

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2003

(1) The location of all monuments together with dimensions by which those monuments may be found and checked for accuracy; and

(2) A certification by a qualified and registered land surveyor that the surveyor has examined the records of the legislative action which created that boundary, verified the location of the boundary monuments on the ground and finds agreement, subject to any minor discrepancies that have been noted on the plan.

See title page for effective date.

CHAPTER 8

H.P. 221 - L.D. 278

An Act To Eliminate the Restriction on Municipal Investment of Trust Funds

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

Sec. 1. 30-A MRSA §5706, sub-§3-A, as enacted by PL 1997, c. 367, §2, is amended to read:

3-A. Mutual funds for trusts governed by the United States Internal Revenue Code, Section 501(c)(3). In the case of a trust fund that is governed by the United States Internal Revenue Code, Section 501 (c) (3) (1997), in the shares of any investment company registered under the United States Investment Company Act of 1940, Public Law 76-768, whose shares are registered under the United States Securities Act of 1933, Public Law 73-22, as long as:

A. The investment is approved by the municipal officers at a public meeting; and

B. No more than 50% of the assets of the trust are invested in mutual funds under this subsection; and or

~~C. No more than 5% of the assets of the trust are invested in a single mutual fund under this subsection; or~~

See title page for effective date.

CHAPTER 9

H.P. 193 - L.D. 238

An Act to Amend the Energy Resources Council Membership

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

Sec. 1. 5 MRSA §3327, sub-§1, ¶¶G and H, as enacted by PL 2001, c. 630, §1, are amended to read:

G. The Commissioner of Economic and Community Development; ~~and~~

H. The Director of the Maine State Housing Authority; and

Sec. 2. 5 MRSA §3327, sub-§1, ¶I is enacted to read:

I. The Commissioner of Conservation.

See title page for effective date.

CHAPTER 10

S.P. 20 - L.D. 34

An Act to Ensure that Child Labor Laws Apply to Public Sector Employers

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

Sec. 1. 26 MRSA §701-A is enacted to read:

§701-A. Application of subchapter

This subchapter applies to employment by all private and public employers, including the State and its political subdivisions, except with respect to service in the National Guard and as otherwise specifically provided.

See title page for effective date.

CHAPTER 11

H.P. 184 - L.D. 225

An Act To Amend the Requirements for a Journeyman Oil Burner Technician License

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

Sec. 1. 32 MRSA §2401-B, sub-§1, ¶A, as enacted by PL 1999, c. 386, Pt. J, §14, is repealed and the following enacted in its place:

A. For a journeyman oil burner technician license, a person must present satisfactory evidence to the board of at least:

(1) One year's licensed practical experience as an apprentice oil burner technician;

(2) Six months of licensed practical experience and completion of an oil burner technician course at a Maine technical college, applied technology center or applied technology region or a comparable institute from Maine or another state consisting, at a minimum, of 160 hours of study, of which at least 75 hours are made up of laboratory work on oil burner equipment and related systems; or

(3) Successful completion of a minimum one-year accredited heating course at a Maine technical college consisting, at a minimum, of 320 hours of study, of which at least 150 hours are made up of laboratory work on oil burner equipment and related systems.

An out-of-state applicant must present satisfactory evidence to the board of experience in installing, cleaning, servicing, altering and repairing oil burning equipment.

See title page for effective date.

CHAPTER 12

H.P. 295 - L.D. 375

An Act To Amend the Law Regarding Security Officer Qualifications

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

Sec. 1. 32 MRSA §9410-A, sub-§1, ¶F, as enacted by PL 1987, c. 170, §12, is amended to read:

F. Does not have a combination of 3 or more convictions for crimes punishable by less than one year of imprisonment or adjudications for civil violations within the past 5 years;

See title page for effective date.

CHAPTER 13

H.P. 406 - L.D. 521

An Act To Clarify That the Application Process for the Homestead Property Tax Exemption Is a One-time Process

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

Sec. 1. 36 MRSA §684, sub-§3, as enacted by PL 1997, c. 643, Pt. HHH, §3 and affected by §10, is amended to read:

3. Continuation of eligibility. The assessor shall evaluate annually the ongoing eligibility of property for which a homestead exemption has been approved under this subchapter. The evaluation must be based on the status of the property on April 1st of the year on which the homestead exemption is based. The evaluation must include, but is not limited to, a review of whether the ownership of the property has changed in any manner that would disqualify the property for an exemption under this subchapter or whether the owner has ceased to use the property as a homestead. Unless the assessor determines that the property is no longer entitled to an exemption under this subchapter, the owner is entitled to receive the exemption without having to reapply. If the assessor determines that the property is no longer entitled to an exemption under this subchapter, the assessor shall notify the owner as provided in section 686 that the property is no longer entitled to an exemption under this subchapter.

See title page for effective date.

CHAPTER 14

H.P. 125 - L.D. 166

An Act to Amend the Maine Probate Code Regarding the Fee for a Copy of a Will Provided to a Beneficiary

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

Sec. 1. 18-A MRSA §1-505, as enacted by PL 1979, c. 540, §1, is amended to read:

§1-505. Notice to beneficiaries; furnishing of copies

Registers of probate shall, within 30 days after any will is probated, notify by mail all beneficiaries under that will that devises have been made to them, stating the name of the testator and the name of the personal representative, if one has been appointed at