

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

Sec. 9. 24-A MRSA §6459, as enacted by PL 1993, c. 634, Pt. A, §1, is repealed and the following enacted in its place:

§6459. Supplemental provisions

1. Existing authority supplemented. The provisions of this chapter are supplemental to any other provisions of the laws of this State and do not preclude or limit any other powers or duties of the superintendent under those laws, including, but not limited to, sections 417, 3423 and 3424 and chapter 57.

2. Rules. The superintendent may adopt rules to carry out the purposes of this chapter. Rules adopted pursuant to this chapter are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

3. Exemptions. The superintendent may exempt from the application of this chapter any domestic property and casualty insurer that:

- A. Writes business only in the State;
- B. Writes direct annual premium of \$2,000,000 or less; and
- C. Assumes no reinsurance in excess of 5% of direct premium written.

See title page for effective date.

CHAPTER 82

S.P. 340 - L.D. 1118

An Act to Amend the Oil and Solid Fuel Board Laws

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

Sec. 1. 32 MRSA §2311, sub-§8, as amended by PL 1991, c. 509, §20, is further amended to read:

8. Master oil burner technician. "Master oil burner technician" means a person who is licensed under this chapter to engage in the business of installing or servicing oil burning equipment. Applicants for a license of this classification shall present to the board satisfactory evidence that they have 4 years licensed practical experience and ~~related knowledge, or such other requirement as the Oil and Solid Fuel Board may establish.~~ Effective January 1, 1994, an applicant for a license of this classification shall present to the board satisfactory evidence that the applicant has 2 years of licensed practical experience evidence that the licensed practical experience for at least 2 of those 4 years was as a licensed journeyman

oil burner technician ~~and related knowledge~~, or other such requirement as the Oil and Solid Fuel Board may establish.

Sec. 2. 32 MRSA §2311, sub-§9, as amended by PL 1991, c. 509, §21, is further amended to read:

9. Master solid fuel burner technician. "Master solid fuel burner technician" means a person who is licensed under this chapter to engage in the business of installing and servicing solid fuel burning equipment. An applicant for a ~~license of examination~~ for this classification must be a person who presents to the board satisfactory evidence of at least 2 years of licensed practical experience and related knowledge; or a person having a master oil burner technician's license issued under this chapter ~~who presents to the board satisfactory evidence of knowledge of solid fuel burning equipment;~~ or a person having a bachelor degree in engineering from an accredited university who presents to the board satisfactory evidence of knowledge of solid fuel burning equipment.

Sec. 3. 32 MRSA §2317, first ¶, as enacted by PL 1979, c. 569, §4, is amended to read:

Any person, firm or corporation who makes an oil or solid fuel burner installation without ~~having first obtained a license, being licensed~~ as provided by this chapter; any person, firm or corporation in the oil or solid fuel burner installation business who employs an unlicensed person, unless the work is exempted ~~by~~ under this chapter; any person who procures any license as provided in this chapter wrongfully or by fraud; or any person, firm or corporation who violates the provisions of this chapter, ~~or rules or regulations promulgated thereunder adopted under this chapter,~~ or standards adopted by the board, ~~commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged~~ is guilty of a Class E crime.

Sec. 4. 32 MRSA §2402, sub-§2, as amended by PL 1991, c. 198, §19, is further amended to read:

2. 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. Original and renewal license fees may be established by the board in amounts ~~which~~ that are reasonable and necessary for their respective purposes. The fees may not exceed the following amounts:

- A. Master, original license and biennial renewal fee, \$200;
- B. Journeyman, original license and biennial renewal fee, \$100; and

C. Apprentice, original license and biennial renewal fee, \$40.

~~Applicants applying for an initial license with a term of one year or less are required to pay only 1/2 the biennial license fee.~~

Sec. 5. 32 MRSA §2404, as amended by PL 1991, c. 198, §20, is further amended to read:

§2404. Renewals

All licenses expire ~~biennially on December 31st as to a master technician and biennially on June 30th as to other licenses. The expiration dates for licenses issued under this chapter may be established 2 years from the original date of issue or~~ at such other ~~times~~ time as the Commissioner of Professional and Financial Regulation may designate. The licenses may be renewed on a biennial basis without further examination upon the payment of the proper fee. The board shall notify everyone registered under this chapter of the date of expiration of the license and the amount of fee required for its renewal for a 2-year period. The notice must be mailed to the person's last known address at least 30 days in advance of the expiration date of the license. A license may be renewed up to 90 days after the date of expiration upon payment of a late fee of \$10 in addition to the renewal fee. Any person who submits an application for renewal more than 90 days after the license renewal date is subject to all requirements governing new applicants under this chapter, except that the board may, giving due consideration to the protection of the public, waive examination or other requirements. The board may assess penalties for late renewals more than 90 days after the date of expiration.

See title page for effective date.

CHAPTER 83

S.P. 65 - L.D. 184

An Act to Decrease the Time Period Allowed for the Rescission of a Time-share Contract

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

Sec. 1. 33 MRSA §592, sub-§1, ¶A, as enacted by PL 1983, c. 248, §3, is amended to read:

A. The front cover or first page ~~shall~~ must contain only:

(1) The name and principal address of the developer and of the project and the location of the time-share property; and

(2) The following statements in conspicuous type.

(a) THIS CONTAINS IMPORTANT MATTERS TO BE CONSIDERED IN ACQUIRING A TIME SHARE. STATE OF MAINE LAW REQUIRES THAT THESE DISCLOSURES BE MADE BUT NO STATE AGENCY OR OFFICIAL HAS REVIEWED THE INFORMATION CONTAINED IN THIS BOOKLET.

(b) YOU MAY CANCEL THE PURCHASE TRANSACTION WITHIN ~~FIFTEEN~~ TEN CALENDAR DAYS FOLLOWING THE DATE OF EXECUTION OF THE CONTRACT OR THE RECEIPT OF A CURRENT WRITTEN STATEMENT, WHICHEVER IS LATER.

(c) THE STATEMENTS CONTAINED INSIDE ARE ONLY SUMMARY IN NATURE. IF YOU ARE THINKING OF BUYING A UNIT, YOU SHOULD TALK TO YOUR ATTORNEY AND LOOK AT ALL EXHIBITS, INCLUDING THE DECLARATION, PROJECT INSTRUMENT FLOOR PLAN, PLOT PLAN, BYLAWS AND CONTRACTS.

(d) YOU SHOULD ASK YOUR ATTORNEY AND THE DEVELOPER TO TELL YOU WHAT WILL HAPPEN TO YOUR DEPOSIT, INTEREST IN THE UNIT, OR COSTS AND EXPENSES IF THE DEVELOPER OR OWNER IS DECLARED BANKRUPT. OBTAIN THE ANSWER FROM THE DEVELOPER IN WRITING.

Sec. 2. 33 MRSA §592, sub-§1, ¶B, as enacted by PL 1983, c. 248, §3, is amended by amending subparagraphs (10) and (12) to read:

(10) A statement that:

(a) Within ~~15~~ 10 calendar days after receipt of the current written statement or execution of a contract, whichever is later, a purchaser may cancel any conveyance or contract for purchase of a unit from the developer; and