

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

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:

The State Board of Social Worker Licensure, as established by Title 5, section 12004-A, subsection 38, within the Department of Professional and Financial Regulation, shall administer this chapter. The board ~~shall consist~~ consists of 7 members appointed by the Governor. Three members of the board ~~shall must~~ be licensed clinical social workers, licensed master social workers or certified social workers - independent practice, ~~at least one of whom must be practicing social work in a nonclinical setting; 2 shall must~~ be licensed social workers; and there ~~shall must~~ be 2 public members. ~~Each level of licensure shall be represented on the board.~~ In addition, board members ~~shall must~~ meet the qualifications required under section 7027.

Sec. 5. 32 MRSA §14211-A, sub-§1, as amended by PL 2001, c. 599, §1 and affected by §3, is further amended to read:

1. Membership. The Board of Barbering and Cosmetology, as established by Title 5, section 12004-A, subsection 6, consists of ~~9~~ 8 members appointed by the Governor. Two members must be representatives of the public; 2 must be licensed and practicing cosmetologists; one must be a licensed and practicing barber; one must be a licensed instructor that has at least 3 years of instructing experience and no current affiliation with any school currently licensed in the State; ~~one must be the owner of a school licensed by the board;~~ one must be a licensed and practicing manicurist; and one must be a licensed and practicing aesthetician.

Sec. 6. 32 MRSA §14211-A, sub-§5, as enacted by PL 1997, c. 771, §8, is repealed.

See title page for effective date.

CHAPTER 236

H.P. 416 - L.D. 561

An Act To Rename the Bangor Mental Health Institute the Dorothea Dix Psychiatric Center and To Establish the Dorothea Dix Award

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

Sec. 1. 34-B MRSA c. 1, sub-c. 2-B is enacted to read:

SUBCHAPTER 2-B

DOROTHEA DIX AWARD

§1301. Dorothea Dix Award

The commissioner shall establish the Dorothea Dix Award, which recognizes and honors outstanding achievement in improving the lives of people living with mental illness or mental disabilities. The award must be made on April 4th of each odd-numbered year at the Dorothea Dix Psychiatric Center. The Governor or the Governor's designee shall present the award.

1. Eligibility. A person who is a Maine resident or has direct long-standing ties with Maine is eligible to win the award.

2. Dorothea Dix Award Selection Committee; established. The Dorothea Dix Award Selection Committee, known in this subchapter as "the committee," is established and consists of the following 4 members:

A. One member representing people with mental illness, chosen by the Governor;

B. One member representing advocates for the legal rights of people living with disabilities, chosen by the President of the Senate;

C. One member representing people with mental disabilities, chosen by the Speaker of the House of Representatives; and

D. One member representing children living with mental illness or mental disabilities, chosen by the Attorney General.

3. Selection procedure. Any person may nominate a candidate for the award. The committee shall develop a review and selection procedure.

Sec. 2. 34-B MRSA §3201, as enacted by PL 1983, c. 459, §7, is amended to read:

§3201. Maintenance

The commissioner shall maintain 2 state mental health institutes for the mentally ill, one at Bangor called the ~~Bangor Mental Health Institute~~ Dorothea Dix Psychiatric Center and the other at Augusta called the ~~Augusta Mental Health Institute~~ Riverview Psychiatric Center.

Sec. 3. Maine Revised Statutes amended; revision clause. Wherever in the Maine Revised Statutes the words "Bangor Mental Health Institute" appear or reference is made to that entity or those words, those words are amended to read or mean, as appropriate, "Dorothea Dix Psychiatric Center," and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. 4. Maine Revised Statutes amended; revision clause. Wherever in the Maine Revised Statutes the words "Augusta Mental Health Institute" appear or reference is made to that entity or those