

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

(4) Final orders in a contested proceeding when child support is the only contested issue; ~~and~~

(4-A) Applications for writs of habeas corpus to facilitate the attendance of proceedings by and return of a party who is incarcerated;

(4-B) Requests for access to confidential Department of Human Services child protective records in accordance with Title 22, section 4008. The family case management officer may review records in camera to determine whether to grant access; and

(5) Other actions assigned by the Chief Judge of the District Court.

Sec. 2. 4 MRSA §183, sub-§1, ¶F is enacted to read:

F. A family case management officer has the power to impose punitive and remedial sanctions in a summary proceeding for contempt occurring in the actual presence of the family case management officer and seen or heard by the family case management officer. The Maine Rules of Civil Procedure relating to summary contempt proceedings apply to a family case management officer exercising the contempt power under this paragraph.

See title page for effective date.

CHAPTER 85

H.P. 230 - L.D. 287

An Act To Amend the Home Construction Contracts Laws

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

Sec. 1. 10 MRSA §1487, first ¶, as enacted by PL 1987, c. 574, is amended to read:

Any home construction contract for more than ~~\$1,400~~ \$3,000 in materials or labor must be in writing and must be signed by both the home construction contractor and the homeowner or lessee. Both the contractor and the homeowner or lessee ~~shall~~ must receive a copy of the executed contract prior to any work performance. This basic contract must contain the entire agreement between the homeowner or lessee and the home construction contractor and must contain at least the following parts:

Sec. 2. 10 MRSA §1487, sub-§3, as enacted by PL 1987, c. 574, is amended to read:

3. Work dates. Both the estimated date of commencement of work and the estimated date when the work will be substantially completed. The estimated date of commencement of work and the completion date may be changed if work can not begin or end due to circumstances beyond the control of the contractor, including, but not limited to, the lack of readiness of the job site or the unavailability of building materials;

See title page for effective date.

CHAPTER 86

S.P. 136 - L.D. 399

An Act To Increase Civil Process Fees

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

Sec. 1. 30-A MRSA §421, 4th ¶, as amended by PL 1991, c. 498, §3, is further amended to read:

The county commissioners of each county may require that the fees collected under subsections 1, 2, 3, 5, 7, 12, 13 and 14 be increased by ~~\$4~~ \$5, except that the fee paid by any state agency or department may only be increased by \$1. The sheriff or deputy shall collect this additional ~~dollar~~ amount and pay it to the county treasurer for the use and benefit of the county. The county commissioners may also require that the fees collected under subsections 1 to 14 be increased by an amount equal to the cost of social security and other withholding taxes on the fees payable under this section.

See title page for effective date.

CHAPTER 87

H.P. 615 - L.D. 838

An Act Regarding Bail and Fines

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

Sec. 1. 15 MRSA §1074, sub-§3, as enacted by PL 1987, c. 758, §20, is amended to read:

3. Setoff. When a defendant has deposited cash or other property owned by the defendant as bail or has offered real estate owned by the defendant and

subject to a bail lien as bail and the cash, other property or real estate has not been forfeited, the court, before ordering the cash or other property returned to the defendant or discharging the real estate bail lien, shall determine whether the cash, other property or real estate or any portion of the cash, other property or real estate is subject to setoff as authorized by this section. The court may order all or a portion of the bail owned by a defendant that has not been forfeited to be first paid and applied to one or more of the following:

- A. Any fine, forfeiture, penalty or fee imposed upon a defendant as part of the sentence for conviction of any offense arising out of the criminal proceeding for which the bail has been posted and the sentence for conviction of any offense in an unrelated civil or criminal proceeding;
- B. Any amount of restitution the defendant has been ordered to pay as part of the sentence imposed in the proceeding for which bail has been posted and in any unrelated proceeding;
- C. Any amount of ~~attorneys'~~ attorney's fees or other expense authorized by the court at the request of the defendant or attorney and actually paid by the State on behalf of the defendant on the ground that the defendant has been found to be indigent in the proceeding for which bail has been posted and in any unrelated proceeding; and
- D. Any surcharge imposed by Title 4, section 1057.

The court shall apply any bail collected pursuant to this subsection first to restitution.

See title page for effective date.

CHAPTER 88

H.P. 404 - L.D. 519

An Act To Provide Expedited Access to Testing for an Individual Exposed to Body Fluids in the Course of Employment

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

Sec. 1. 22 MRSA §832, sub-§2, ¶A, as enacted by PL 1997, c. 368, §1, is amended to read:

- A. Schedule ~~a~~ an expedited hearing to be held as soon as practicable;

See title page for effective date.

CHAPTER 89

S.P. 133 - L.D. 396

An Act To Allow Dealers of Manufactured Housing To Install Oil Tanks

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

Sec. 1. 32 MRSA §2401, as amended by PL 2001, c. 633, §2, is further amended by adding at the end 2 new paragraphs to read:

The board may issue a joint limited license to a manufactured housing dealer, as defined and licensed in Title 10, chapter 951, and an individual employee of the dealer who is named as the corecipient of the joint limited license for the limited purpose of allowing the employee to install outside residential heating oil tanks at manufactured housing, as defined in Title 10, section 9002, subsection 7, paragraph A, that has been sold by the dealer. Requirements for attaining the joint limited license must include training, of at least 4 hours at an education course approved by the board, completed by the employee named as the corecipient of the joint limited license, for proper installation of an outside oil tank. The joint limited license is revoked upon termination of the employee named as the corecipient of the joint limited license from the employ of the dealer.

The board may issue a joint limited license to the owner of a manufactured housing dealership for the limited purpose of allowing the owner to install outside residential heating oil tanks at manufactured housing, as defined in Title 10, section 9002, subsection 7, paragraph A, that has been sold by the owner. For the purposes of the joint limited license, the board shall consider the owner as both the dealer and the employee named as the corecipient. Requirements for attaining the joint limited license must include training of at least 4 hours at an education course approved by the board, completed by the owner, for proper installation of an outside oil tank. The joint limited license is revoked upon the owner ceasing to operate as a manufactured housing dealer.

Sec. 2. 32 MRSA §2402-B, as amended by PL 2001, c. 633, §3, is further 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 or the