

# MAINE STATE LEGISLATURE

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

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

**FIRST REGULAR SESSION**  
**December 7, 1994 to June 30, 1995**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 29, 1995**

**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**  
**1995**

tion 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 MRSA §2904**, as amended by PL 1989, c. 74, §1, is further amended to read:

**§2904. Immunity from civil liability for volunteer activities**

Notwithstanding any inconsistent provision of any public or private and special law, no licensed ~~physician, podiatrist as defined in Title 32, section 3551 or dentist as defined in Title 32, section 1081, health care practitioner as defined in section 2502~~ who voluntarily, without the expectation or receipt of monetary or other compensation, provides professional services within the scope of that ~~physician's or podiatrist's~~ health care practitioner's licensure to a nonprofit organization or to an agency of the State or any political subdivision of the State or to members or recipients of services of that organization or state or local agency may be liable for damages or injuries alleged to have been sustained by the person nor for damages for the death of the person when the injuries or death are alleged to have occurred by reason of an act or omission in the rendering of professional services, unless it is established that the injuries or the death were caused willfully, wantonly, recklessly or by gross negligence of the ~~licensed physician or podiatrist~~ health care practitioner.

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

Effective June 14, 1995.

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**CHAPTER 240**

**S.P. 168 - L.D. 429**

**An Act to Amend Real Estate Appraisal Licensing and Certification Laws**

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

**Sec. 1. 32 MRSA §13251-A** is enacted to read:

**§13251-A. Conflict of interest**

A real estate broker or associate broker may not knowingly provide or offer an appraisal or opinion of market value, as set forth in section 13963, on real estate in a transaction where the broker or associate

broker, or any other licensee licensed with the agency, is to receive a fee on that transaction.

**Sec. 2. 32 MRSA §13963**, as enacted by PL 1989, c. 806, §3, is amended to read:

**§13963. Exemption**

This Act does not apply to appraisals or opinions of market value ~~done prepared by real estate licensees licensed by this State~~ associate brokers or brokers who maintain active licenses pursuant to chapter 114 rendered for purposes other than for federally related transactions as defined in Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, Public Law 101-73, or in the federal Office of Management and Budget Circular A-129, as either is amended, or as the rules referred to in either are amended.

Any opinion or appraisal of market value rendered under this section must contain the following language in bold print in a prominent location:

"This opinion or appraisal was prepared solely for the client, purpose and function stated in this report and is not intended for subsequent use. It was not prepared by a licensed or certified appraiser and may not ~~be acceptable for use in transactions involving federal funds~~ comply with the appraisal standards of the Uniform Standards of Professional Appraisal Practice."

**Sec. 3. 32 MRSA §13984, sub-§2**, as enacted by PL 1993, c. 404, Pt. A, §24, is amended to read:

**2. Minimum experience for licensed real estate appraisers.** Licensed real estate appraisers ~~on the effective date of this section~~ October 13, 1993 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 that~~ that experience to the board not later than December 31, ~~1995~~ 1997. The 2 years' experience must have taken place within the 5 years immediately preceding the submission of ~~such that~~ that experience to the board.

See title page for effective date.

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**CHAPTER 241**

**H.P. 475 - L.D. 656**

**An Act to Reduce Paperwork and Promote On-site Elementary Neutralization of Low-hazard Wastes**