

# 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**

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**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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B. Any ordinance proposed by a municipality or unorganized territory under this section must be approved in writing by the commissioner prior to its adoption.

C. Unorganized townships may adopt ordinances only if at least 10 inhabitants have petitioned the county commissioners to adopt the ordinances, the county commissioners of the townships have held a public hearing with at least 7 days' prior notice in one of the affected townships and a majority of the inhabitants eligible to vote have approved the ordinances at referendum. The county commissioners shall act as the municipal legislative body within unorganized townships that have elected to adopt ordinances under this section.

**Sec. 6. 12 MRSA §6671, sub-§6, ¶¶A and B,** as enacted by PL 1983, c. 283, are amended to read:

A. Village corporations; and

B. The combined towns of Yarmouth and North Yarmouth; ~~and.~~

**Sec. 7. 12 MRSA §6671, sub-§6, ¶C,** as repealed and replaced by PL 1983, c. 689, is repealed.

**Sec. 8. 12 MRSA §6731, sub-§2,** as repealed and replaced by PL 1989, c. 828, §2, is amended to read:

**2. Licensed activities.** The holder of a mahogany quahog license may:

A. Fish for or take mahogany quahogs in any harvesting area indicated on the license;

B. Possess, ship or transport mahogany quahogs within the State; or

C. Sell mahogany quahogs that the holder has taken.

The license authorizes crew members aboard the licensee's boat to undertake these activities when engaged in dragging for mahogany quahogs if the licensee is present.

**Sec. 9. 12 MRSA §6858, sub-§1,** as enacted by PL 1977, c. 661, §5, is amended to read:

**1. Size of lobster meat.** It ~~shall be is~~ unlawful to possess any tail section of lobster meat removed from the shell ~~which is less than 4 1/4 inches or more than 6 1/2 inches in length when laid out straight and measured from end to end, not including the small part that is on the body end of the tail section~~ except in accordance with rules adopted by the commissioner.

See title page for effective date.

## CHAPTER 391

H.P. 1048 - L.D. 1521

### An Act to Promote Efficient Enforcement and to Correct Inconsistencies in the Manufactured Housing Laws

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

**Whereas,** it is vital that the funds provided for in this legislation be available for the beginning of fiscal year 1991-92; and

**Whereas,** that fiscal year will begin before the expiration of the 90-day period; 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. 10 MRSA §9003, sub-§7,** as enacted by PL 1977, c. 550, §1, is amended to read:

**7. Meetings.** ~~Three~~ Five members of the board ~~shall~~ constitute a quorum. The board shall meet at the written request of the director or of a majority of the members of the board. ~~Meetings of the~~ The board shall ~~be held at such~~ determine the time and place ~~as shall be determined by the board of meetings.~~ At least 6 meetings per calendar year ~~shall~~ must be held.

**Sec. 2. 10 MRSA §9021, sub-§2, ¶¶A to C,** as amended by PL 1983, c. 553, §15, are further amended to read:

A. The license fee for manufacturers of manufactured housing who deliver or sell manufactured housing may not exceed \$200 annually. Each manufacturing plant that delivers or sells manufactured housing in the State must obtain a separate license.

B. The license fee for dealers who are engaged in the retail selling, offering for sale, brokering, or distribution of any manufactured homes may not exceed \$200 annually.

C. The license fee for mechanics who service or install manufactured housing, as defined in section 9002, subsection 7, paragraphs A and C, may not exceed \$200 annually.

**Sec. 3. 10 MRSA §9021, sub-§2, ¶D,** as enacted by PL 1981, c. 152, §13, is amended to read:

D. The additional license fee for dealers or mechanics who have more than one business location may not exceed ~~\$40~~ \$50 annually per additional location.

**Sec. 4. 10 MRSA §9021, sub-§§3 and 4**, as repealed and replaced by PL 1981, c. 152, §13, are amended to read:

**3. License term.** Licenses ~~shall~~ expire February 28th or at such other times as the Commissioner of ~~Business Professional and Financial~~ Regulation may designate and ~~shall be~~ are issued on a biennial basis upon payment of a license fee.

**4. Renewals.** The board shall notify each licensee of the expiration date of ~~his~~ that licensee's license and indicate the amount of fee required for biennial renewal. Notice ~~shall~~ must be mailed to each ~~person's~~ licensee's last known address at least 30 days in advance of the expiration date of the license. A license may be renewed up to 90 days after the date of its expiration upon payment of a late fee of \$50 in addition to the renewal fee. If any licensee fails to renew within ~~90~~ 90 days after expiration, ~~he shall be~~ that licensee is required to make a new application.

**Sec. 5. 10 MRSA §9045, sub-§1**, as amended by PL 1983, c. 553, §16, is further amended to read:

**1. Fee for new units.** A fee not exceeding \$100 for each new dwelling unit ~~which~~ that is installed in this State; and

**Sec. 6. 10 MRSA §9045, sub-§2**, as amended by PL 1983, c. 553, §16, is repealed and the following enacted in its place:

**2. Fee for inspection.** A fee, not to exceed the cost of inspection, for inspection of manufactured housing that must be paid by the manufacturer, dealer, distributor, broker or mechanic whose actions or failure to act gave rise to the necessity of the inspection.

**Sec. 7. 10 MRSA §9081, sub-§2**, as amended by PL 1985, c. 600, §1, is further amended to read:

**2. Mobile home park.** "Mobile home park" means a parcel or adjoining parcel of land, under single ownership, ~~which~~ that has been planned and improved for the placement of 3 or more mobile homes ~~per parcel~~, but ~~shall~~ does not include a construction camp.

**Sec. 8. 10 MRSA §9081, sub-§3**, as enacted by PL 1983, c. 553, §17, is repealed.

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

Effective June 20, 1991.

## CHAPTER 392

H.P. 1089 - L.D. 1589

### An Act to Conform Chiropractic Licensing Laws to Other State Regulatory Board Laws

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

**Whereas**, it is vital that the funds provided in this legislation are available for the beginning of fiscal year 1991-92; and

**Whereas**, that fiscal year will begin before the expiration of the 90-day period; 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 §454** is amended to read:

#### **§454. Practicing without license; fraudulent licenses**

Any person who ~~shall practice~~ practices or ~~attempt~~ attempts to practice or use the science or system of chiropractic in treating diseases of the human body, or any person who ~~shall buy~~ buys, ~~sell~~ sells or fraudulently ~~obtain~~ obtains any diploma, license, record or registration to practice chiropractic, or who ~~shall aid~~ aids or ~~abet~~ abets in ~~such~~ that selling or fraudulent obtaining; or who ~~shall practice~~ practices chiropractic, under cover of any diploma, license, record or registration to practice chiropractic, illegally obtained, or signed or issued unlawfully or under fraudulent representations; or who after conviction of felony ~~shall practice~~ practices chiropractic, or who ~~shall use~~ uses any of the forms of letters, "Chiropractic," "Chiropractor," "Chiropractic Practitioner," "Doctor of Chiropractic," "D.C." or any other titles or letters, either alone or with qualifying words or phrases, under such circumstances as to induce the belief that the person who uses ~~such~~ those terms is engaged in the practice of chiropractic, without having complied with this chapter, ~~shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$50 nor more than \$500, or by imprisonment for not less than 30 days nor for more than 11 months, or by both~~ commits a Class E crime. Nothing in this section ~~shall~~ may be construed to prohibit any lawfully qualified chiropractor in any other state meeting a registered chiropractic practitioner in this State for consultation.