

# 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**

**Sec. 2. 7 MRSA §3962-A**, as enacted by PL 1993, c. 468, §19, is repealed and the following enacted in its place:

**§3962-A. Penalty for damage to livestock or pets by dogs**

**1. Violation.** Except as provided in subsection 3, the owner or keeper of a dog that kills or injures livestock, poultry, domestic rabbits or pets commits a civil violation for which a forfeiture not to exceed \$100 may be adjudged in addition to costs.

**2. Additional remedy.** A person who suffers damage as a result of a violation of subsection 1 may also pursue a civil action against the owner or keeper of the dog pursuant to section 3961.

**3. Exception.** If the owner or keeper of a dog that kills or injures another dog establishes that the dog that was killed or injured provoked the killing or injury or that the dog that committed the killing or injury was leashed or controlled on the owner's or keeper's property at the time of the killing or injury, then the owner or keeper is not liable under this section or section 3961.

**Sec. 3. 7 MRSA §3963**, as enacted by PL 1987, c. 383, §3, is amended to read:

**§3963. Joint and several liability**

If any properly enclosed livestock, poultry or domestic rabbits or pets are killed or injured by 2 or more dogs at the same time ~~which~~ and the dogs are kept by 2 or more owners or keepers, the owners or keepers ~~shall be~~ are jointly and severally liable for the damage.

**Sec. 4. 7 MRSA §3964**, as enacted by PL 1987, c. 383, §3, is repealed.

**Sec. 5. 7 MRSA §4041, sub-§4**, as enacted by PL 1989, c. 91, is amended to read:

**4. Penalty.** A forfeiture of not more than \$500 ~~shall~~ must be adjudged for a civil violation under subsection 3. In addition the court may as part of the sentencing include an order of restitution for ~~damages caused by the livestock animal in accordance with section 3964 and for~~ costs incurred in removing and controlling the livestock animal.

**Sec. 6. 12 MRSA §7504, sub-§6, ¶D**, as enacted by PL 1979, c. 420, §1, is amended to read:

D. Any person having evidence of any dog chasing, killing, wounding or pursuing any moose, caribou, deer or elk, or any other wild animal in closed season, or of any dog kept and used for that purpose, or of any dog worrying, wounding or killing any domestic animal, includ-

ing another dog, or any livestock, poultry, fowl or furbearing animal legally in captivity, when the dog is outside of the enclosure or immediate care of ~~his~~ the dog's owner or keeper, may present that evidence to the District Court having jurisdiction.

(1) The court may issue a warrant against the owner of the dog, ordering ~~him~~ the owner to show cause why the dog should not be killed.

(2) Upon hearing the evidence in the case, the court may order the dog killed by any game warden.

(3) The costs of prosecution ~~shall~~ must be paid by the owner or keeper of the dog.

See title page for effective date.

**CHAPTER 352**

**H.P. 824 - L.D. 1155**

**An Act Concerning the Liability of Governmental Entities for the Use by Employees of Private Motor Vehicles**

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

**Sec. 1. PL 1993, c. 707, Pt. G, §9** is repealed.

See title page for effective date.

**CHAPTER 353**

**H.P. 933 - L.D. 1314**

**An Act to Make Minor Technical Adjustments to Various Professional Licensing Boards**

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

**Sec. 1. 5 MRSA §12004-A, sub-§41**, as enacted by PL 1987, c. 786, §5, is amended to read:

41. State Board of Substance Abuse Counselors	<del>Not Authorized</del> <u>\$35/Day Plus Expenses</u>	32 MRSA §6201
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**Sec. 2. 10 MRSA §9063**, as amended by PL 1993, c. 642, §32, is further amended to read:

**§9063. Rules**

The ~~board~~ commissioner is authorized to issue, amend and revoke rules as necessary to implement all procedures required of a state administrative agency pursuant to 24 Code of Federal Regulations, Paragraph 3282 and 42 United States Code, ~~Section Sections~~ 5401 ~~et seq.~~ to 5426, including the implementation of a consumer complaint handling process and the holding of hearings. In the event of a conflict between this chapter and the National Manufactured Housing Construction and Safety Standards Act of 1974 involving the state administrative agency program, the National Manufactured Housing Construction and Safety Standards Act of 1974 prevails.

