

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.

Penmor Lithographers
Lewiston, Maine
2005

one-bedroom level for 2 persons, the 2-bedroom level for 3 persons, the 3-bedroom level for 4 persons and the 4-bedroom level for 5 persons. For each additional person, the aggregate maximum level increases by \$75. For the purposes of this subsection, municipalities with populations greater than 10,000 are deemed Standard Metropolitan Statistical Areas in those counties for which there are 2 fair market rent values and the aggregate maximum level of assistance for all Standard Metropolitan Statistical Areas is the average of the fair market rental values for the Standard Metropolitan Statistical Areas and areas that are not Standard Metropolitan Statistical Areas for each county in which there are 2 fair market rental values.

Beginning October 2005 and annually thereafter, the aggregate maximum level of assistance must be established at the greater of 110% of the fair market rents as determined in this subsection and the amount achieved by annually increasing the most recent aggregate maximum level of assistance by the percentage increase in the federal poverty level of the current year over the federal poverty level of the prior year.

For the purposes of this subsection, "federal poverty level" means that measure defined by the federal Department of Health and Human Services and updated annually in the Federal Register under authority of 42 United States Code, Section 9902(2).

See title page for effective date.

CHAPTER 232

S.P. 318 - L.D. 943

An Act To Amend the Laws Governing the Department of Labor's Construction Industry Wage and Hour Survey

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

Sec. 1. 26 MRSA §1308, sub-§1-B is enacted to read:

1-B. Additional trades. Any party affected by this chapter that believes that there are more than 10 workers employed in the State in a laborer, worker or mechanic trade or occupation for which no wage and benefit rates were set based on the previous survey may petition the director for inclusion of that trade or occupation in a supplemental survey. The director shall determine if the proposed trade or occupation is a definable trade or occupation, is one that has been or will be used in construction of public works covered by this chapter and is underrepresented in the survey process. If the director confirms these conditions,

notwithstanding any other provision of this chapter, the director may institute supplemental survey processes to establish wage and benefit rates for the trade or occupation. These supplemental survey processes must be conducted in coordination with the regular survey and designed to minimize the burden on any employer required to respond.

See title page for effective date.

CHAPTER 233

S.P. 429 - L.D. 1250

An Act Regarding Shellfish Harvesting

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

Sec. 1. 12 MRSA §6601, sub-§5, as amended by PL 2003, c. 20, Pt. WW, §11, is further amended to read:

5. Fee. The Except as provided in subsection 5-A, the fee for a shellfish license is \$115.

Sec. 2. 12 MRSA §6601, sub-§5-A is enacted to read:

5-A. Exception. The fee for a shellfish license for applicants 70 years of age or older is \$57.50.

See title page for effective date.

CHAPTER 234

S.P. 554 - L.D. 1576

An Act To Amend the Motor Vehicle Laws Relating to the Assignment of Security Interests

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

Whereas, current Maine law requires assignees of motor vehicle liens to file new title applications with the Secretary of State within 30 days after the assignment of the lien; and

Whereas, this statutory provision has had an unintended adverse effect on finance companies that purchase Maine motor vehicle contracts and, as a result, on the financing options that dealers can make available to consumers; and

Whereas, this legislation exempts assignees from filing new title applications as long as the

lienholder of record continues to accept payments from and service the contract for the consumer; 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. 29-A MRSA §704, sub-§1, as amended by PL 2001, c. 671, §15, is further amended to read:

1. Assignment. A lienholder may assign a security interest to a person other than the owner without affecting the interest of the owner or the validity of the security interest. ~~A- Except as provided in subsection 5,~~ a lienholder who assigns a security interest to a person other than the owner must provide notice of the assignment to the Secretary of State within 30 days of the assignment. The notice must include the name, address and telephone number of the assignee, the name of the owner and the certificate of salvage, certificate of lien or certificate of title number. Failure to provide notice to the Secretary of State as required by this subsection is a civil violation for which the Secretary of State may assess a civil penalty of not more than \$500 per violation.

Sec. 2. 29-A MRSA §704, sub-§4, as amended by PL 2001, c. 671, §15, is further amended to read:

4. Endorsement. ~~Beginning August 1, 2002~~ Except as provided in subsection 5, the assignee must, in order to perfect the assignment, have a certificate of title, certificate of salvage or certificate of lien issued with the assignee named as lienholder, by delivering to the Secretary of State within 30 days of the assignment the certificate and an assignment by the lienholder named in the certificate in the form the Secretary of State prescribes, together with an application and the required fee.

Sec. 3. 29-A MRSA §704, sub-§5 is enacted to read:

5. Exceptions. The notice requirement described in subsection 1 and the filing requirement described in subsection 4 do not apply to an assignment of a security interest by a lienholder if the lienholder retains the obligation to perform servicing functions in connection with the security interest. As used in this subsection, "servicing functions" includes, without limitation, the obligations to release the lien or the obligation to obtain the release of lien upon satisfaction of the security interest as provided in

section 705, to furnish information as provided in section 706, to respond to a request for information concerning the security interest from the Secretary of State and to retain possession of the certificate of title or certificate of salvage.

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

Effective May 25, 2005.

CHAPTER 235

H.P. 1034 - L.D. 1471

An Act To Update the Membership of Certain Professional Licensing Boards

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

Sec. 1. 32 MRSA §1151, first ¶, as amended by PL 1991, c. 438, §1, is further amended to read:

The Electricians' Examining Board, as established by Title 5, section 12004-A, subsection 13, and in this chapter called the "board," consists of 7 members appointed by the Governor, ~~called the "appointive members," and the Commissioner of Professional and Financial Regulation or a representative appointed by the commissioner.~~

Sec. 2. 32 MRSA §1151, 2nd ¶, as amended by PL 1999, c. 386, Pt. F, §11, is further amended to read:

The 7 ~~appointive~~ members consist of: one master electrician experienced in low-energy electronics; one electrician who is a bona fide member from organized labor classified as an inside electrician; one electrical inspector; one master electrician from the education field; and one person experienced in the electrical field, all of whom must have at least 10 years of experience in the electrical field, ~~provided~~ except that the latter 3 need not be active electricians at the time of their appointment; and 2 representatives of the public.

Sec. 3. 32 MRSA §1151, last ¶, as repealed and replaced by PL 1983, c. 413, §34, is amended to read:

Any ~~appointive~~ member of the board may be removed from office for cause by the Governor.

Sec. 4. 32 MRSA §7026, first ¶, as amended by PL 1989, c. 503, Pt. B, §150, is further amended to read: