

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1999

penalties imposed on a facility may not be greater than a sum equal to ~~\$5~~ \$10 times the total number of residents residing in the facility per violation, up to a maximum of ~~\$5,000~~ \$10,000 for each instance in which the department issues a statement of deficiency to a skilled nursing or intermediate care facility, or ~~\$3~~ \$6 times the total number of residents residing in the facility per violation, up to a maximum of ~~\$3,000~~ \$6,000 in each instance in which the department issues a statement of deficiency to any ~~residential care~~ assisted living facility.

See title page for effective date.

CHAPTER 100

H.P. 1028 - L.D. 1450

An Act to Amend Agency Disclosure within the Real Estate Brokerage Laws

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

Sec. 1. 32 MRSA §13279, as enacted by PL 1993, c. 679, §1, is amended to read:

§13279. Real estate brokerage agency disclosure required

A real estate brokerage agency shall provide in a timely manner to buyers and sellers of residential real property a meaningful, written real estate brokerage agency relationship disclosure form as defined and mandated by rules adopted by the commission. For purposes of this section, "residential real property" means real estate consisting of not less than one nor more than 4 residential dwelling units.

See title page for effective date.

CHAPTER 101

H.P. 742 - L.D. 1032

An Act to Require Motor Vehicles to Stop for All Pedestrians in a Marked Crosswalk

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

Sec. 1. 29-A MRSA §2056, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4. Pedestrians in marked crosswalks. When traffic-control devices are not in operation, an operator must yield the right-of-way to a pedestrian crossing within a marked crosswalk ~~when the pedestrian is on the same half of the way or approaching so closely as to be in danger.~~

See title page for effective date.

CHAPTER 102

S.P. 496 - L.D. 1481

An Act to Increase the Contingency Reserve Fund Percentage for Consumer-owned Electric Utilities

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

Sec. 1. 35-A MRSA §3503, sub-§5, ¶C, as amended by PL 1993, c. 512, §3, is further amended to read:

C. For consumer-owned electric utilities, except rural electrification cooperatives:

(1) To provide each year a sum equal to not less than 2% nor more than 10% of the term indebtedness represented by the issuance of bonds created or assumed by the utility, which sum must be turned into a sinking fund and kept to provide for the extinguishment of term indebtedness. The money set aside in this sinking fund and all interest accrued to this fund must be devoted to the retirement of the term obligations of the utility and may be invested in such securities as savings banks in the State are allowed to hold;

(2) To provide for annual principal payments on serial indebtedness created or assumed by the utility; and

(3) To provide for a contingency reserve fund, 1/2 of which may be used for capital purposes, to reflect up to a ~~5%~~ 25% addition to yearly revenues over the amount required to operate the electric utility, not including purchased power supply costs, if any. Any surplus in excess of ~~5%~~ this 25% must be used to offset future revenue requirements in the setting of rates. Any interest generated on these funds must be deposited into the contingency reserve fund. The balance in the contingency reserve fund at the close of the utility's fiscal year may not exceed ~~5%~~ 25% of the yearly revenues over the amount required to op-

erate the electric utility, not including purchased power supply costs, if any; and

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CHAPTER 103

S.P. 376 - L.D. 1077

An Act to Prevent Minors from Acquiring Beer-making or Wine-making Equipment

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

Sec. 1. 28-A MRSA §2051, sub-§1, ¶D-2, as enacted by PL 1987, c. 342, §119, is amended to read:

D-2. Sell, furnish or give a false identification card to a minor; ~~or~~

Sec. 2. 28-A MRSA §2051, sub-§1, ¶E, as amended by PL 1993, c. 266, §24, is further amended to read:

E. Have any liquor or imitation liquor in the minor's possession except:

(1) In the scope of the minor's employment; or

(2) In the minor's own home in the presence of the minor's parent, legal guardian or custodian, as defined in Title 22, section 4002; or

Sec. 3. 28-A MRSA §2051, sub-§1, ¶F is enacted to read:

F. Have in the minor's possession equipment specifically constructed, manufactured or marketed for the purpose of brewing malt liquor or fermenting or making wine except:

(1) In the scope of the minor's employment; or

(2) In the minor's own home under the supervision of the minor's parent, legal guardian or custodian, as defined in Title 22, section 4002.

Sec. 4. 28-A MRSA §2086 is enacted to read:

§2086. Sale or furnishing of brewing or wine-making equipment prohibited

1. Violation. A person who knowingly sells, furnishes, gives away or offers to sell, furnish or give away to a minor equipment that is specifically constructed, manufactured or marketed for the purpose of brewing malt liquor or fermenting or making wine is guilty of a civil violation.

2. Exception. This section does not apply to a minor's parent, legal guardian or custodian, as defined in Title 22, section 4002, who furnishes the equipment to the minor for use in a supervised manner.

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CHAPTER 104

S.P. 512 - L.D. 1513

An Act to Clarify the Definition of "Area of Operation" for Municipal Housing Authorities

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

Sec. 1. 30-A MRSA §4702, sub-§1, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended by amending the first paragraph to read:

1. Area of operation. "Area of operation" of a housing authority ~~of a town~~ includes all of the ~~town~~ municipality for which it is created. ~~Except and, except as provided in paragraphs A and B, the "area of operation" of a housing authority of a city includes the city and the area within 10 miles outside its territorial boundaries. The "area of operation" of the Maine State Housing Authority is the entire State.~~

See title page for effective date.

CHAPTER 105

H.P. 641 - L.D. 891

An Act to Establish Thresholds for Delegated Purchasing Authorities and Requirements for Competitive Bidding

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

Sec. 1. 5 MRSA §1825-B, sub-§2, ¶A, as amended by PL 1993, c. 640, §1, is further amended to read:

A. The procurement of goods or services by the State, for county commissioners pursuant to Title