**Sec. 3. 10 MRSA §9064**, as amended by PL 1993, c. 642, §33, is further amended to read:

**§9064. Standards**

**1. Adoption, administration and enforcement of standards.** The ~~board~~ department is charged with the adoption, administration and enforcement of manufactured housing construction and safety standards. The standards adopted must meet the standards adopted pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 United States Code, ~~Section Sections~~ 5401 ~~et seq.~~ to 5426.

**2. Rules.** The ~~board~~ department may adopt rules necessary to enforce the standards adopted under subsection 1.

**Sec. 4. 10 MRSA §9065**, as amended by PL 1993, c. 642, §34, is further amended to read:

**§9065. Inspections**

The ~~board~~ department, by authorized representatives, may enter, at reasonable times, any factory, warehouse or establishment in which manufactured housing is manufactured, stored or held for sale for the purpose of ascertaining whether the requirements of the federal manufactured housing construction and safety standards and the rules of the ~~board~~ department have been and are being met.

**Sec. 5. 10 MRSA §9066, sub-§1**, as amended by PL 1993, c. 642, §35, is further amended to read:

**1. Violations.** A person who violates any of the following provisions relating to manufactured housing or rules adopted by the ~~board~~ department is subject to a civil penalty not to exceed \$1,000 for each violation. Each violation constitutes a separate violation with respect to each manufactured housing unit, except that the maximum penalty may not exceed \$1,000,000 for

any related series of violations occurring within one year from the date of the first violation. It is a violation of this chapter for a person:

A. To manufacture for sale, lease, sell, offer for sale or lease or introduce, deliver or import into the State any manufactured housing that is manufactured on or after the effective date of any applicable federal manufactured housing construction and safety standard that does not comply with that standard;

B. To fail or refuse to permit access to or copying of records, fail to make reports or provide information or fail or refuse to permit entry or inspection as required by section 9065;

C. To fail to furnish notification of any defect as required by 42 United States Code, Section 5414;

D. To fail to issue a certification required by 42 United States Code, Section 5415 or to issue a certification to the effect that a manufactured home conforms to all applicable federal manufactured housing construction and safety standards, if that person in the exercise of due care has reason to know that the certification is false or misleading in a material respect;

E. To fail to establish and maintain records, or make such reports and provide information as the ~~board~~ department may reasonably require to enable ~~the board~~ it to determine whether there is compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974; or fail to permit, upon request of a person duly authorized by the ~~board~~ commissioner, inspection of appropriate books, papers, records and documents relative to determining whether a manufacturer, distributor or dealer has acted or is acting in compliance with this chapter or with the National Manufactured Housing Construction and Safety Standards Act of 1974; or

F. To issue a certification pursuant to 42 United States Code, Section 5403, Paragraph (a), if the person in the exercise of due care has reason to know that the certification is false or misleading in a material respect.

**Sec. 6. 10 MRSA §9068, first ¶**, as amended by PL 1993, c. 642, §36, is further amended to read:

The ~~board~~ department shall establish a monitoring inspection fee in an amount established by the Secretary of the United States Department of Housing and Urban Development. This monitoring inspection fee is an amount paid by the manufacturer for each home produced in this State.

**Sec. 7. 10 MRSA §9071**, as amended by PL 1993, c. 642, §37, is further amended to read:

**§9071. Revenue**

The fees received by the ~~board~~ commissioner under the State Administrative Agency Program must be paid by the Treasurer of State to be used for carrying out the duties of the program. Any balance of these fees may not lapse but must be carried forward as a continuing account to be expended for the same purpose in the following fiscal years.

