

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION

December 12, 1991 to January 7, 1992

SECOND REGULAR SESSION

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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
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J.S. McCarthy Company
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PUBLIC LAWS
OF THE
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1991

(3) A student in an approved vocational cooperative education program; or

(4) A student who is granted permission for an early school release by the school principal.

Sec. 3. 26 MRSA §774, sub-§4, as corrected by RR 1991, c. 1, §34, is amended to read:

4. Exemptions. Work performed in the planting, cultivating or harvesting of field crops or other agricultural employment not in direct contact with hazardous machinery or hazardous substances or ~~any occupation that does not offer continuous, year-round employment~~ work performed as a summer camp employee in a children's camp is exempt from this section, provided a minor under 16 years of age has been excused by the local superintendent of schools in accordance with the policy established by the Commissioner of Education and the Director of the Bureau of Labor Standards. Work performed in the taking or catching of lobsters, fish or other marine organisms by any methods or means, or in the operating of ferries or excursion boats, is exempt from subsection 1, paragraphs A and C.

Sec. 4. 26 MRSA §774, sub-§5 is enacted to read:

5. Application. This section does not apply to a person who holds a high school diploma or a high school equivalency certificate issued pursuant to Title 20-A, section 257 or to a minor emancipated pursuant to Title 15, section 3506-A.

Sec. 5. 26 MRSA §775, sub-§2, ¶¶B and C, as enacted by PL 1991, c. 544, §5, are amended to read:

B. If school is not in session, the minor must furnish to the superintendent a certificate signed by the principal of the school last attended showing that the minor has satisfactorily completed kindergarten to grade 8 in the public schools or their equivalent. If the certificate can not be obtained, the superintendent shall examine the minor to determine whether the minor meets these educational standards; ~~or~~

C. If the minor has been granted an exception to compulsory education under Title 20-A, section 5001-A, subsection 2, the minor must only submit proof of age as provided in subsection 3; ~~or~~

Sec. 6. 26 MRSA §775, sub-§2, ¶D is enacted to read:

D. If school is in session, the superintendent may have only one work permit issued to the minor at any given time. The superintendent may issue 2

work permits to the minor for the summer vacation period.

Sec. 7. 26 MRSA §775, sub-§§4 and 6, as enacted by PL 1991, c. 544, §5, are amended to read:

4. Conditions for revocation. The superintendent may revoke the work permit issued to a minor if the superintendent determines that the minor has not maintained the conditions for issuance of the work permit under subsection 2, paragraph A. The superintendent shall revoke 2nd work permits at the end of the summer vacation in accordance with the limits imposed by subsection 2, paragraph D. The superintendent shall notify the Director of the Bureau of Labor Standards and the minor's employer in writing upon revoking a minor's work permit. The revocation is effective upon receipt by the employer of the superintendent's notice.

6. Exception. This section does not apply to minors engaged in work performed in the planting, cultivating or harvesting of field crops or other agricultural employment not in direct contact with hazardous machinery or hazardous substances; or to minors engaged in household work or any occupation that does not offer continuous, year-round employment.

Sec. 8. Posting of notice. Notwithstanding the Maine Revised Statutes, Title 26, section 701, the Bureau of Labor Standards is not required to modify and redistribute the printed notice required by that section to reflect the changes in the law resulting from this Act. The Bureau of Labor Standards shall modify the printed notice to reflect the changes contained in this Act when it becomes necessary, due to an insufficient supply of such notices or future changes in the law, to print additional notices.

Sec. 9. Effective date. Sections 5 to 7 of this Act take effect on June 15, 1992.

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

Effective March 23, 1992, unless otherwise indicated.

CHAPTER 714

H.P. 1592 - L.D. 2246

An Act to Modify Various Licensing and Registration Laws and to Address Budgetary Constraints

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 Act be available for the beginning of fiscal year 1992-93; and

Whereas, that fiscal year may 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. 9 MRSA §5004, sub-§2-A, as enacted by PL 1989, c. 55, §1, is amended to read:

2-A. Fee for registration statement. Charitable organizations shall pay an initial and a renewal fee of ~~\$25~~ \$40.

