

# 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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

## CHAPTER 208

## H.P. 536 - L.D. 727

An Act to Change the Membership of  
the Lobster Advisory Council

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

**Sec. 1. 5 MRSA §12004-I, sub-§58**, as enacted by PL 1987, c. 786, §5, is amended to read:

58.	Lobster Marine Resources: Industry	Expenses Advisory Council Only	12 MRSA <del>§6462-</del> §6462-A
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A. Total Expenses for the council ~~shall~~ may not exceed \$2,500 per year.

**Sec. 2. 12 MRSA §6462**, as amended by PL 1989, c. 503, Pt. B, §63, is repealed.

**Sec. 3. 12 MRSA §6462-A** is enacted to read:

**§6462-A. Lobster Advisory Council**

**1. Appointment; composition.** The Lobster Advisory Council, established by Title 5, section 12004-I, subsection 58 and in this subchapter known as the "council," consists of the following members:

A. One person from each lobster management policy council established under section 6447. Each lobster management policy council shall choose by majority vote a member to serve on the council;

B. Two persons who hold wholesale seafood licenses and are primarily dealers in lobsters, appointed by the commissioner;

C. One person who is a member of the general public and does not hold any license under this subchapter, appointed by the commissioner; and

D. Three persons who hold lobster and crab fishing licenses and who are not members of lobster management policy councils established under section 6447, appointed by the commissioner. Each person appointed under this paragraph must reside in a different county.

**2. Term.** Members serve for terms of 3 years, except that a vacancy must be filled by the commissioner for the unexpired portion of the term. Members continue to serve until their successors are appointed.

**3. Compensation.** Members are entitled to compensation according to Title 5, chapter 379.

**4. Quorum.** A quorum is a majority of the members of the council, at least 4 of whom must be lobster and crab fishing license holders.

**5. Chair and officers.** The council shall annually choose one of its members to serve as chair for a one-year term. The council may select other officers and designate their duties.

**6. Meetings.** The council shall meet at least 4 times a year at regular intervals. It may also meet at other times at the call of the chair or the commissioner.

**Sec. 4. 12 MRSA §6463, sub-§3** is enacted to read:

**3. Dispute resolution.** The council may consider disputed issues brought to the council by any lobster management policy council established under section 6447. The council may make recommendations to the commissioner with regard to resolving such issues.

**Sec. 5. Transition provisions.** The terms of the Lobster Advisory Council members who were appointed under the Maine Revised Statutes, Title 12, former section 6462, subsection 1, paragraph A expire on the effective date of this Act. The terms of the Lobster Advisory Council members who were appointed under Title 12, former section 6462, subsection 1, paragraphs B and C continue until 3 years from the date of their most recent appointment to the Lobster Advisory Council.

See title page for effective date.

## CHAPTER 209

## H.P. 772 - L.D. 1049

An Act to Amend the Real Estate  
Brokerage Laws

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

**Sec. 1. 32 MRSA §13002, sub-§1, ¶B**, as enacted by PL 1989, c. 471, §1, is amended to read:

B. The real estate transaction services are subject to the provisions of the Maine Condominium Act, Title 33, chapter 31-;

**Sec. 2. 32 MRSA §13065, sub-§5**, as enacted by PL 1987, c. 395, Pt. A, §212, is amended to read:

**5. Fees.** The commission may establish by rule fees in amounts ~~which~~ that are reasonable and necessary for their respective purposes. ~~With the~~

exception of the fee specified in section 13225, except that the set fee for any one purpose may not exceed \$100.

**Sec. 3. 32 MRSA §13199, sub-§2, ¶A,** as enacted by PL 1987, c. 395, Pt. A, §212, is amended to read:

A. The applicant ~~shall~~ must have practiced as a real estate sales agent for 2 years within the 5 years immediately preceding the date of application, satisfactorily completed a course of study meeting commission established guidelines and ~~shall~~ appear at such time and place as the director may designate for the purpose of a written associate broker examination. An applicant may sit for the examination upon completion of the course of study. Regardless of the results of the examination, the commission ~~shall~~ may not issue a license under this section until an individual has completed 2 years as a licensed real estate sales agent. ~~For the purposes of this paragraph, "course of study" consists of 45 sessions of not more than 2 1/2 hours of instruction for each session.~~

**Sec. 4. 32 MRSA c. 114, sub-c. V,** as amended, is repealed.

See title page for effective date.

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**CHAPTER 210**

**S.P. 500 - L.D. 1562**

**An Act to Amend Professional Licensing Boards Laws**

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

**Sec. 1. 10 MRSA §8003, sub-§2, ¶¶D and E,** as enacted by PL 1995, c. 502, Pt. H, §10, are amended to read:

D. To adopt rules establishing a uniform complaint procedure; ~~and~~

E. To perform licensing functions for other state agencies on a fee-for-service basis; and

**Sec. 2. 10 MRSA §8003, sub-§2, ¶F** is enacted to read:

F. To study jurisdictional overlap between the department's boards and commissions and other state agencies for purposes of streamlining and consolidating related legal authorities and administrative processes.

**Sec. 3. 10 MRSA §8003, sub-§5, ¶C,** as amended by PL 1995, c. 502, Pt. H, §10, is further amended to read:

C. The bureau, office, board or commission may:

(1) Require all applicants for license or registration renewal to have responded under oath to all inquiries set forth on renewal forms; ~~or~~

(2) Require applicants for license or registration renewal to present proof of satisfactory completion of continuing professional or occupational education in accordance with each bureau's, office's, board's or commission's rules. Failure to comply with the continuing education rules may, in the bureau's, office's, board's or commission's discretion, result in a decision to deny license or registration renewal or may result in a decision to enter into a consent agreement and probation setting forth terms and conditions to correct the licensee's or registrant's failure to complete continuing education. Terms and conditions of a consent agreement may include requiring completion of increased hours of continuing education, civil penalties, suspension and other terms as the bureau, office, board, commission, the licensee or registrant and the Department of the Attorney General determine appropriate; or

(3) Refuse to renew a license or registration when the bureau, office, board or commission finds a licensee or registrant to be in noncompliance with a board order or consent agreement.

**Sec. 4. 10 MRSA §9006-A,** as amended by PL 1993, c. 642, §14, is repealed.

**Sec. 5. 32 MRSA §1203, sub-§2,** as amended by PL 1995, c. 325, §16, is further amended to read:

2. Examinations.....~~\$50~~ \$80; and

**Sec. 6. 32 MRSA §1507, first ¶,** as enacted by PL 1993, c. 404, Pt. A, §1, is amended to read:

A licensee who is no longer actively practicing funeral service may surrender the licensee's active license to the State Board of Funeral Service and request inactive license status. ~~An applicant for The holder of an inactive status license~~ may not practice funeral service either in the State or in any other state, province or territory. The board may place the licensee on inactive status only upon proper applica-