**Sec. 8. 10 MRSA §9084, 5th ¶**, as amended by PL 1993, c. 642, §38, is further amended to read:

All mobile home park licenses expire annually on a date established by the ~~board~~ Commissioner of Professional and Financial Regulation. Licenses may be renewed upon application and upon payment of the prescribed fee, subject to compliance with rules of the board and with this subchapter. The board shall provide licensees with notice of the renewal date and necessary forms no less than 30 days prior to the expiration of the license.

**Sec. 9. 32 MRSA §1100-C, sub-§1**, as enacted by PL 1977, c. 484, §2, is repealed and the following enacted in its place:

**1. Rules required.** Not later than May 1, 1996, the board shall adopt rules relating to the licensing of denturists.

**Sec. 10. 32 MRSA §1100-C, sub-§2**, as amended by PL 1977, c. 696, §381, is repealed and the following enacted in its place:

**2. Contents.** The rules adopted pursuant to subsection 1 must pertain, but are not limited to, the following:

A. The administrative procedures relating to the issuance, refusal to issue, suspension and revocation of licenses;

B. The establishment of equivalency training and experience standards for the purpose of eligibility for the issuance of temporary dentist licenses;

C. The methods by which and the conditions under which denturists are required to practice denture technology for both temporary and full licensure;

D. The establishment of educational requirements for the purpose of eligibility for both temporary and full licensure; and

F. The specification of other procedures incidental to the practice of denture technology that may be practiced by a denturist.

**Sec. 11. 32 MRSA §1658-D, sub-§1**, as repealed and replaced by PL 1975, c. 463, §3, is amended to read:

**1. Minors.** ~~No~~ A dealer may not sell or furnish a hearing aid to a person of 18 years or less without a written statement, signed by a physician with specialized training in the field of otolaryngology ~~or by an audiologist~~, that ~~such~~ the person has had an ear or hearing examination within 90 days of the purchase or furnishing of a hearing aid and that a hearing aid is recommended for ~~such~~ the person.

**Sec. 12. 32 MRSA §1952, sub-§1** is amended to read:

**1. Certain property.** ~~Any~~ A person with reference to trees on ~~his~~ that person's own premises; or on the property of ~~his~~ that person's regular employer;

**Sec. 13. 32 MRSA §1952, sub-§4**, as amended by PL 1971, c. 347, §2, is further amended to read:

**4. Others.** Highway contractors, subcontractors, and their employees in the removal of trees during the performance of contracts for the construction or maintenance of highways, and the removal of interfering shade or ornamental trees or interfering parts of shade or ornamental trees by a general ~~contractor~~ contractors in the conduct of ~~his~~ their regular business.

**Sec. 14. 32 MRSA §2002, sub-§3**, as enacted by PL 1983, c. 413, §104, is amended to read:

**3. Hearings.** Hearings may be conducted by the board to assist with investigations, to determine whether grounds exist for suspension, revocation or denial of a license, or as otherwise ~~deemed~~ considered necessary to the fulfillment of its responsibilities under this chapter.

The board ~~shall~~ may not refuse to renew a license for any reason other than failure to pay a required fee, unless it has afforded the licensee an opportunity for an adjudicatory hearing. The board shall hold an adjudicatory hearing at the written request of any person who is denied a license without a hearing for any reason other than failure to pay a required fee, ~~provided that~~ if the request for hearing is received by the board within 30 days of the ~~applicant's~~ applicant's receipt of written notice of the denial ~~of his application~~, the reasons ~~therefor~~ for the denial and ~~his~~ the person's right to request a hearing. Hearings ~~shall~~ must be conducted in conformity with the Maine Administrative Procedure Act, Title 5, chapter 375,

subchapter IV, to the extent applicable. The board may subpoena witnesses, records and documents in any hearing it conducts.

