

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTIETH LEGISLATURE**  
**FIRST REGULAR SESSION**  
**December 6, 2000 to June 22, 2001**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 21, 2001**

**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**  
**2001**

oath or affirmation that it is complete and accurate so far as the conservator is informed. The conservator shall provide a copy of the completed inventory to the protected person if the person can be located, has attained 14 years of age and has sufficient mental capacity to understand these matters, and to any parent or guardian with whom the protected person resides.

(b) A conservator shall keep suitable records of the conservator's administration and exhibit the same on request of any interested person.

(c) If a conservator fails without good cause to file an inventory, the court may require the conservator or the conservator's surety to pay to the protected person's estate a minimum of \$100 and a maximum of the amount the court determines is just to compensate the estate for any damage resulting from the failure to file the inventory. The payments required by this subsection are in addition to any other award or remedy available at law or in equity for fiduciary misconduct of the conservator.

**Sec. 2. 18-A MRSA §5-419**, as amended by PL 1995, c. 462, Pt. A, §39, is further amended to read:

#### **§5-419. Accounts**

(a) Every conservator ~~must~~ shall account to the court for the administration of the trust as specified by the court at the time of the initial order or at the time of a subsequent order or as provided by court rule and upon resignation or removal. On termination of the protected person's minority or disability, a conservator may account to the court or may account to the former protected person or that person's personal representative. Prior to the termination of the protected person's minority, the conservator ~~must~~ shall account to the court and the protected person.

(b) Subject to appeal or vacation within the time permitted, an order, made upon notice and hearing, allowing an intermediate account of a conservator, adjudicates as to ~~his~~ the conservator's liabilities concerning the matters considered in connection therewith; and an order, made upon notice and hearing, allowing a final account adjudicates as to all previously unsettled liabilities of the conservator to the protected person or ~~his~~ the protected person's successors relating to the conservatorship. In connection with any account, the court may require a conservator to submit to a physical check of the estate in ~~his~~ the conservator's control, to be made in any manner the court may specify.

(c) The court may appoint a visitor to review the conservator's accounts and determine if appropriate provision for the use, care and protection of the protected person's property has been made. The

visitor shall report ~~his~~ the findings to the court in writing.

(d) If the conservator fails without good cause to file the accounting required by the court, the court may require the conservator or the conservator's surety to pay to the protected person's estate a minimum of \$100 and a maximum of the amount the court determines is just to compensate the estate for any damage resulting from the failure to file the accounting. The payments required by this subsection are in addition to any other award or remedy available at law or in equity for fiduciary misconduct of the conservator.

See title page for effective date.

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## CHAPTER 281

### S.P. 309 - L.D. 1056

#### An Act to Enforce the Taxation of Building Materials and Modular Homes

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

**Sec. 1. 10 MRSA §9006-D** is enacted to read:

#### **§9006-D. Notice of installation**

**1. Notice of installation.** A manufacturer, dealer, mechanic and installer shall notify the board every month of the installations completed by that person that month. The notice must include the location of each unit of manufactured housing, the owner of each unit at the time of installation, the type or model of the unit, the manufacturer of the unit, written certification that the installation meets standards that conform to those required by the board and the name and address of the manufacturer, dealer, mechanic or installer. The information must be submitted within 10 days after the end of each month in the form and manner prescribed by the board by rule. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

**2. Failure to file.** The board may require a manufacturer, dealer, mechanic or installer who fails to comply with this section to pay a fine of not less than \$5 and not more than \$100 for each day the notice is late.

**Sec. 2. 10 MRSA §9021, sub-§9** is enacted to read:

**9. Proof of sales tax registration.** The board shall require that an applicant for a manufacturer or

dealer license under this subchapter demonstrate that the applicant is registered with the State Tax Assessor for the collection of sales and use tax under Title 36, chapter 211 or that the applicant is not required to register under that chapter.

See title page for effective date.

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## CHAPTER 282

H.P. 1114 - L.D. 1483

### An Act to Expand the Options for a Lobster Management Zone

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

**Sec. 1.** 12 MRSA §6446, sub-§2-A is enacted to read:

2-A. Rules pursuant to section 6447, subsection 5-A. The commissioner may adopt rules for a zone established under subsection 1 that are proposed pursuant to section 6447, subsection 5-A only when the rules were proposed by the lobster management policy council established for that zone pursuant to section 6447, subsection 1 and the proposed rules were approved in a referendum pursuant to section 6447, subsection 6. The commissioner may accept the rules proposed by a lobster management policy council as reasonable and adopt those rules or reject the council's proposed rules as unreasonable. The rules adopted under this subsection by the commissioner must accurately reflect the intent of the rules proposed by a lobster management policy council but are not required to be a verbatim rendition of the proposed rules.

This subsection is repealed June 1, 2004.

**Sec. 2.** 12 MRSA §6447, sub-§5-A is enacted to read:

5-A. Zone C council authority. Notwithstanding any other provision in this subchapter, upon approval in a referendum under subsection 6, a lobster management policy council for Zone C, as defined in rules adopted by the department, may propose to the commissioner rules for Zone C that do any or all of the following:

A. Increase the length of time an apprentice must be enrolled in the apprentice program up to a maximum of 5 years. A proposal to increase the length of enrollment must establish the ability for apprentices enrolled in the program to be grandfathered;

B. Require a sponsor of an apprentice to have held a Class I, Class II or Class III lobster and crab fishing license for at least 5 years;

C. Require an apprentice training program that consists of course work on current laws and rules and principles of fishing;

D. Require that an apprentice may only enter Zone C if the apprentice apprenticed in Zone C; or

E. Establish a one-year, 2-year or 3-year waiting period for transferees to transfer into Zone C.

This subsection is repealed June 1, 2004.

See title page for effective date.

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## CHAPTER 283

S.P. 414 - L.D. 1358

### An Act to Require Truth in Advertising of Natural Water

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

**Sec. 1.** 7 MRSA §562-B is enacted to read:

§562-B. Identification of source of water sold in containers and intended for human consumption

The label on water that is sold in the State in containers and that is intended for human consumption must identify the location of the water body, well or public water supply from which the water was obtained.

See title page for effective date.

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## CHAPTER 284

S.P. 457 - L.D. 1510

### An Act to Study Long-term Care, Home and Community-based Care, Reimbursement Issues and Staffing Issues

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

**Sec. 1. Study of certain aspects of long-term care.** By February 1, 2002, the Long-term Care Implementation Committee established in Public Law 1999, chapter 731, Part BBBB, section 15 shall study and make recommendations to the Joint Standing