

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2004 to March 30, 2005**

**FIRST SPECIAL SESSION**  
**April 4, 2005 to June 18, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 17, 2005**

**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**  
**2005**

**CHAPTER 188**

**S.P. 355 - L.D. 1038**

**An Act To Improve Landowners' Access to Their Land**

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

**Sec. 1. 23 MRSA §704, sub-§10** is enacted to read:

10. Requirements waived. The department may waive the requirements of rules adopted pursuant to this section and may issue a permit for a driveway when the property abuts no other road affording vehicular access to a person's property and the property is outside the compact area of an urban compact municipality. The department may not deny a person the right to build on or to have vehicular access to property owned by that person unless the access is determined inconsistent with access management safety standards.

See title page for effective date.

**CHAPTER 189**

**H.P. 590 - L.D. 831**

**An Act To Clarify the Law Relating to Motor Vehicle Repair Posters**

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

**Sec. 1. 29-A MRSA §1801, sub-§5** is enacted to read:

5. Shop supplies. "Shop supplies" means small parts and materials used or consumed in the process of repair, including, but not limited to, nuts and bolts, electrical wire, rags, tape, brake cleaners and other items maintained as inventory.

**Sec. 2. 29-A MRSA §1802, sub-§2**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**2. No liability without agreement.** A customer is not liable for a charge in excess of the specific amount designated in accordance with subsection 1 without further specific oral or written agreement. A repair facility shall charge a customer by using the same labor rate per hour and shop supplies calculation as is used in any estimate the repair facility provides.

**Sec. 3. 29-A MRSA §1802, sub-§3** is enacted to read:

3. Shop supplies. A repair facility may bill for shop supplies calculated as a percentage of labor or by other calculation, if disclosed to the customer, as a single line item.

**Sec. 4. 29-A MRSA §1805, sub-§2**, as amended by PL 1997, c. 221, §1, is further amended to read:

**2. Flat rate.** The notice must also contain the following if it applies:

"We also charge a flat rate for some repairs. Our service manager will explain what a flat rate is and show you how much it may cost you. A flat-rate charge may not match the time actually spent repairing your vehicle. PLEASE ASK US WHETHER WE WILL CHARGE YOU BY THE HOUR OR BY A FLAT RATE. We use the same labor rate method in any estimate we provide and any bill you receive."

**Sec. 5. 29-A MRSA §1805, sub-§3**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

**Sec. 6. 29-A MRSA §1805, sub-§4** is enacted to read:

4. Shop supplies. If the repair facility charges a separate line item for shop supplies, the notice must also contain the following:

"WE CHARGE ..... FOR SHOP SUPPLIES. Our service manager will explain shop supplies and how much they may cost you."

See title page for effective date.

**CHAPTER 190**

**S.P. 473 - L.D. 1375**

**An Act To Improve Cooperative Energy Purchasing for Schools, Towns and Nonprofits**

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

**Sec. 1. 30-A MRSA §5954-A, sub-§1**, as enacted by PL 1999, c. 231, §2, is amended to read:

**1. Authority.** In addition to its other enumerated powers, but subject to the limitations imposed under subsection 2, the bank, on behalf of or in partnership with one or more governmental units or nonprofit corporations organized under the Internal Revenue Code, Section 501, may aggregate governmental units and nonprofit corporations ~~for the purpose of obtaining electricity necessary for the daily operation of the governmental units or nonprofit~~

corporations to purchase in bulk electricity, petroleum products, fuel oil and natural gas.

See title page for effective date.

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## CHAPTER 191

S.P. 447 - L.D. 1267

### An Act To Extend the Kim Wallace Adaptive Equipment Loan Program

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

**Whereas,** unless this legislation is enacted as an emergency measure, loans to persons with disabilities for transportation assistance will no longer be available under the Kim Wallace Adaptive Equipment Loan Program Fund; 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. 10 MRSA §372, §1,** as amended by PL 2003, c. 99, §1, is further amended to read:

**1. Creation of fund.** There is established the Kim Wallace Adaptive Equipment Loan Program Fund, which must be used to provide funding for loans to qualified borrowers within the State in order to acquire adaptive equipment designed to assist the borrower in becoming independent and for other purposes as allowed under section 376. The fund must be deposited with, maintained and administered by the Finance Authority of Maine or other state agency and contain appropriations provided for that purpose, interest accrued on the fund balance, funds received by the board to be applied to the fund and funds received in repayment of loans. This fund is a nonlapsing revolving fund. All money in the fund must be continuously applied to carry out the purposes of this chapter.

**Sec. 2. 10 MRSA §374, sub-§3,** as amended by PL 1999, c. 731, Pt. FF, §6, is further amended to read:

**3. Administer loan program.** The board shall administer the Kim Wallace Adaptive Equipment Loan Program Fund established by this chapter and may contract with the Finance Authority of Maine and

state or community-based groups dealing with disabled persons for such assistance in administering the program as the board may require. The board may employ persons, including private legal counsel and financial experts, on either a temporary or permanent basis, in order to carry out any of its powers and duties. Employees of the board are not subject to Title 5, chapter 71 and Title 5, chapter 372, subchapter 2.

**Sec. 3. 10 MRSA §374, sub-§4, ¶C,** as enacted by PL 1997, c. 489, §2, is repealed.

**Sec. 4. 10 MRSA §374, sub-§4, ¶D** is enacted to read:

D. Loan applications may be approved or denied by the board only at a regular or special meeting except as follows:

(1) Approval of applications for loans may be delegated by the board to a subcommittee of the board containing at least 5 members if an applicant would suffer undue hardship by waiting for the next regular meeting; or

(2) Approval of applications for loans may be delegated to outside contractors with criteria and terms as provided by the board and approved no less than annually.

All approved loans must be ratified by the board at the board's next regular or special meeting. All loans recommended for denial by the delegated authority must be acted upon by the board at the board's next regular or special meeting.

**Sec. 5. 10 MRSA §375, sub-§1,** as enacted by PL 1987, c. 817, §2, is amended to read:

**1. Demonstration of purpose of loan.** The board may enter into loan agreements with any qualifying borrower, ~~who~~ and exercise all powers of a lender or creditor. Loan security may include the acquisition, use, management, improvement or disposition of any interest in, or type of, real or personal property, including grant, purchase, sale, borrow, loan, lease, foreclosure, mortgage, assignment or other lawful means, with or without public bidding and also including the assessment of fees, the forgiveness of indebtedness, the receipt of reimbursements for expenses incurred in carrying out its purposes and the expenditure or investment of its funds. The borrower must demonstrate that:

A. The loan will assist one or more persons with disabilities to improve their independence or become more productive members of the community; and