**Sec. 15. 32 MRSA §2053**, as amended by PL 1983, c. 413, §108, is further amended to read:

#### §2053. Applications

Applications for examination ~~shall~~ must be in writing on forms prescribed by the board, ~~shall be notarized and shall~~ must be accompanied by the prescribed fee. The application form ~~shall~~ may require whatever information the board finds necessary to judge qualifications of the applicant.

**Sec. 16. 32 MRSA §2054**, as amended by PL 1983, c. 413, §109, is further amended to read:

#### §2054. Nonresidents

Each nonresident applicant, ~~a resident of another state or province,~~ for an original license or a renewal license shall file an irrevocable consent that actions against ~~him~~ the applicant may be filed in any appropriate court of any county or district of this State, where some part of the transaction occurred out of which the alleged cause of action arose, and that process in any action may be served on the applicant by leaving 2 copies ~~thereof of the process~~ with the board. The consent ~~shall~~ must stipulate and agree that the service of process ~~shall~~ must be taken and held to be valid and binding for all purposes. The board shall send a copy of the process to the applicant by registered mail at the address shown in its records.

**Sec. 17. 32 MRSA §2056, 2nd ¶**, as amended by PL 1983, c. 413, §111, is further amended to read:

~~Where~~ When the arborist conducts business at more than one address, additional certificates ~~shall~~ must be issued. When an employee of a licensed arborist does not ~~himself~~ hold a license, ~~he shall have with him~~ the employee must carry, when working, a card or written authorization signed by the licensed arborist showing under whose supervision ~~he~~ the employee is working and ~~by whom he is employed~~ the name of the employer. The board ~~shall~~ may not issue more than one license card to an individual qualified to receive a license, except as provided in section 2058.

**Sec. 18. 32 MRSA §2057, last ¶**, as amended by PL 1983, c. 413, §112, is further amended to read:

Any arborist whose license expires while ~~he~~ the arborist is in federal service on active duty with the Armed Forces of the United States; or the National Guard, or is called into service or training, or is in

training or education under the supervision of the United States preliminary to induction into the military service may have ~~his~~ the license renewed without paying any intervening renewal license fees ~~if~~ within one year after termination of that service, training or education other than by dishonorable discharge, ~~and if he~~ the arborist furnishes the board with an affidavit to the effect that ~~he~~ the arborist has been so engaged and that ~~his~~ the service, training or education has been so terminated.

**Sec. 19. 32 MRSA §2058**, as amended by PL 1983, c. 204, §5, is further amended to read:

#### §2058. Renewals

It ~~shall be~~ is the duty of the board to notify every person licensed under this subchapter of the date of expiration of ~~his~~ that person's certificate and the ~~amount of~~ fee required for its annual renewal. ~~Such~~ The notice ~~shall~~ must be mailed to ~~such~~ the person's last known address at least 30 days in advance of the expiration of ~~such~~ the license. Applications for renewal licenses ~~shall~~ must contain whatever information is necessary for the board to determine whether the applicant should continue to hold a license and ~~shall~~ must be accompanied by the required fee, which ~~shall be~~ is returnable if the applicant is denied a renewal license. ~~Lost licenses shall be replaced on application by the licensed arborist and payment of \$2. A licensed arborist must file an application and fee of \$5 for replacement of a lost license.~~

**Sec. 20. 32 MRSA §2059**, as amended by PL 1983, c. 413, §113, is further amended to read:

#### §2059. Fees

An application fee and an examination fee may be established by the board in amounts ~~which~~ that are reasonable and necessary for their respective purposes. ~~When~~ After an applicant is notified ~~that he is eligible of the applicant's eligibility~~ for a license following examination, ~~he shall remit~~ the applicant must submit the annual license fee before a license is issued.

The fee for an original or renewal annual license ~~shall~~ may not exceed \$50.

