

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**SECOND REGULAR SESSION**

**January 5, 1994 to April 14, 1994**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 14, 1994**

**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**

## CHAPTER 484

S.P. 564 - L.D. 1599

**An Act Concerning the Hauling of Mobile Homes on the Roads and Highways of the State**

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

**Whereas,** certain statutory requirements are both unduly burdensome to trailer dealers and mobile home dealers and unnecessary for ensuring public safety; 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. 29 MRSA §832,** as amended by PL 1989, c. 481, Pt. A, §22, is further amended by adding a new 2nd paragraph to read:

Notwithstanding the first paragraph, a trailer or mobile home dealer, licensed pursuant to section 359, who certifies to the Secretary of State that the dealer does not haul trailers or mobile homes on the public roads and highways of the State is not required to file certification of liability insurance or surety bond. The Secretary of State may not issue temporary plates or dealer plates to a trailer or mobile home dealer exempted from filing certification of liability insurance or surety bond under this paragraph.

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

Effective February 24, 1994.

## CHAPTER 485

H.P. 592 - L.D. 807

**An Act Regarding Records of Notaries Public**

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

**Sec. 1. 4 MRSA §955-B,** as amended by PL 1991, c. 465, §4, is further amended to read:

**§955-B. Maintenance of records**

~~Every~~ The Secretary of State shall recommend that every notary public shall keep and maintain records of all notarial acts performed. The notary shall safeguard and retain exclusive custody of these records. The notary may not surrender the records to another notary or to an employer. The records may be inspected in the notary's presence by any individual whose identity is personally known to the notary or is proven on the basis of satisfactory evidence and who specifies the notarial act to be examined.

**Sec. 2. 4 MRSA §956** is amended to read:

**§956. Resignation or removal; deposit of records**

~~On~~ The Secretary of State shall recommend that, on the resignation or removal from office of any notary public, his the notary's records shall be deposited with the clerk of the judicial courts in the county for which he was appointed transferred to the custody of the State Archivist. Any notary public who shall, for a period of 3 months, neglect to comply with such requirement and any administrator or executor representing a deceased notary public who shall, for a period of 3 months, neglect to comply with such requirement shall forfeit not less than \$50 nor more than \$500.

See title page for effective date.

## CHAPTER 486

H.P. 1081 - L.D. 1447

**An Act to Conform Maine Income Tax Laws and Rules to the Internal Revenue Code**

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

**Sec. 1. 36 MRSA §143** is enacted to read:

**§143. Compromise of tax liability**

The State Tax Assessor may compromise a tax liability arising under this Title upon the grounds of doubt as to liability or doubt as to collectibility, or both. Upon acceptance by the assessor of an offer in compromise, the liability of the taxpayer in question is conclusively settled and neither the taxpayer nor the assessor may reopen the case except by reason of falsification or concealment of assets by the taxpayer or mutual mistake of a material fact. The decision of the assessor to reject an offer in compromise is not subject to review under section 151. The assessor's authority to compromise a tax liability pursuant to this section is separate from and in addition to the

assessor's authority to cancel or abate a tax liability pursuant to section 142.

The submission of an offer in compromise does not automatically operate to stay the collection of a tax liability, but the assessor may stay collection action if the interests of the State are not jeopardized by that action.

The assessor may adopt rules regarding the procedures to be followed for the submission and consideration of offers in compromise.

See title page for effective date.

## CHAPTER 487

H.P. 342 - L.D. 445

### An Act to Ensure the Proper Installation of Manufactured Homes

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

**Sec. 1. 30-A MRSA §4358, sub-§1, ¶D**, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is repealed and the following enacted in its place:

D. "Permanent foundation" means:

(1) For "newer mobile homes," as defined in paragraph A, subparagraph (1), a foundation that conforms to the installation standards established by the Manufactured Housing Board; or

(2) For "modular homes," as defined in paragraph A, subparagraph (2), a foundation that conforms to the municipal building code or, in the absence of a municipal building code, a foundation that conforms to the Building Officials and Code Administrators National Code (1990).

See title page for effective date.

## CHAPTER 488

H.P. 1177 - L.D. 1568

### An Act to Allow Nonresidents to Possess Antique License Plates

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

**Sec. 1. 29 MRSA §114, first ¶**, as amended by PL 1989, c. 481, Pt. A, §6, is further amended to read:

The registration of an antique auto, antique motorcycle, horseless carriage or street rod as defined in this Title ~~shall~~ **must** be upon a form prescribed by the Secretary of State. The registration ~~shall~~ **must** be accompanied by an affidavit, provided by the Secretary of State, which ~~shall~~ **must** include a statement of the age and intended use of the motor vehicle and that ~~the applicant is a resident of~~ the vehicle is garaged or maintained in the State. Any person registering a street rod shall furnish proof that the vehicle is a valid street rod as provided in this section.

See title page for effective date.

## CHAPTER 489

H.P. 1196 - L.D. 1604

### An Act to Clarify the Status of the Maine Indian Tribal-State Commission

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

**Sec. 1. 5 MRSA §12002, sub-§1, ¶E**, as amended by PL 1985, c. 295, §3, is further amended to read:

E. Special study organizations as defined in subsection 4; ~~and~~

**Sec. 2. 5 MRSA §12002, sub-§1, ¶F**, as enacted by PL 1985, c. 295, §3, is amended to read:

F. A joint standing committee of the Legislature or any joint select committee, composed exclusively of Representatives and Senators; ~~and~~

**Sec. 3. 5 MRSA §12002, sub-§1, ¶G** is enacted to read:

G. The Maine Indian Tribal-State Commission, as established in Title 30, section 6212, subsection 1, as part of the Maine Indian Claims Settlement.

**Sec. 4. 5 MRSA §12004-K, sub-§13**, as enacted by PL 1993, c. 381, §8, is repealed.

See title page for effective date.