

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**THIRD SPECIAL SESSION**

October 1, 1992 to October 6, 1992

**FOURTH SPECIAL SESSION**

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

**FIRST REGULAR SESSION**

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR  
FIRST REGULAR SESSION  
NON-EMERGENCY LAWS IS  
OCTOBER 13, 1993

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  
1993

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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by section 13972, subsection 6 must complete 75 classroom hours pursuant to the requirements of that subsection and submit satisfactory proof of completion to the board no later than December 31, 1994.

**2. Minimum experience for licensed real estate appraisers.** Licensed real estate appraisers on the effective date of this section who have not demonstrated the 2 years' experience in the real estate appraisal field required of new applicants by section 13972, subsection 6-A must demonstrate such experience to the board not later than December 31, 1995. The 2 years' experience must have taken place within the 5 years immediately preceding the submission of such experience to the board.

**3. Minimum classroom hours for state-certified residential real estate appraisers.** State-certified residential real estate appraisers on the effective date of this section who have not completed the minimum 105 classroom hours required of new applicants by section 13979, subsection 1-B, must complete 105 classroom hours pursuant to the requirements of that paragraph and submit satisfactory proof of completion to the board no later than December 31, 1994.

**4. Notice.** The board shall provide timely notice of the requirements of this section to all licensed real estate appraisers on the effective date of this section and state-certified residential real estate appraisers who may be affected by this section at their last known address.

**5. Consequence of noncompliance.** Noncompliance results in the following.

A. When the date by which a licensed real estate appraiser or state-certified residential real estate appraiser must document classroom hours or experience pursuant to this section is coterminous with the expiration date of the license or certification and the appraiser fails to meet the applicable deadline, the license or certification may not be renewed until the appraiser complies with the applicable provisions of this section.

B. When the date by which a licensed real estate appraiser or state-certified residential real estate appraiser must document classroom hours or experience pursuant to this section is not coterminous with the expiration date of the license or certification and the appraiser fails to meet the applicable deadline, the license or certification becomes void on the January 1st immediately following the applicable deadline without need of further administrative action other than the notice required by this paragraph. The automatic termination of a real estate appraiser license or certification as a residential real estate appraiser pursuant to this paragraph is deemed final agency action for purposes of Title 5, chapter 375, subchapter VII and takes effect upon notice by the board to the ap-

praiser at the appraiser's last known address that the license or certification has become void due to noncompliance with this section.

## PART B

**Sec. B-1. 30-A MRSA §4221, sub-§4** is enacted to read:

**4. Inspections and permits not required.** Plumbing inspections and permits are not required for:

A. Minor plumbing work or minor installations that are performed in compliance with state laws and rules if that plumbing work or those installations are done inside the structure of a private residence by the owner of that residence; and

B. Installation of domestic heating appliances by master oil burner technicians licensed pursuant to Title 32, chapter 33.

## PART C

**Sec. C-1. 30-A MRSA §4211, sub-§2**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

**2. State rules.** No municipal ordinance may be less restrictive than the rules of the department relating to plumbing or subsurface waste water disposal systems as adopted under Title 22, section 42. ~~The department shall establish minimum permit fees by rule.~~ The rules of the department relating to all plumbing or subsurface waste water disposal systems have full force and effect, provided that, to the extent that a municipality has enacted more restrictive ordinances, the provisions of those ordinances prevail.

**Sec. C-2. 30-A MRSA §4211, sub-§5** is enacted to read:

**5. Permit fees.** The following permit fees may be charged.

A. A fixture fee of \$4 per fixture may be charged.

B. A maximum plumbing permit fee of \$4 may be charged for all other plumbing work.

C. A minimum plumbing permit fee may not be charged.

See title page for effective date.

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## CHAPTER 405

S.P. 398 - L.D. 1229

An Act to Increase Fees Charged by Municipal Clerks for Services

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

**Sec. 1. 30-A MRSA §2652, sub-§§1 to 3**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, are further amended to read:

**1. Recording; general.** Recording the following:

**A. Administration of an oath, \$1;**

(1) The municipality shall pay this fee;

**B. A birth, marriage or death as required by Title 22, sections 2702, 2703, 2763 and 2802, ~~50 cents~~ 50¢;**

(1) The municipality shall pay this fee;

**C. Affidavit establishing or correcting a record of birth, marriage or death as provided by Title 22, sections 2705 and 2764, \$2 \$4;**

(1) Issuance of a copy of the record to the applicant, \$5 \$7 for the first copy and \$2 \$3 for each additional copy;

**D. Affidavit legitimating a birth as provided by Title 22, section 2765, \$2 \$4;**

(1) Issuance of a copy of the amended birth record to the applicant, \$5 \$7 for the first copy and \$2 \$3 for each additional copy;

**E. Release of an attachment, \$2 \$4;**

**F. Certificate of partnership, \$5 \$10;**

**G. Certificate of withdrawal of a partner, \$5 \$10;**

**H. Certificate of a person engaging in trade under a name, style or designation other than that person's own, \$5 \$10;**

**I. Honorable discharge or release papers of veterans of the Armed Forces of the United States of America, \$2 \$4;**

(1) A copy of such a document attested by the clerk is prima facie evidence of its existence and validity;

**J. Petition for enforcement of a lien on monumental works, \$2 \$4;**

**K. License for clam cultivation or an assignment of it, \$1 \$2; and**

**L. Any instrument entitled to be recorded, except those under the Uniform Commercial Code, including an executed assignment attached to or**

made a part of it before it is received for recording, \$2 \$4 for the first page and \$1 \$2 for each succeeding page or part of a page;

(1) The acts of any municipality in recording any instrument by microfilm before September 21, 1963 are ratified, confirmed and made effective;

**2. Marriage intentions and license.** Recording marriage intentions and issuing a marriage license, \$10 \$20, except, ~~where~~ when the laws of this State require 2 licenses, the fee is \$5 \$10 each;

**3. Birth, marriage or death certificates.** Issuing the following:

**A. Certificate of birth, marriage or death, \$5 \$7 for the first copy and \$2 \$3 for each additional copy; and**

**B. Burial permit, \$2 \$4; and**

**Sec. 2. Distribution of fees.** Additional revenues collected by each municipal clerk as a result of this Act must accrue to the municipality.

See title page for effective date.

## CHAPTER 406

### H.P. 1060 - L.D. 1428

#### An Act to Amend the Laws Governing Vending Machine Sales of Cigarettes

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

**Sec. 1. 22 MRSA §1628, sub-§2**, as amended by PL 1989, c. 445, §9, is repealed and the following enacted in its place:

**2. Violation.** It is unlawful for any person, firm or corporation to knowingly distribute or sell cigarettes:

A. From a vending machine to a person under the age of 18 years; or

B. From any vending machine except for a vending machine:

(1) From which only cigarettes are dispensed;

(2) On which is affixed to the front of the machine a conspicuously displayed sign with letters at least 1/2 inch in height stating: "WARNING: It is unlawful for a person