**Sec. 21. 32 MRSA §2060**, as amended by PL 1965, c. 226, §76, is further amended to read:

#### §2060. Reciprocity

In the event that a nonresident applicant for a license holds a valid arborist license from another state or province, ~~he~~ the applicant may ~~on application for a license~~ be waived of examination by the board, ~~provided that if the other state or province in which he~~ the applicant holds ~~such~~ the license requires qualification and examination equivalent to this subchapter. If

said the law of the other state or province law partially meets the standards of this subchapter, the board may decide in which respect it is lacking and what requirements the applicant must meet for waiver of examination, or whether written examination ~~shall~~ must be waived.

**Sec. 22. 32 MRSA §2312-B** is enacted to read:

**§2312-B. Major equipment sales information**

Upon request by the board or its authorized agent, wholesalers and retailers of major oil and solid fuel heating equipment shall provide sales information to the board regarding such equipment. "Major oil and solid fuel heating equipment" includes, but is not limited to, furnaces, boilers, oil burners, fuel oil supply tanks of any size and side wall direct venting space heaters. Sales information may include the identity of the purchaser, the date of purchase, the make, model and serial number, if applicable, and any other information requested.

**Sec. 23. 32 MRSA §12228, sub-§4**, as enacted by PL 1987, c. 489, §2, is amended to read:

**4. Examination; administration.** The examination to be passed as a condition for the granting of a certificate ~~shall~~ must be in writing, ~~shall~~ must be held twice a year and ~~shall~~ must be the Uniform Certified Public Accountant Examination prepared by the Board of Examiners of the American Institute of Certified Public Accountants or any other examination approved by the board. The time for holding the examination ~~shall~~ must be fixed by the board and may be changed from time to time. The board shall prescribe by rule the methods of applying for and conducting the examination, including methods for grading papers and determining a passing grade required of an applicant for a certificate, ~~provided~~ except that the board, to the extent possible, shall see to it that the grading of the examination and the passing grades are uniform with those applicable in all other states. The board may make the use of all or any part of the Advisory Grading Service of the American Institute of Certified Public Accountants or any other examination approved by the board and may contract with 3rd parties to perform such administrative services with respect to the examination as it considers appropriate to assist it in performing its duties under this section.

**Sec. 24. 32 MRSA §12228, sub-§5**, as enacted by PL 1987, c. 489, §2, is amended to read:

**5. Examination; passing.** An applicant ~~shall be required to~~ must pass all parts of the examination provided for in subsection 4, in order to qualify for a certificate. If, at a given sitting of the examination, an applicant passes 2 or more, but not all, parts ~~with the~~

~~accounting practice part of the examination being treated for this purpose as 2 parts of the examination,~~ then the applicant ~~shall~~ must be given credit for those parts that ~~he~~ the applicant has passed and need not sit for reexamination in those parts, provided that:

A. The applicant wrote all parts of the examination at that sitting;

B. The applicant passes the remaining parts of the examination within 6 consecutive examinations given after the one at which the first parts were passed; and

C. At each subsequent sitting at which the applicant seeks to pass any additional parts, the applicant writes all parts not yet passed.

**Sec. 25. 32 MRSA §12240, sub-§§4 and 5**, as enacted by PL 1987, c. 489, §2, are amended to read:

**4. Examination; administration.** The examination to be passed as a condition for the granting of a certificate ~~shall~~ must be in writing, ~~be~~ held twice a year, ~~and include Parts I and II of the "Examination in Accounting Practice" portion of the Uniform Certified Public Accountant Examination prepared by the Board of Examiners of the American Institute of Certified Public Accountants and shall also include other applicable subjects in the field of accounting, such as auditing, theory of accounts, practical accounting problems, commercial law as it affects accountancy, federal and state taxation and such other subjects pertinent to accounting as the board may specify by rule. The examination may include all or part of the examination of~~ and be the public accountant examination prepared by the National Society of Public Accountants or any other examination approved by the board. The time for holding ~~that examination~~ shall examinations must be fixed by the board and may be changed from time to time. The board shall prescribe by rule the methods of applying for and conducting the ~~examination~~ examinations, including methods for grading papers and determining a passing grade required of an applicant for a certificate, ~~provided~~ except that the board, to the extent possible, shall see to it that the grading of the ~~examination~~ examinations and the passing grades are uniform with those applicable in all other states. The board may contract with 3rd parties to perform those administrative services with respect to the ~~examination~~ examinations as it considers appropriate to assist it in performing its duties under this section.

