

# 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**

**Whereas**, the Military Bureau, Maine National Guard employs close to 200 employees at the former Loring Air Force Base and the Maine Military Authority is funded solely by federal funds; and

**Whereas**, the Military Bureau, Maine National Guard plans to bid on a large federal contract within the next few months before nonemergency legislation would take effect and clarification in this Act will facilitate the continued operation and expansion of the Maine Military Authority; and

**Whereas**, the Adjutant General needs legislative confirmation that transferring the Fort Fairfield Armory to the Town of Fort Fairfield for the negotiated price is within the parameters set forth by the Legislature; and

**Whereas**, the Town of Fort Fairfield has secured grant funding to rehabilitate the armory and must take ownership of the armory as soon as possible or risk losing the grant money; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 37-B MRSA §101**, as enacted by PL 1983, c. 460, §3, is amended to read:

**§101. Purpose**

The Military Bureau ~~shall have~~ has jurisdiction over and responsibility for the administration of the state military forces and the Maine Military Authority.

**Sec. 2. 37-B MRSA §102, sub-§1, ¶A**, as enacted by PL 1983, c. 460, §3, is amended to read:

A. The Maine Army National Guard and the Maine Air National Guard, referred to in this Title as the "National Guard," when either or both are not in federal service, but not the Maine Military Authority; and

**Sec. 3. 37-B MRSA §264, sub-§3, ¶I**, as enacted by PL 2001, c. 662, §29, is amended to read:

I. The Fort Fairfield Armory located at 25 Columbia Street, Fort Fairfield by means of a quit-claim deed, subject to all easements of record, to the inhabitants of the Town of Fort Fairfield for the sum of \$1 as long as the inhabitants of the Town of Fort Fairfield agree to indemnify and hold harmless the State from all claims, including any environmental clean-up costs that may

arise from the land or buildings constituting the Fort Fairfield Armory and this transfer is determined to be a transfer for not less than appraised value as specified in subsection 1 in view of the economic conditions of northern Aroostook County, the financial contributions made by the Town of Fort Fairfield to the armory and the environmental conditions existing at the site.

**Sec. 4. 37-B MRSA §391**, as enacted by PL 2001, c. 374, §8, is amended to read:

**§391. Maine Military Authority established**

The Maine Military Authority is established as a body corporate and politic and a public instrumentality of the ~~State~~ Military Bureau, Maine National Guard, and the exercise of the powers conferred by this chapter is deemed and held to be the performance of essential governmental functions. The authority consists of the Maine Readiness Sustainment Maintenance Center and shall report to the Adjutant General. The authority exists for the purpose of, but is not limited to, operating the existing Maine Readiness Sustainment Maintenance Center, which maintains, rebuilds, repairs, stores and manufactures equipment for the United States Department of Defense, National Guard Bureau, and maintaining, rebuilding, repairing, storing and manufacturing equipment for the State and its political subdivisions, for the United States Department of the Army, Department of the Air Force, Department of the Navy and Department of the Treasury and for foreign governments in conjunction with the foreign military sales program of the United States Department of Defense.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective May 29, 2003.

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**CHAPTER 343**

**H.P. 1068 - L.D. 1463**

**An Act To Amend Maine's Arborist Licensing Laws**

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

**Sec. 1. 7 MRSA §2181, first ¶**, as enacted by PL 1999, c. 84, §3, is amended to read:

A license may not be issued under this subchapter, except to an individual who is 18 years of age or older, who is specifically qualified as defined in this subchapter, who passes an examination and who gives proof of financial responsibility in amounts to be

determined under rules of the department. ~~When a company is under the control of one person who is solely responsible for the contracts, methods of work and supervision of each piece of work, this person alone must procure a license but when more than one person is responsible for contracts, methods of work and supervision of the same, each person must procure a license.~~

**Sec. 2. 7 MRSA §2189**, as enacted by PL 1999, c. 84, §3, is amended by adding at the end a new paragraph to read:

If a nonresident applicant for a license holds a valid certificate issued by the International Society of Arboriculture, or successor organization, examination of the applicant may also be waived by the department, providing the testing process of the International Society of Arboriculture or a successor organization does not drop below the standards set forth in this subchapter.

**Sec. 3. 7 MRSA §2190, sub-§§6 and 7**, as enacted by PL 1999, c. 84, §3, are amended to read:

**6. False advertising.** Pursuing a continued course of misrepresentation or of making false promises through advertising, sales representatives, agents or otherwise in connection with the business of an arborist; or

**7. Qualifications.** Failure to possess the necessary qualifications or to meet the requirements of this subchapter for the issuance or holding of a license; or

**Sec. 4. 7 MRSA §2190, sub-§8** is enacted to read:

**8. Continued course of unprofessional conduct.** Pursuing a continued course of conduct that violates the standards of practice for the profession as established by rule and that is demonstrated by repeated verified complaints against a licensed arborist.

See title page for effective date.

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**CHAPTER 344**

**H.P. 1128 - L.D. 1539**

**An Act To Amend the Laws Relating to Corporations, Limited Partnerships, Limited Liability Companies, Limited Liability Partnerships and Marks**

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, the Maine Revised Statutes, Title 13-C, which governs domestic and foreign corporations in Maine, will become effective on July 1, 2003, and changes to that law and to laws depending on that Title must be in place prior to July 1, 2003, in order for the Secretary of State to properly administer the law; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**PART A**

**Sec. A-1. 10 MRSA §1521, sub-§1-C** is enacted to read:

**1-C. Corporate name.** "Corporate name" includes any corporate name, reserved name, registered name or assumed name as those terms are used in Title 13-C, sections 401, 402, 403 and 404 respectively and includes a corporate name, reserved name, registered name or assumed name as those terms are used in Title 13-B, sections 301-A, 302-A, 303-A and 308-A respectively.

**Sec. A-2. 10 MRSA §1521, sub-§2**, as amended by PL 1993, c. 316, §2, is repealed.

**Sec. A-3. 10 MRSA §1521, sub-§2-A**, as enacted by PL 1993, c. 316, §3, is amended to read:

**2-A. Limited partnership name.** "Limited partnership name" includes any a limited partnership name, reserved name, assumed name or registered name as those terms are used in Title 31, sections 403 403-A, 404 404-A, 405 405-A and 406 406-A respectively.

**Sec. A-4. 10 MRSA §1521, sub-§2-B**, as enacted by PL 1993, c. 718, Pt. B, §1, is amended to read:

**2-B. Limited liability company name.** "Limited liability company name" includes a limited liability company name, reserved name, assumed name or registered name as those terms are used in Title 31, sections 603 603-A to 606 606-A.

**Sec. A-5. 10 MRSA §1521, sub-§2-C**, as enacted by PL 1995, c. 633, Pt. C, §1, is amended to read:

**2-C. Limited liability partnership name.** "Limited liability partnership name" includes a limited