Sec. 2. 9 MRSA §5005, sub-§2, as amended by PL 1981, c. 456, Pt. A, §27, is further amended to read:

2. Fee for financial reports. A fee of ~~\$25~~ \$50 must be paid to the commissioner when any financial report is filed.

Sec. 3. 9 MRSA §5008, sub-§1, as amended by PL 1983, c. 553, §46, is further amended to read:

1. Registration. ~~No~~ A person may not act as a professional fund-raising counsel, professional solicitor or a commercial co-venturer before ~~he~~ that person has registered with the commissioner. Applications for registration or reregistration ~~shall~~ must be in writing, under oath, in the form prescribed by the commissioner and ~~shall~~ must be accompanied by ~~a~~ an application fee in the amount of ~~\$100~~ \$50 and a registration fee in the amount of \$200. Application fees are nonrefundable. The applicant shall, at the time of making application for registration or reregistration, file with and have approved by the commissioner a bond, in which the applicant ~~shall~~ must be the principal obligor, in the sum of \$10,000, with one or more responsible sureties whose liability in the aggregate as such sureties will at least equal that sum. The bond ~~shall run~~ runs to any person who may have a cause of action against the principal obligor of the bond for any malfeasance or misfeasance in the conduct of charitable solicitation in this State. Registration ~~shall be~~ is for a period of one year. The registration fee and bond required by this chapter ~~shall~~ must be waived for an auctioneer, when ~~he~~ that auctioneer engages in conduct for which ~~he~~ that auctioneer is already bonded, who is licensed by the Department of ~~Business, Occupational and Professional~~ and Financial Regulation and who has otherwise complied with the requirements of Title 32, chapter 5-A.

Sec. 4. 10 MRSA §9041, as repealed and replaced by PL 1981, c. 152, §14, is amended to read:

§9041. General regulations

The board shall adopt ~~such regulations~~ rules and establish standards ~~in the manner as~~ as provided by section 9005 ~~as may be reasonably necessary~~ to administer and enforce this subchapter.

For purposes of this subchapter, manufactured housing ~~shall include~~ includes only housing defined in section 9002, subsection 7, ~~paragraph B~~.

Sec. 5. 10 MRSA §9083, first ¶, as repealed and replaced by PL 1985, c. 600, §2, is amended to read:

The board shall establish a fee for a license to operate a mobile home park within the meaning of this subchapter. The fee ~~shall~~ must include a base fee of ~~\$30~~ \$40 plus an additional amount of up to ~~\$3~~ \$4 per mobile home site. This fee must accompany each application for license, including applications for mobile home park expansion and renewal of license.

Sec. 6. 25 MRSA §2354, as amended by PL 1991, c. 198, §1, is further amended to read:

§2354. Inspection of buildings being repaired

Subject to Title 32, chapter ~~125~~ 33, the inspector of buildings shall inspect all buildings while in process of being repaired; and see that all reasonable safeguards are used against the catching and spreading of fire and that the chimneys and flues are made safe. The inspector may give directions in writing to the owner as necessary concerning such repairs to render the building safe from the catching and spreading of fire.

Sec. 7. 25 MRSA §2465, sub-§§2, 3 and 5, as amended by PL 1991, c. 198, §3, are further amended to read:

2. Prohibitions. No person may, for compensation, construct or install any vent or solid fuel burning appliance unless constructed or installed in accordance with the provisions of the National Fire Protection Association Code #211, "The Standards for Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances." Construction and installation of chimneys and fireplaces are governed by Title 32, chapter ~~125~~ 33.

3. Enforcement. Subject to Title 32, chapter ~~125~~ 33, the Fire Marshal or the marshal's designees, ~~Safety Compliance Officers of the Oil and Solid Fuel Board~~ state oil and solid fuel compliance officers, duly appointed fire chiefs or their designees, and municipal building inspectors and code enforcement officers may enforce the requirements of "The Standards for Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances" and Title 32, section 2313-A.