**5. Examination; passing.** An applicant ~~shall be required to~~ must pass all parts of the examination provided in subsection 4, in order to qualify for a certificate. If, at a given sitting of the examination, an applicant passes 2 or more, but not all parts, ~~with the accounting practice part of the examination being~~

~~treated for this purpose as 2 parts~~, then the applicant shall must be given credit for those parts that ~~he~~ the applicant has passed and need not sit for reexamination in those parts, provided that the applicant passes the remaining parts of the examination within 6 consecutive examinations given after the one at which the first parts were passed.

**Sec. 26. 32 MRSA §13908, sub-§4**, as enacted by PL 1993, c. 659, Pt. A, §12 and affected by §15, is amended to read:

**4. Continuing education.** An applicant for license renewal as a professional land surveyor shall present evidence of having completed 12 hours of professional development in the previous biennium. This ~~section~~ subsection does not apply to a person 65 years of age or older who practices less than 160 hours a year. Credit for development hours may be earned as follows.

A. ~~Six~~ At least 6 hours must be in courses in surveying practice or in courses in at least one of the following areas:

- (1) General business administration or management;
- (2) Land use regulation;
- (3) Other related land use fields, including, but not limited to, civil or environmental engineering, site evaluation for septic system design, soils, landscape architecture, geology, forestry, title examination and insurance, and other legal issues related to real estate;
- (4) Computer application skills or programming;
- (5) Communication, including, but not limited to, speech and technical writing; or
- (6) Other subject matters the understanding of which appreciably aids a land surveyor in the performance of professional duties.

B. One hour of professional development may be earned for every 900 hours of survey practice during the past biennium and one hour may be earned for each 3 years of full-time surveying practice as a registered or licensed surveyor during the time preceding the past biennium.

C. The applicant may acquire professional development credit through the following professional activities.

- (1) Credit may be earned by membership and participation in surveying organizations as follows.

(a) Membership in a surveying organization entitles the licensee to one credit hour.

(b) Holding a leadership position in a surveying organization entitles the licensee to an additional credit hour per biennium.

(c) Active participation in an active committee of a surveying organization entitles the licensee to an additional credit hour.

(d) Chairing an active committee of a surveying organization entitles the licensee to an additional credit hour.

(e) Attendance at a minimum of 50% of the general membership meetings of a surveying organization entitles the licensee to an additional credit hour.

(2) The licensee is entitled to 1 credit hour for membership in other associations, societies, boards or clubs related to a subject matter described in paragraph A.

(3) A licensee is entitled to one credit hour for each article, column or other significant work relevant to subject matter described in subsection 4, paragraph A that is published in a professional journal, magazine or other similar publication. Credit hours for works written by multiple authors must be divided pro rata.

The board may waive requirements of this subsection in cases of undue hardship and may accept for credit worthy professional development activities as determined by the board not specified in this subsection. The board shall adopt any rules necessary to implement this subsection.

The provisions of this subsection must be reviewed by the joint standing committee of the Legislature having jurisdiction over business legislation matters by March 1, 1999.

This subsection is repealed March 1, 1999.

