

# 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**

**THE GENERAL EFFECTIVE DATE FOR**  
**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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2003**

**Sec. 10. 22 MRSA §2629**, as amended by PL 1995, c. 442, §7, is further amended to read:

**§2629. Fees**

The ~~application examination fees, licensure fees, biennial renewal fees and reinstatement fees~~ must be established by the Board of Licensure of Water Treatment Plant System Operators by rule ~~and must be based upon different classifications of water treatment systems and the levels of competence to operate various water systems.~~ The application fee examination and licensure fees may not exceed \$~~35~~ \$70, and the biennial renewal fee and the reinstatement fee may not exceed \$~~30~~ \$60. Revenues derived from applicants failing the examination must be retained.

**Sec. 11. 22 MRSA §2630**, as amended by PL 1999, c. 688, §7, is further amended to read:

**§2630. Licensure**

If a ~~supplier of water public water system~~ loses its licensed operator, it shall secure a new licensed operator or enter into a contractual agreement with a licensed operator of proper classification until a new operator has been employed for ~~the supplier of water that public water system.~~

**Sec. 12. Transition provision.**

1. The Board of Licensure of Water System Operators is the successor in every way to the power, duties and functions of the former Board of Licensure of Water Treatment Plant Operators.

2. All existing rules, regulations and procedures in effect, in operation or promulgated in or by the Board of Licensure of Water Treatment Plant Operators or any of its administrative units or officers are hereby declared in effect and continue in effect until rescinded, revised or amended by the proper authority.

3. All existing contracts, agreements and compacts currently in effect in the Board of Licensure of Water Treatment Plant Operators continue in effect.

4. Any positions authorized and allocated subject to the personnel laws to the former Board of Licensure of Water Treatment Plant Operators are transferred to the Board of Licensure of Water System Operators and may continue to be authorized.

5. All records, property and equipment previously belonging to or allocated for the use of the former Board of Licensure of Water Treatment Plant Operators become, on the effective date of this Act, part of the property of the Board of Licensure of Water System Operators.

6. All existing forms, licenses, letterheads and similar items bearing the name of or referring to the

Board of Licensure of Water Treatment Plant Operators may be utilized by the Board of Licensure of Water System Operators until existing supplies of those items are exhausted.

7. That person appointed to the Board of Licensure of Water System Operators who represents a very small water system shall serve the balance of the term of the former member who represented consumers of public water systems. Thereafter, the term of the representative of a very small water system is subject to the Maine Revised Statutes, Title 22, section 2624-A, subsection 2.

See title page for effective date.

**CHAPTER 34**

**S.P. 339 - L.D. 995**

**An Act To Exempt a Person Who Performs Work on Certain Vessels from the Laws Governing Professional Engineers**

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

**Sec. 1. 32 MRSA §1255, sub-§7** is enacted to read:

**7. Person who performs work on certain vessels.** A person who performs work only on vessels under 200 feet long.

See title page for effective date.

**CHAPTER 35**

**H.P. 9 - L.D. 2**

**An Act to Extend the Time to Pay a Premium to the Insured**

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

**Sec. 1. 24-A MRSA §1449**, as enacted by PL 1997, c. 457, §23 and affected by §55, is repealed and the following enacted in its place:

**§1449. Reporting and accounting for premiums**

All premiums and return premiums received by an insurance producer are trust funds received by the licensee in a fiduciary capacity in accordance with this section.

**1. Return premiums; accounting and payment to an insured.** The licensee shall account for

and pay the return premiums to the insured or apply the return premiums to outstanding balances of any insured within 30 days from the date of receipt. The date of receipt is the date the money is actually received or the date the credit is posted by the insurer, health maintenance organization, fraternal benefit society or nonprofit hospital or medical service organization to the licensee's account.

**2. Premiums; accounting and payment to an insurer.** The licensee shall promptly account for and pay premiums to the insurer, health maintenance organization, fraternal benefit society or nonprofit hospital or medical service organization in accordance with the contract between the insurer, health maintenance organization, fraternal benefit society or nonprofit hospital or medical service organization and the licensee.

See title page for effective date.

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## CHAPTER 36

H.P. 130 - L.D. 171

### **An Act To Clarify the Authority of the Superintendent of Financial Institutions Regarding a Credit Union's Conversion of Its Field of Membership**

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

**Sec. 1. 9-B MRSA §814, sub-§1, ¶A,** as enacted by PL 1995, c. 101, §2, is amended to read:

A. When determining whether a credit union's proposed field of membership meets the requirements of this section, the superintendent shall consider all relevant guidelines established by the National Credit Union Administration that address the issues of common bond, overlapping fields of membership, expansions or conversions of field of membership and the documentation required for amending a field of membership, except that the superintendent is not required to adhere to those guidelines.

**Sec. 2. 9-B MRSA §814, sub-§1, ¶A-1** is enacted to read:

A-1. Notwithstanding any federal law or guideline established by the National Credit Union Administration, the superintendent is authorized to permit a credit union that converts its field of membership to become a community-chartered credit union to retain in its field of membership, after such conversion, one or more groups or portions of groups that were included in the

credit union's field of membership prior to the conversion. The superintendent may adopt rules in accordance with section 251 to implement this section. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

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## CHAPTER 37

H.P. 357 - L.D. 465

### **An Act To Make Transportation More Affordable for Low-income Families**

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

**Sec. 1. 5 MRSA §1813, sub-§6,** as amended by PL 2001, c. 529, §1, is further amended to read:

**6. Surplus property.** Providing for transfer of supplies, materials and equipment that are surplus from one state department or agency to another that may need them, and for the disposal by private and public sale of supplies, materials and equipment that are obsolete and unusable. Political subdivisions, educational institutions, fire departments or qualifying nonprofit organizations, as defined in section 1813-A, must be given an opportunity to purchase the surplus items through private sale. If 2 or more political subdivisions, educational institutions, fire departments or qualifying nonprofit organizations are interested in any item, the sale must be the result of competitive bid. Any equipment so purchased must be retained for a period of at least one year in a current ongoing program. Any item purchased by a political subdivision, educational institution, fire department or qualifying nonprofit organization under this section may not be sold or transferred by that political subdivision, educational institution, fire department or qualifying nonprofit organization for a period of 6 months from the date of the private sale ~~and the,~~ except that a qualifying nonprofit organization that contracts with the Department of Human Services to provide vehicles to low-income families may resell a passenger vehicle or light truck purchased in the private sale to a low-income family to assist it in participating in work, education or training pursuant to the qualifying nonprofit organization's contract with the Department of Human Services. The State reserves the right to refuse to sell additional equipment to a political subdivision, educational institution, fire department or qualifying nonprofit organization if it is determined that the political subdivision, educational institution, fire department or qualifying nonprofit