

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

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1992

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
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

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

Whereas, the orderly administration of the motor vehicle financial responsibility law requires the issuance of standard form motor vehicle identification cards; and

Whereas, the Maine Revised Statutes, Title 29, section 102-A requires that an individual establish insurance by showing the motor vehicle identification card defined in Title 24-A, section 2412, subsection 6; 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. 24-A MRSA §2412, sub-§7 is enacted to read:

7. Motor vehicle insurance identification cards. Pursuant to this section, the superintendent, with the advice of the Secretary of State, shall prescribe a uniform motor vehicle insurance identification card form. The superintendent shall require all insurance companies transacting business within this State to provide with each motor vehicle liability insurance policy an insurance identification card for each vehicle, describing the vehicle covered. When an insured has 5 or more motor vehicles registered in this State, the insurer may use the designation "all owned vehicles" on each card in lieu of a specific description.

Sec. 2. 29 MRSA §781, sub-§1, ¶A-2, as enacted by PL 1987, c. 341, §§4 and 7, is amended to read:

A-2. "Insurance identification card" means a card issued to an insured by an insurer pursuant to Title 24-A, section 2412, subsection 6 7; or a card issued by the Secretary of State for use by any person or corporation who, in lieu of maintaining a motor vehicle liability policy, elects to provide proof of financial responsibility as provided in section 787.

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

Effective March 23, 1992.

CHAPTER 716

S.P. 888 - L.D. 2281

An Act to Change the Term Secondary Vocational Education to Applied Technology and Adult Learning

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

Sec. 1. Revision clause. Wherever in the Maine Revised Statutes the words "Bureau of Adult and Secondary Vocational Education" appear or reference is made to that bureau, that phrase is amended to read and mean the "Bureau of Applied Technology and Adult Learning."

Sec. 2. Revision clause. Wherever in the Maine Revised Statutes the words "Associate Commissioner of Adult and Secondary Vocational Education" appear or reference is made to that position, that phrase is amended to read and mean the "Associate Commissioner of Applied Technology and Adult Learning."

Sec. 3. Revision clause. Wherever in the Maine Revised Statutes the words "Division of Secondary Vocational Education" appear or reference is made to that division, that phrase is amended to read and mean the "Division of Applied Technology Education."

Sec. 4. Revision clause. Wherever in the Maine Revised Statutes the words "Director of Secondary Vocational Education" appear or reference is made to that position, that phrase is amended to read and mean the "Director of Applied Technology Education."

Sec. 5. Revision clause. Wherever in the Maine Revised Statutes the words "vocation education" or "vocational instruction" appear or reference is made to those phrases, the phrases are amended to read and mean "applied technology education."

Sec. 6. Revision clause. Wherever in the Maine Revised Statutes the words "vocational center," "vocational region," "vocational satellite," "vocational program" or "vocational course of study" appear or reference is made to those phrases, the phrases are amended to read and mean, respectively, "applied technology center," "applied technology region," "applied technology satellite," "applied technology program" and "applied technology course of study."

Sec. 7. Revision clause. Wherever in the Maine Revised Statutes, Title 20-A the word "vocational" appears or reference is made to that word, except references to "vocational rehabilitation" or "general vocational needs or services" and references to the title of United States Public Law 101-392, the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1990, the word is amended to read and mean "applied technology."

Sec. 8. Revision clause. Wherever in the Maine Revised Statutes the words "Division of Program Services and Finance" appear or reference is made to that division, that phrase is amended to read and mean the "Division of Applied Technology Administration."

Sec. 9. Revision clause. Wherever in the Maine Revised Statutes the words "Director of Program Services and Finance" appear or reference is made to that