

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.

J.S. McCarthy Company
Augusta, Maine
1991

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE

FIRST REGULAR SESSION

of the

ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

LEGISLATURE
TOTAL

\$-0-

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

Effective July 8, 1991.

CHAPTER 531

S.P. 503 - L.D. 1341

An Act to Amend Various Provisions of the
Electricians' Examining Board Laws

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

Sec. 1. 32 MRSA §1102, sub-§5, as repealed and replaced by PL 1987, c. 395, Pt. B, §5, is amended to read:

5. Oil burner technicians. Any person duly licensed under chapter 33 subject to the restrictions of the license as issued; or

Sec. 2. 32 MRSA §1102, sub-§6, as amended by PL 1987, c. 735, §47, is further amended to read:

6. Elevator mechanics. Any person licensed under Title 26, sections 484 to 487 subject to the restrictions of the license as issued; or

Sec. 3. 32 MRSA §1102, sub-§7, as enacted by PL 1987, c. 735, §48, is repealed.

Sec. 4. 32 MRSA §1102-A, first ¶, as amended by PL 1981, c. 501, §59, is further amended to read:

The licensing provisions of this chapter ~~shall~~ do not apply to regular employees of the following ~~plants~~:

Sec. 5. 32 MRSA §1102-A, sub-§3, as enacted by PL 1973, c. 363, is amended to read:

3. Manufacturers' plants. Any electrical installations or equipment involved in the manufacture, ~~test~~ testing or repair of electrical equipment in the manufacturer's plant; or

Sec. 6. 32 MRSA §1102-A, sub-§4 is enacted to read:

4. Low-energy installers. Individuals or employees installing telephone, telegraph, cable and closed-circuit television, data communication and sound equipment.

Sec. 7. 32 MRSA §1102-B, sub-§3, as enacted by PL 1981, c. 432, §2, is amended to read:

3. Inspection required. When the installation or alteration is completed, the person making the installation or alteration shall notify the state electrical inspector assigned to the area. The inspector shall inspect the installation within a reasonable time so as not to cause undue delay in the progress of the construction contract or installation. ~~If he determines that~~ The inspector shall determine whether the installation complies with all applicable statutes, ordinances and rules, ~~he shall issue a certificate of approval.~~ If he the inspector determines that the installation does not so comply, the procedures set forth in section 1104 shall apply. Any utility corporation shall require proof of permit prior to connecting power to the installation.

Sec. 8. 32 MRSA §1104-A, as repealed and replaced by PL 1973, c. 363, is amended to read:

§1104-A. Failure to comply with order of inspector

If the owner or occupant of any building neglects or refuses without justification for more than 10 days to comply with any order of a state electrical inspector concerning electrical installations as provided in this chapter, ~~he shall be punished by a fine that person commits a civil violation for which a forfeiture of not less than \$5 \$100 for each day's neglect may be adjudged.~~

Sec. 9. 32 MRSA §1152, 2nd ¶, as repealed and replaced by PL 1973, c. 363, is amended to read:

Electrical inspectors appointed under this section ~~shall~~ have ~~the same~~ powers throughout the several counties of the State, as similar to those of sheriffs have in their respective counties, relating to enforcement of this chapter and rules and regulations promulgated thereunder. These powers are limited to the power to conduct investigations, issue citations, serve summonses and order corrections of violations in accordance with specific statutory authority.

Sec. 10. 32 MRSA §1153-B, sub-§4 is enacted to read:

4. Certificate as evidence. Notwithstanding any provision of law or rule or evidence, the certificate of the Commissioner of Professional and Financial Regulation or the Director of the Division of Licensing and Enforcement, under the seal of the State, must be received by any court in this State as prima facie evidence of the issuance, suspension or revocation of any license or permit issued by the department.

Sec. 11. 32 MRSA §1202, sub-§4 is enacted to read:

4. Inactive licenses. Any licensee, who does not desire to perform any of the electrical installations described in section 1101, and who wants to preserve the license while not engaged in any electrical installations, shall surrender the license to the board for placement on inactive status. The board shall place the license on inactive status upon

proper application by the licensee. The fee for inactive status may not exceed \$80. During inactive status the licensee is required to renew the license biennially, but is not required to meet the education provisions under the rules of the board. The dates on which the licenses expire are as provided in section 1204.

A licensee surrendering a license pursuant to this section may have the license reinstated to active status by demonstrating compliance within the previous biennium with section 1204 and proper application for an active license. Any license placed on inactive status after the effective date of this subsection and remaining inactive for 3 or more years may be reactivated by the applicant being required to successfully pass a license examination at the discretion of the board.

Sec. 12. 32 MRSA §1204, first ¶, as amended by PL 1987, c. 395, Pt. B, §9, is further amended to read:

All licenses issued ~~shall~~ expire October 31st of each biennial period as to master electricians and April 30th of each biennial period as to other licensees ~~and they or other such times the Commissioner of Professional and Financial Regulation designates. All licensees may be renewed there- after for 2-year periods without further examination, upon the payment of the proper renewal fee as set forth in section 1101 and documentation of 6 hours of a current electrical code course every 4 years continuing education as established by rule as the board determines necessary.~~ The expiration dates for licenses issued under this chapter may be established at such other times as the Commissioner of ~~Business Professional and Financial Regulation~~ may designate. The board shall notify everyone registered under this chapter of the date of expiration of ~~his~~ the license and the fee required for its renewal for a 2-year period. The notice ~~shall~~ **must** be mailed to the person's last known address at least 30 days in advance of the expiration date of ~~his~~ the license.

Sec. 13. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

1991-92

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Electricians' Examining Board

All Other \$2,000

Provides funds to promulgate rules regarding inactive licenses.

See title page for effective date.

CHAPTER 532

H.P. 1139 - L.D. 1664

An Act Concerning the State's Escrow Accounts

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

Whereas, the 90-day period will not terminate until after the beginning of the next fiscal year; and

Whereas, it is to the benefit of the State to implement the provisions of this Act no later than June 30, 1991; 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 §§135-A and 203-A are enacted to read:

§135-A. Establishment of other special revenue accounts

Except in cases when a state department or agency receives funds that the department or agency is legally required to distribute to or hold on behalf of specifically named persons, and except for the Baxter State Park Authority, all departments or agencies of State Government, in working with the Treasurer of State, are prohibited from establishing trust funds, escrow accounts or other accounts that would not be specifically allocated by the Legislature unless there is a compelling, documented legal reason, as determined by the Treasurer of State, to do otherwise.

§203-A. Accounts established due to court orders or other settlements

Unless specifically ordered by the court to do otherwise, the Attorney General shall work with the Treasurer of State to deposit any revenue or money received as a result of any court order, court settlement or other agreement into an other special revenue account of the State and all interest must be credited to the General Fund. When, pursuant to a court order or settlement, the Attorney General receives money that is specifically designated for anti-trust enforcement or for enforcement of the Maine Unfair Trade Practices Act, the Attorney General is authorized to expend such funds for expert witness fees, copying of documents, transcripts and any other purpose in accordance with the court order. Any interest on such funds, unless otherwise ordered by the court, must be credited to the General Fund. The Attorney General shall provide an accounting