**Sec. 27. 32 MRSA §13908, last 3 ¶¶**, as enacted by PL 1993, c. 659, Pt. A, §12 and affected by §15, are repealed.

**Sec. 28. 32 MRSA §13972, sub-§6**, as amended by PL 1991, c. 801, §4 and affected by §§9 and 10, is further amended to read:

**6. Educational requirement.** The applicant must have satisfactorily completed ~~a~~ the minimum of



75 classroom hours required by the appraisal qualification board of the appraisal foundation in courses of study approved by the board that relate to the basic principles of real estate appraisal. The required ~~75~~ classroom hours must include no fewer than ~~60~~ classroom hours of study relating to the basic principles of real estate appraising and no fewer than 15 classroom hours of study specifically relating to the Uniform Standards of Professional Appraisal Practice.

A. The courses of study required to satisfy these minimum classroom hours must be approved by the board and be consistent with and equivalent to standards set by the appraisal foundation, whether these courses of study are conducted by an accredited university, college, technical college, junior college or other group.

**Sec. 29. 32 MRSA §13972, sub-§6-A**, as enacted by PL 1993, c. 404, Pt. A, §21, is amended to read:

**6-A. Experience requirement.** The applicant must demonstrate experience in the real estate appraisal field ~~for 2 of the 5 years immediately preceding application~~ as required by the appraisal qualification board of the appraisal foundation.

**Sec. 30. 32 MRSA §13972-A, sub-§1, ¶E** is enacted to read:

E. The applicant must submit evidence of completion of the minimum classroom hour requirement as set by the appraisal qualification board of the appraisal foundation.

**Sec. 31. 32 MRSA §13972-A, sub-§2**, as enacted by PL 1993, c. 404, Pt. A, §22, is amended to read:

**2. Registration.** Upon receiving an application pursuant to subsection 1 that is satisfactory to the board, the board shall furnish to the applicant a registration for real estate appraiser trainee, which expires 12 months from the date of issuance. The registration is renewable upon payment of the registration fee and evidence of meeting the continuing education requirement as set by the appraisal qualification board of the appraisal foundation.

A person may not be registered as a real estate appraiser trainee for more than 5 years.

**Sec. 32. 32 MRSA §13979, sub-§1, ¶A**, as enacted by PL 1989, c. 806, §3, is amended to read:

A. Hold a valid real estate appraiser license under this Act and demonstrate experience as a real estate appraiser ~~for 2 of the 5 years immediately preceding application~~ as required by the ap-

praisal qualification board of the appraisal foundation;

**Sec. 33. 32 MRSA §13979, sub-§1, ¶B**, as amended by PL 1991, c. 801, §5 and affected by §§9 and 10, is further amended to read:

B. Satisfactorily complete a the minimum of 105 classroom hours required by the appraisal qualification board of the appraisal foundation in courses of study approved by the board that relate to real estate appraisal theory and practice. To meet the ~~105~~ classroom hour requirement, an applicant must successfully complete no fewer than ~~90 classroom hours in courses of study approved by the board that relate to real estate appraisal theory and practice,~~ plus 15 classroom hours in courses of study approved by the board that relate specifically to the Uniform Standards of Professional Appraisal Practice.

(1) The courses of study required to satisfy these minimum classroom hours must be approved by the board and be consistent with and equivalent to standards set by the appraisal foundation, whether these courses of study are conducted by an accredited university, college, technical college, junior college or other group;

**Sec. 34. 32 MRSA §13979, sub-§2, ¶A**, as enacted by PL 1989, c. 806, §3, is amended to read:

A. Hold a valid real estate ~~appraisal~~ appraiser license under this Act and demonstrate experience as a real estate appraiser ~~for 2 of the 5 years immediately preceding application~~ as required by the appraisal qualification board of the appraisal foundation;

**Sec. 35. 32 MRSA §13979, sub-§2, ¶B**, as amended by PL 1991, c. 2, §7, is further amended to read:

B. Satisfactorily complete ~~no fewer than 165~~ the minimum classroom hours required by the appraisal qualification board of the appraisal foundation in courses of study approved by the board that relate to real estate appraisal theory and practice. To meet the ~~165~~ classroom hour requirement, an applicant must successfully complete no fewer than ~~150 classroom hours in courses of study approved by the board that relate to real estate appraisal theory and practice,~~ plus 15 classroom hours in courses of study approved by the board that relate specifically to the Uniform Standards of Professional Appraisal Practice.

(1) The courses of study required to satisfy these minimum classroom hours must be

approved by the board and be consistent with and equivalent to standards set by the appraisal foundation, whether these courses of study are conducted by an accredited university, college, technical college, junior college or other group;

**Sec. 36. 32 MRSA §13981, sub-§2,** as enacted by PL 1989, c. 806, §3, is amended to read:

**2. Continuing education.** As a prerequisite to renewal of a license, applicants must have completed 20 clock hours of the minimum requirement for continuing education as set by the appraisal qualification board of the appraisal foundation within 2 years prior to the date of application for renewal in programs or courses approved by the board. For purposes of this section, the board may establish, by rule, a core educational requirement.

**Sec. 37. Reporting date.** The Board of Dental Examiners shall review the feasibility of independent practice for denturists and report its recommendations to the Joint Standing Committee on Business and Economic Development by February 1, 1996.

**Sec. 38. Allocation.** The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	1995-96	1996-97
<b>PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF</b>		
<b>State Board of Substance Abuse Counselors</b>		
Personal Services	\$3,465	\$4,620
All Other	1,650	2,200
<b>TOTAL</b>	<u>\$5,115</u>	<u>\$6,820</u>

Provides additional allocations to cover the costs of paying per diem and expenses for board members.

See title page for effective date.

**CHAPTER 354**

**H.P. 862 - L.D. 1193**

**An Act to Expand Elevator and Tramway Inspection Services**

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

**Sec. 1. 26 MRSA §476, first ¶,** as amended by PL 1977, c. 694, §456, is further amended to read:

The board shall formulate reasonable rules for the safe and proper construction, installation, alteration, repair, use, operation and inspection of elevators and tramways in the State. The rules must include standards for the review and audit of inspections performed by elevator inspectors not employed by the State. The rules ~~shall~~ must be adopted pursuant to Title 5, section 8051 et seq., and ~~shall~~ must conform as near as practicable to the established standards as approved by the American National Standards Institute. Such rules ~~shall~~ may not become effective sooner than 90 days after the date they are adopted, except that rules applying to the construction of new elevators and tramways ~~shall~~ may not become effective sooner than 6 months after the date they are adopted.

**Sec. 2. 26 MRSA §478,** as enacted by PL 1977, c. 543, §4, is amended to read:

**§478. Examination of elevator inspectors**

Examination for ~~the state~~ elevator inspectors ~~shall~~ must be given by the supervising inspector or by 2 or more examiners ~~to be~~ appointed by the supervising inspector. The board shall set the standards necessary to sit for the examination. The examination fee is set by the board and may not exceed \$100. ~~Such~~ The examination must be written in part or in whole, and must be confined to questions, the answers to which will aid in determining the fitness and competency of the applicant for the intended service and must be of uniform grade throughout the State. In case an applicant fails to pass this examination, ~~he~~ the applicant may appeal to the board for a 2nd examination within 90 days of notification of ~~his~~ the applicant's failure to pass and ~~such~~ the 2nd examination ~~shall~~ must be given by the board or by examiners other than those by whom the first examination was given. Upon the result of this 2nd examination, the board shall determine whether or not the applicant is qualified.

The record of the applicant's examination, whether original or on appeal, ~~shall~~ must be accessible to ~~him~~ the applicant. The examinations must be kept on file in the office of the supervising inspector for a period of not less than 2 years.

Applications for examination and license must be made on forms furnished by the bureau.

An elevator inspector's license expires on the 3rd anniversary date of the original issue. The license fee must be set by the board and may not exceed \$300.