. A, §45 and affected by Pt. C, §10, is amended to read:

I. Historical and archeological resources including, at the discretion of the municipality, stone walls, stone impoundments and timber bridges of historical significance;

See title page for effective date.

CHAPTER 80

S.P. 252 - L.D. 710

An Act to Amend the Law Governing the Election of Members to Regional Vocational Boards

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

20-A MRSA §8453, sub-§1, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

1. Election by school board. At least one person in a representative grouping within a vocational region ~~shall must~~ be a member of elected by a school board of a school administrative unit within the representative grouping.

See title page for effective date.

CHAPTER 81

H.P. 113 - L.D. 156

An Act to Assist in the Cleanup of Contaminated Property

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

38 MRSA §1367, sub-§3, as enacted by PL 1983, c. 569, §1, is amended to read:

3. Act or omission. An act or omission of a 3rd party who is not ~~his~~ that person's employee or agent. A person seeking relief from liability for the acts or omissions of a 3rd party shall also demonstrate by a preponderance of the evidence that ~~he~~ that person exercised due care with respect to the hazardous substance and uncontrolled site concerned, taking into consideration the characteristics of that substance and site, in light of all relevant facts and circumstances and that ~~he~~ that person took precautions against foreseeable acts or omissions of any such 3rd party and the consequences that could foreseeably result from such acts or omissions; ~~or.~~

A. For purposes of this subsection, a person may demonstrate the exercise of due care with respect to any uncontrolled site that that person has acquired after hazardous substances were located on that uncontrolled site, if that person shows that at the time that person acquired the uncontrolled site the person did not know and had no reason to know that any hazardous substance that is the subject of the release or threatened release was disposed on, in or at the uncontrolled site.

B. To establish that a person meets the criteria of paragraph A, a person must have undertaken, at the time of acquisition, all appropriate inquiry into the previous ownership and uses of the property consistent with good commercial or customary practice in an effort to minimize liability. For purposes of this paragraph, the court shall take into account any specialized knowledge or experience on the part of the person, the relationship of the purchase price to the value of the property if uncontaminated, commonly known or reasonably ascertainable information about the property, the obviousness of the presence or likely presence of contamination of the property, and the ability to detect that contamination by appropriate inspection; or

See title page for effective date.

CHAPTER 82

S.P. 297 - L.D. 795

An Act to Amend the Revised Maine Securities Act

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

Sec. 1. 32 MRSA §10302, sub-§2, ¶D, as enacted by PL 1985, c. 400, §2, is amended to read:

D. A sales representative acting for an issuer effecting transactions with existing employees, partners, officers or directors of the issuer, a parent or wholly owned subsidiary of the issuer, provided that no commissions or other remuneration are paid or given directly or

indirectly to that person for soliciting any employee, partner, officer or director in this State; and

Sec. 2. 32 MRSA §10303, sub-§3 is enacted to read:

3. Employment of unqualified persons. It is unlawful for an investment adviser licensed under this Act to employ or contract with an individual as a representative of the investment adviser in this State unless the individual has satisfied all applicable examination requirements under this Act. For purposes of this subsection, "representative" means an individual who represents an investment adviser in doing any of the acts that make that person an investment adviser.

Sec. 3. 32 MRSA §10307, sub-§1, ¶B, as enacted by PL 1985, c. 400, §2, is amended to read:

B. Any class of applicants; ~~and~~

Sec. 4. 32 MRSA §10307, sub-§1, ¶C, as amended by PL 1989, c. 542, §17, is further amended to read:

C. Any class of employees of applicants for licensing as to whom the administrator ~~shall determine~~ determines that an examination requirement is necessary for the protection of investors; ~~and~~

Sec. 5. 32 MRSA §10307, sub-§1, ¶D is enacted to read:

D. Any individual who represents an investment adviser licensed under this Act in doing any of the acts that make that person an investment adviser.

Sec. 6. 32 MRSA §10308, sub-§2, as enacted by PL 1985, c. 400, §2, is repealed and the following enacted in its place:

2. License effective until end of calendar year. Unless terminated earlier by revocation, cancellation or withdrawal, the license of a broker-dealer, sales representative or investment adviser expires at the end of the calendar year. Prior to the end of the calendar year, or at a later date established by the administrator, the license may be renewed pursuant to procedures established by the administrator. Unless terminated earlier by revocation, cancellation or withdrawal, a renewed license remains in effect until the end of the next calendar year, at which time it may be renewed again pursuant to the procedures established by the administrator.

Sec. 7. 32 MRSA §10313, sub-§2, ¶C, as amended by PL 1989, c. 542, §26, is further amended to read:

C. The administrator may not enter an order solely on the basis of lack of experience if the applicant or licensee is qualified by training or knowledge or both. ~~The possession of a currently effective license under this Act or the compliance with the examination requirements of this Act shall establish qualification.~~