

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
Second Regular Session
Non-Emergency Laws Is
April 30, 2004

SECOND SPECIAL SESSION
February 3, 2004 to April 30, 2004

The General Effective Date For
Second Special Session
Non-Emergency Laws Is
July 30, 2004

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

Penmor Lithographers
Lewiston, Maine
2004

8. Energy efficiency standards. Energy efficiency standards adopted pursuant to section 1415-D.

§9704. References within code

Codes and standards other than the International Residential Code and the International Building Code that are referenced within the Maine Model Building Code are not automatically adopted as part of the Maine Model Building Code.

§9705. Municipal codes adopted prior to effective date of chapter

A residential building code or nonresidential building code adopted by a town, city or municipality prior to the effective date of this chapter is not invalidated by this chapter, and nothing in this chapter may be construed to affect the validity of such a residential building code or nonresidential building code.

§9706. Additional training not required

This chapter does not require the Executive Department, State Planning Office to provide any training or certification of code enforcement officers in any areas other than those enumerated in Title 30-A, section 4451, subsection 2-A.

See title page for effective date.

CHAPTER 581

S.P. 617 - L.D. 1685

An Act To Improve Awareness of Meningococcal Disease

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

Sec. 1. 20-A MRSA §10008 is enacted to read:

§10008. Information on meningococcal disease and vaccine

1. Provision of information; report of vaccination. Each postsecondary educational institution incorporated, chartered or established under the laws of the State that has a residential campus shall provide information on meningococcal disease and the meningococcal vaccine to each newly entering student who plans to live on the residential campus. This information must include any recommendations issued by the national Centers for Disease Control and Prevention regarding meningococcal disease and the meningococcal vaccine. The information must be accompanied by a statement directing the student to

share the information with the student's parents or legal guardians.

2. Construction. This section may not be construed to require a postsecondary educational institution to provide the meningococcal vaccine to students.

3. Review; repeal. The joint standing committee of the Legislature having jurisdiction over health and human services matters shall review the operation and effectiveness of this section by January 30, 2008 and may report out to the Second Regular Session of the 123rd Legislature a bill to amend or repeal this section. As part of its review, the committee shall consider the current recommendations of the national Centers for Disease Control and Prevention regarding meningococcal disease and the meningococcal vaccine. This subsection is repealed June 30, 2008.

See title page for effective date.

CHAPTER 582

S.P. 647 - L.D. 1715

An Act To Facilitate the Recovery of Stolen Property

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

Sec. 1. 15 MRSA §456, as repealed and replaced by PL 1981, c. 232, is repealed.

Sec. 2. 30-A MRSA c. 183, sub-c. 7 is enacted to read:

SUBCHAPTER 7

DEALERS IN USED PERSONAL PROPERTY

§3971. Records of sales of used merchandise

1. Records required. Every dealer in used personal property shall record the following information before completing the purchase of any used personal property:

- A. The date of the purchase;
- B. The seller's name and address; and
- C. A brief description of the property, including any identification numbers.

Before recording the information required by this subsection, a dealer shall require reasonable written proof of the seller's identification in the form of a motor vehicle operator's license, military identification card, adult liquor identification card or similar item.

2. Form of records. The records required under subsection 1 must be kept for the purpose of complying with this section, maintained in order by date of purchase and contained either in a bound volume or ledger or in a binder in which pages can be affixed.

3. Availability for inspection. Upon request by any law enforcement officer or prosecuting attorney, a dealer in used personal property shall promptly make available for inspection at the dealer's principal place of business the records required under subsection 1.

4. Violations. A dealer in used personal property who violates any of the requirements of this section or a seller who provides false identification to a dealer is guilty of a Class E crime.

Sec. 3. 32 MRSA §291, sub-§1, ¶C, as enacted by PL 1999, c. 146, §5, is amended to read:

C. Failure to comply with or properly maintain records required by Title ~~45~~ 30-A, section ~~456~~ 3971;

See title page for effective date.

CHAPTER 583

H.P. 1274 - L.D. 1752

An Act To Update Laws Affecting the Military

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

Sec. 1. 5 MRSA §17652, sub-§5, as reallocated by RR 2003, c. 1, §4, is amended to read:

5. Certain members of the Maine National Guard. A member of the Maine National Guard who is not governed by section 17651 and who is on active state service for more than ~~45~~ 5 consecutive days pursuant to Title 37-B may elect to be a member of the Maine State Retirement System. A member of the Maine National Guard on active state service pursuant to Title 37-B who does not elect to participate in the Maine State Retirement System or is not eligible to participate in the Maine State Retirement System shall participate in the United States Social Security System. Once a member of the Maine National Guard makes an election under this subsection, that election is irrevocable. A member of the Maine National Guard on active state service pursuant to Title 37-B may participate in the tax-deferred arrangement of chapter 67.

Sec. 2. 18-A MRSA §5-104, sub-§b, as enacted by PL 1997, c. 455, §7, is amended to read:

(b) Notwithstanding subsection (a), unless otherwise stated in the power of attorney, if the parent or guardian is a member of the National Guard or Reserves of the United States Armed Forces Reserve under an order to active duty for a period of more than 30 days, a power of attorney that would otherwise expire is automatically extended until 30 days after the parent or guardian is no longer under those active duty orders or until an order of the court so provides.

This subsection applies only if the parent or guardian's service is in support of:

- (1) An operational mission for which members of the reserve components have been ordered to active duty without their consent; or
- (2) Forces activated during a period of war declared by Congress or a period of national emergency declared by the President or Congress.

Sec. 3. 18-A MRSA §5-207, sub-§(c), as amended by PL 1999, c. 303, §1, is further amended to read:

(c) If necessary, the court may appoint a temporary guardian, with the status of an ordinary guardian of a minor, but the authority of a temporary guardian may not last longer than 6 months, except as provided in subsection (c-1).

Notice of hearing on the petition for the appointment of a temporary guardian must be served as provided under subsection (a), except that the notice must be given at least 5 days before the hearing, and notice need not be given to any person whose address and present whereabouts are unknown and ~~cannot~~ can not be ascertained by due diligence. Upon a showing of good cause, the court may waive service of the notice of hearing on any person, other than the minor, if the minor is at least 14 years of age.

Sec. 4. 18-A MRSA §5-207, sub-§(c-1) is enacted to read:

(c-1) If one of the parents of a minor is a member of the National Guard or the Reserves of the United States Armed Forces under an order to active duty for a period of more than 30 days, a temporary guardianship that would otherwise expire is automatically extended until 30 days after the parent is no longer under those active duty orders or until an order of the court so provides. This subsection applies only if the parent's service is in support of:

- (1) An operational mission for which members of the reserve components have been ordered to active duty without their consent; or