

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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
1999

Sec. 1. 32 MRSA §12252, sub-§3, as enacted by PL 1987, c. 489, §2, is repealed and the following enacted in its place:

3. Individual permits required. The following provisions apply to the issuance of individual permits.

A. An applicant for initial issuance or renewal of a permit to practice under this section shall show that a simple majority of the ownership of the firm, in terms of financial interests and voting rights of all partners, officers, shareholders, members or managers, belongs to holders of certificates who are licensed in a state and that all partners, officers, shareholders, members or managers whose principal place of business is in this State and who perform professional services in this State hold valid permits issued by the board. At least a simple majority of the ownership of a public accounting firm, in terms of financial interests and voting rights, must belong to holders of permits issued by the board. Firms may include nonlicensee owners in accordance with paragraph B.

B. A certified public accountancy firm or public accountancy firm may include nonlicensee owners as long as:

(1) All nonlicensee owners are individuals who actively participate in the certified public accountancy firm or public accountancy firm; and

(2) The firm complies with such other requirements as the board may impose by rule.

Sec. 2. 32 MRSA §12275, sub-§3, as enacted by PL 1987, c. 489, §2, is amended to read:

3. Use of title. ~~Not~~ A firm may not assume or use the title or designation "certified public accountant," the abbreviation "CPA" or any other title, designation, words, letters, abbreviation, sign, card or device indicating that the firm is composed of certified public accountants, unless:

A. The firm holds a valid permit issued under section 12252; and

B. ~~All~~ Fifty-one percent of all partners, officers and shareholders of the firm hold certificates.

See title page for effective date.

CHAPTER 201

H.P. 954 - L.D. 1352

An Act to Ensure that Workers' Compensation Death Benefits are Paid to Dependents Without Regard to Country of Residence

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

Sec. 1. 39-A MRSA §102, sub-§8, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended by amending the last blocked paragraph to read:

In all other cases, questions of total or partial dependency must be determined in accordance with the fact as the fact was at the time of the injury. If there is more than one person wholly dependent, the compensation must be divided equally among them and persons partly dependent, if any, are not entitled to a part of the compensation during the period in which compensation is paid to persons wholly dependent. If there is no one wholly dependent and more than one person who is partly dependent, the compensation must be divided among them according to the relative extent of their dependency. ~~If a dependent is an alien residing outside the United States or outside the Dominion of Canada, the compensation paid to any such dependent is 1/2 that provided in the case of the death of an employee.~~

Sec. 2. Retroactivity. This Act applies retroactively to June 1, 1998.

See title page for effective date.

CHAPTER 202

H.P. 726 - L.D. 1016

An Act to Require That a Translator Be Available to Employees In the Workers' Compensation Process

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

Sec. 1. 39-A MRSA §329 is enacted to read:

§329. Interpreter required

An employee whose native language is not English and who does not understand the English language to the degree necessary to reasonably understand and participate in proceedings that affect the employee's rights is entitled to have an interpreter present at all proceedings before the board or a

hearing officer relating to that employee's rights. The board shall provide and pay the cost of the interpreter. To the extent possible, the board shall seek advice from the Department of Labor in locating appropriate interpreters to meet the needs of employees in the workers' compensation system.

See title page for effective date.

CHAPTER 203

S.P. 367 - L.D. 1068

An Act to Clarify Municipal Obligations to an Unlicensed Mobile Home Park

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

Sec. 1. 10 MRSA §9090 is enacted to read:

§9090. Municipal foreclosure; unlicensed mobile home parks

Notwithstanding any other provision of law, a municipality that, as a result of the nonpayment of property taxes, forecloses and takes possession of real estate on which is located an unlicensed mobile home park may, if the municipality determines the park poses a risk to public health, welfare or safety, close the park and, with at least 30 days' prior written notice, evict the inhabitants of the park. A municipality that takes possession of real estate on which is located an unlicensed mobile home park does not enter a landlord and tenant relationship with any inhabitant of the park and is not subject to the provisions of chapter 953 or any other laws governing relations between a landlord and tenant. This section does not apply to a municipality that is or becomes the licensed operator of the mobile home park.

See title page for effective date.

CHAPTER 204

S.P. 385 - L.D. 1164

An Act to Clarify Landlord Access to Premises in Residential Tenancies

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

Sec. 1. 14 MRSA §6025, sub-§§1 and 3, as enacted by PL 1981, c. 428, §10, are amended to read:

1. Tenant obligations. A tenant may not unreasonably withhold consent to the landlord to enter into

the dwelling unit in order to inspect the premises, make necessary or agreed repairs, decorations, alterations or improvements, supply necessary or agreed services or exhibit the dwelling unit to prospective or actual purchasers, mortgagees, ~~workmen~~ workers or contractors.

A tenant may not change the lock to the dwelling unit without giving notice to the landlord and giving the landlord a duplicate key within 48 hours of the change.

3. Remedy. If a landlord makes an entry in violation of this section, makes a lawful entry in an unreasonable manner or makes repeated demands for entry otherwise lawful ~~which that~~ have the effect of harassing the tenant, the tenant ~~shall~~ may recover actual damages or \$100, whichever is greater, and obtain injunctive relief to prevent recurrence of the conduct, and if ~~he~~ the tenant obtains a judgment after a contested hearing, reasonable ~~attorneys'~~ attorney's fees.

If a tenant changes the lock and does not provide the landlord with a duplicate key, in the case of emergency the landlord may gain admission through whatever reasonable means necessary and charge the tenant reasonable costs for any resulting damage. If a tenant changes the lock and refuses to provide the landlord with a duplicate key, the landlord may terminate the tenancy with a 7-day notice.

See title page for effective date.

CHAPTER 205

S.P. 595 - L.D. 1719

An Act to Amend the Maine Banking Code Regarding Extensions of Credit

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, without the proposed change, Maine-based lenders may suffer competitive losses to out-of-state financial corporations; and

Whereas, Maine companies that would prefer to do business with local lenders are forced to use other financial organizations; and

Whereas, Maine lenders are ready and able to serve these Maine businesses but for the restraints resulting from the current Maine banking law; and

Whereas, this current Maine banking law was passed prior to Maine's many recent banking code changes regarding interstate banking; and