

# 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**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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the effective date of this paragraph, is subject to the recertification requirements of subsection 6.

**2. Penalty.** Any municipality that violates this section commits a civil violation for which a forfeiture of not more than \$100 may be adjudged. Each day in violation constitutes a separate offense.

**2-A. Code enforcement officer; definition and duties.** As used in this subchapter, "code enforcement officer" means a person certified under this section and employed by a municipality to enforce all applicable laws and ordinances in the following areas:

A. Shoreland zoning under Title 38, chapter 3, subchapter I, article 2-B;

B. Comprehensive planning and land use under Part 2, Subpart VI-A;

C. Internal plumbing under chapter 185, subchapter III;

D. Subsurface wastewater disposal under chapter 185, subchapter III; and

E. Building standards under chapter 141; chapter 185, subchapter I; and Title 25, chapters 313 and 331.

**3. Training and certification of code enforcement officers.** In cooperation with the Technical College System and the Department of Human Services, the office shall establish a continuing education program for individuals engaged in code enforcement. This program ~~shall~~ **must** provide basic and advanced training in the technical and legal aspects of code enforcement necessary for certification, ~~including, but not limited to:~~

~~A. Plumbing inspection;~~

~~B. Soils and site evaluation;~~

~~C. Electrical inspection;~~

~~D. State and federal environmental requirements;~~

~~E. Zoning ordinances;~~

~~F. Court techniques; and~~

~~G. Other enforcement information.~~

**4. Examination.** The office shall conduct at least one examination each year to examine candidates for certification ~~or recertification~~ at a time and place designated by it. The office may conduct additional examinations to carry out the purposes of this subchapter.

**5. Certification standards.** The office shall establish by rule the qualifications, conditions and licensing standards

and procedures for the certification and recertification of individuals as code enforcement officers. A code enforcement officer need only be certified in the areas of actual job responsibilities. The rules established under this subsection ~~shall~~ **must** identify standards for each of the areas of training under subsection 3 2-A, in addition to general standards that apply to all code enforcement officers.

**6. Certification; terms; revocation.** The office shall certify individuals as to their competency to successfully enforce ordinances and other land use regulations and permits granted under those ordinances and regulations and shall issue certificates attesting to the competency of those individuals to act as code enforcement officers. Certificates are valid for 5 years unless revoked by the Administrative Court. An examination is not required for recertification of code enforcement officers. The office shall recertify a code enforcement officer if the code enforcement officer successfully completes at least 12 hours of approved training in each area of job responsibility during the 5-year certification period.

A. The Administrative Court may revoke the certificate of a code enforcement officer, in accordance with Title 4, chapter 25, when it finds that:

(1) The code enforcement officer has practiced fraud or deception;

(2) Reasonable care, judgment or the application of a duly trained and knowledgeable code enforcement officer's ability was not used in the performance of the duties of the office; or

(3) The code enforcement officer is incompetent or unable to perform properly the duties of the office.

B. Code enforcement officers whose certificates are invalidated under this subsection may be issued new certificates provided that they are newly certified as provided in this section.

**7. Other professions unaffected.** This subchapter ~~shall~~ **may** not be construed to affect or prevent the practice of any other profession.

See title page for effective date.

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## CHAPTER 164

### H.P. 194 - L.D. 285

#### An Act to Amend the Domestic Relations Law

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

**Sec. 1. 19 MRSA §214, sub-§5, ¶K,** as enacted by PL 1983, c. 813, §1, is amended to read:

K. The effect on the child if one parent has sole authority over the child's upbringing; ~~and~~

**Sec. 2. 19 MRSA §214, sub-§5, ¶K-1** is enacted to read:

K-1. The existence of a history of domestic abuse between the parents; and

**Sec. 3. 19 MRSA §581, sub-§5, ¶K**, as enacted by PL 1983, c. 813, §2, is amended to read:

K. The effect on the child if one parent has sole authority over the child's upbringing; ~~and~~

**Sec. 4. 19 MRSA §581, sub-§5, ¶K-1** is enacted to read:

K-1. The existence of a history of domestic abuse between the parents; and

**Sec. 5. 19 MRSA §752, sub-§5, ¶K**, as enacted by PL 1983, c. 813, §5, is amended to read:

K. The effect on the child if one parent has sole authority over the child's upbringing; ~~and~~

**Sec. 6. 19 MRSA §752, sub-§5, ¶K-1** is enacted to read:

K-1. The existence of a history of domestic abuse between the parents; and

See title page for effective date.

## CHAPTER 165

S.P. 230 - L.D. 584

### An Act to Amend the Provisions Regarding Prejudgment Interest

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

**14 MRSA §1602, sub-§3**, as enacted by PL 1983, c. 427, §1, is amended to read:

**3. Limitation.** ~~Subsection 1 shall not apply to~~ For judgments of less than \$5,000. ~~For these judgments, except in civil actions involving a contract or note that contains a provision relating to interest, interest shall accrue~~ accrues only from the date on which the complaint is filed and at a fixed rate of 8% per year.

See title page for effective date.

## CHAPTER 166

S.P. 489 - L.D. 1327

### An Act to Create a Duty of Fair Representation under the University of Maine System Labor Relations Act

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

**26 MRSA §1025, sub-§2, ¶E** is enacted to read:

E. The bargaining agent certified by the executive director or a designee as the exclusive bargaining agent for a unit is required to represent all the university, academy or technical college employees within the unit without regard to membership in the organization certified as bargaining agent, except that any university, academy or technical college employee may present at any time that employee's grievance to the employer and have that grievance adjusted without the intervention of the bargaining agent, if the adjustment is not inconsistent with the terms of any collective bargaining agreement then in effect and the bargaining agent's representative has been given reasonable opportunity to be present at any meeting of the parties called for the resolution of that grievance.

See title page for effective date.

## CHAPTER 167

S.P. 339 - L.D. 929

### An Act to Revise Provisions for a New Birth Certificate after Adoption

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

**Sec. 1. 22 MRSA §2765, sub-§1-A**, as enacted by PL 1979, c. 168, §1, is amended to read:

**1-A. Persons born in a foreign country.** The state registrar shall establish a Maine certificate of birth for a person born in a foreign country and for whom a ~~final order~~ decree of adoption has been entered in a court of competent jurisdiction in Maine when ~~he~~ the registrar receives the following:

A. A certificate of adoption as provided in Title 19, section 533; and

~~B. A certificate of birth data from the records of the United States Immigration and Naturalization Service; and~~

C. A request that a new certificate be established. A Maine certificate of birth ~~shall~~ may not be established,