5. Home rule. Subject to Title 32, chapter ~~425~~ 33, any municipality may adopt as ordinance requirements for the materials, installation or construction of chimneys, fireplaces, vents or solid fuel burning appliances ~~which that~~ exceed the requirements of "The Standards for Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances."

Sec. 8. 25 MRSA §2465, sub-§6, as amended by PL 1991, c. 198, §4, is further amended to read:

6. Penalty. Any person who, for compensation, constructs or installs vents or solid fuel burning appliances in violation of the standards; and permits such violation to remain uncorrected after 30 days' notice from any official empowered to enforce this section, ~~shall be considered~~ is guilty of a civil violation and ~~shall be~~ is subject to a forfeiture of not more than \$500 for each violation. The court may waive any penalty or cost against any violator upon satisfactory proof that the violation was corrected within 30 days of the issuance of a complaint. Construction and installation of chimneys and fireplaces are governed by Title 32, chapter ~~425~~ 33.

Any person who fails to provide a purchaser with an instruction manual or the authorized publication of the Department of Economic and Community Development, as described in subsection 5-A, commits a civil violation for which a forfeiture of not less than \$200 nor more than \$500 for the first offense and not less than \$500 nor more than \$800 for each subsequent offense ~~must~~ may be adjudged. In addition to the civil penalty provided in this subsection, any violation of this chapter constitutes a violation of Title 5, chapter 10.

Sec. 9. 32 MRSA §1202, sub-§2, as amended by PL 1989, c. 443, §85, is further amended to read:

2. Apprentice or helper. The board may issue a license upon payment of an annual fee as adopted by the board, not to exceed \$20, to any person who applies ~~therefor~~ for a license, without examination, ~~provided such applicant submits evidence satisfactory to the board that the applicant has entered the employ of a licensed electrician as an apprentice electrician or to assist a licensed electrician as an electrician's helper or is a full-time student in an electrical course at a regional vocational-technical center, a Maine vocational region, or a technical college.~~ Any such person employed by an electrician as an apprentice for the purpose of qualifying for any license mentioned in section 1203, or as electrician's helper, ~~shall~~ must apply for a license as such immediately after commencing ~~such that~~ that employment or immediately after starting school in an electrical course.

Sec. 10. 32 MRSA §2311, sub-§9-A, as enacted by PL 1991, c. 198, §8, is amended to read:

9-A. Registered. "Registered" means that a manufacturer or importer of oil and solid ~~waste~~ fuel burning

central heating equipment, prefabricated fireplaces and chimneys or accessory equipment has met all the requirements for registration under this chapter and has been issued a certificate of registration.

Sec. 11. 32 MRSA §4682-A, sub-§3, as enacted by PL 1983, c. 236, §1, is amended to read:

3. Penalty. A violation of subsection 2 is a civil violation for which a forfeiture of ~~not more~~ less than \$200 may be adjudged.

Sec. 12. 32 MRSA §4685, sub-§1, as amended by PL 1985, c. 763, Pt. A, §91, is repealed and the following enacted in its place:

1. Fee. Every person, including the self-employed or those who employ one or more transient sellers of consumer merchandise, shall pay to the Department of Professional and Financial Regulation the following fees at the time an application is made for the registration or renewal.

A. The application fee for a transient seller and an employee of a registered transient seller is \$25. The fee is nonrefundable.

B. For an original or renewal transient seller's registration, the fee is \$75. The fee is refundable if the application is denied.

C. For a registration of each employee of transient sellers and for a registration renewal, the fee is \$25. The fee is refundable if the application is denied.

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

Effective March 23, 1992.

CHAPTER 715

H.P. 1600 - L.D. 2262

An Act to Require the Issuance of Motor Vehicle Insurance Identification Cards

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

Whereas, the requirement of the Maine Revised Statutes, Title 24-A, section 2412, subsection 6 that motor vehicle identification cards be issued in standard form with each motor vehicle liability insurance policy was repealed on January 1, 1992; and