

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

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
2002

signed by the director of MSHA and state the justification for the waiver.

See title page for effective date.

CHAPTER 632

H.P. 1401 - L.D. 1840

An Act to Amend the Uniform Commercial Code, Article 9-A

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

Sec. 1. 11 MRSA §9-1525, sub-§(1), ¶(b), as amended by PL 2001, c. 286, §11, is further amended to read:

(b) Thirty dollars if the record is communicated in writing and consists of more than 2 pages; ~~and~~

Sec. 2. 11 MRSA §9-1525, sub-§(1), ¶(c), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(c) Ten dollars if the record is communicated by another medium authorized by filing-office rule; ~~and~~

Sec. 3. 11 MRSA §9-1525, sub-§(1), ¶(d) is enacted to read:

(d) Zero if the record is a termination statement as described in section 9-1513 that relates to an initial financing statement filed on or after July 1, 1993 and before July 1, 2001, and is communicated in writing or by another medium authorized by filing-office rule.

Sec. 4. 11 MRSA §9-1525, sub-§(2), ¶(a), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(a) Sixty dollars if the financing statement indicates that it is filed in connection with a public-finance transaction and if the record is communicated in writing. Thirty dollars if the record is communicated by another medium authorized by filing-office rule; and

Sec. 5. 11 MRSA §9-1525, sub-§(2), ¶(b), as amended by PL 2001, c. 286, §12, is further amended to read:

(b) Forty dollars if the financing statement indicates that it is filed in connection with a manufactured-home transaction and if the record is communicated in writing. Twenty dollars if the record is communicated by another medium authorized by filing-office rule.

See title page for effective date.

CHAPTER 633

S.P. 686 - L.D. 1888

An Act to Allow Mechanics Licensed by the Manufactured Housing Board to Install and Maintain Oil Tanks

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

Sec. 1. 32 MRSA §2351, as amended by PL 2001, c. 260, Pt. E, §§1 and 2, is further amended to read:

§2351. Appointment; vacancies; removal; compensation

The Oil and Solid Fuel Board, as established by Title 5, section 12004-A, subsection 27, and in this chapter called the "board," consists of the Commissioner of Public Safety or a representative and ~~5~~ 6 other members, called in this chapter the "appointive members," who are appointed by the Governor.

~~Three~~ Four of the appointive members must be oil burner technicians who are active in the trade. One of the members must have at least 5 years' experience and the other ~~2~~ 3 members must have at least 10 years' experience as oil burner technicians. ~~Nominees for appointment of the oil burner technician members may be recommended to the Governor by the Maine Oil Dealers Association. Of those members, 2 members may be recommended by the Maine Oil Dealers Association; one member may be recommended by a national association of oil heat service managers with a chapter in the northern part of the State; and one member may be recommended by a national association of oil heat service managers with a chapter in the southern part of the State.~~ One of the appointive members must be a representative of the solid fuel burning industry and one must be a representative of the public.

The appointive members are appointed for terms of 4 years. Appointments of members must comply with section 60.

Any appointive member of the board may be removed from office by the Governor for cause.

Annually, the 5 6 appointive members of the board shall choose one of their members as chairman.

Sec. 2. 32 MRSA §2401, as amended by PL 1979, c. 569, §12, is further amended to read:

§2401. License required

~~No~~ An installation or servicing of oil and solid fuel burner equipment ~~shall~~ may not be made, except as provided in this chapter, unless made by a person licensed by the board.

The board may issue a limited license to a manufactured housing mechanic as defined and licensed in Title 10, chapter 951 for the limited purpose of allowing the mechanic to install outside residential heating oil tanks at manufactured housing defined by Title 10, section 9002, subsection 7, paragraph A. Requirements for attaining the limited license must include training for proper installation of an outside oil tank of at least 4 hours at an education course approved by the board.

Sec. 3. 32 MRSA §2402-B, as repealed and replaced by PL 1999, c. 685, §3, is amended to read:

§2402-B. Fees

The Director of the Office of Licensing and Registration may establish by rule fees for purposes authorized under this subchapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose may not exceed \$350 biennially. The fee for the limited license for a manufactured housing mechanic may not exceed \$50 biennially. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Licensing and Enforcement

Initiative: Allocates funds for the per diem and travel expenses for one additional member to the Oil and Solid Fuel Board and for the costs associated with developing an approved course to provide training for the proper installation of an outside oil tank.

Other Special Revenue Funds	2001-02	2002-03
Personal Services	\$0	\$920
All Other	<u>0</u>	<u>20,000</u>
Total	\$0	\$20,920

See title page for effective date.

CHAPTER 634

S.P. 801 - L.D. 2160

An Act to Amend the Maine Criminal Code to Address Terrorism

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

Sec. 1. 15 MRSA §101-B, sub-§4, ¶A, as amended by PL 2001, c. 354, §3 and c. 471, Pt. D, §15, is further amended to read:

A. Commit the defendant to the custody of the Commissioner of Behavioral and Developmental Services to be placed in an appropriate institution for the mentally ill or the mentally retarded for observation, care and treatment. At the end of 30 days or sooner, and again in the event of recommitment, at the end of 60 days and one year, the State Forensic Service shall forward a report to the Commissioner of Behavioral and Developmental Services relative to the defendant's competence to stand trial and its reasons therefor. The commissioner shall without delay file the report with the court having jurisdiction of the case. The court shall without delay set a date for and hold a hearing on the question of the defendant's competence to stand trial and receive all relevant testimony bearing on the question. If the court determines that the defendant is not competent to stand trial, but there does exist a substantial probability that the defendant will be competent to stand trial in the foreseeable future, it shall recommit the defendant to the custody of the Commissioner of Behavioral and Developmental Services to be placed in an appropriate institution for the mentally ill or the mentally retarded for observation, care and treatment. If the defendant is charged with an offense under Title 17-A, chapter 9, 11 or 13 or Title 17-A, section 506-A, 802 or ~~803~~ 803-A, and the court determines that the defendant is not competent to stand trial and there does not exist a substantial probability that the defendant can be competent in the foreseeable future, the court shall dismiss all charges against the defendant and order the Commissioner of Behavioral and Developmental Services to commence involuntary commitment proceedings pursuant to Title 34-B, chapter 3, subchapter IV or chapter 5, subchapter III. If the defendant is charged with offenses not listed in the previous sentence, and the court determines that the defendant is not competent to stand trial and there does not exist a substantial probability that the defendant can be competent in the foreseeable future, the court shall dismiss all charges against the defendant and notify the appropriate