

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

~~certificate of registration~~ licensee's license remains in full force until the next regular renewal date following the termination of that employment.

Sec. 26. 32 MRSA §1361, as enacted by PL 1995, c. 355, §17, is amended to read:

§1361. Retired status

A ~~registrant~~ licensee who has terminated practice of engineering may apply to the board for retired status. Upon receiving an application for retired status, accompanied by the fee established by the board, the board shall issue a certificate of retired status to the applicant and record the applicant's name in the roster as a retired ~~registrant~~ licensee, along with the date of retired status.

A retired ~~registrant~~ licensee may retain but not use the seal and may not practice engineering. The board shall reissue a ~~certificate of registration~~ license to a retired ~~registrant~~ licensee who pays all application fees, meets all current requirements for ~~registration licensure renewal~~ and demonstrates to the board's satisfaction that, for 2 years preceding the application for ~~registration licensure~~, the retired ~~registrant~~ licensee met the requirements for maintaining professional competence established under the board rules.

Sec. 27. 32 MRSA §1362, as enacted by PL 2003, c. 94, §1, is amended to read:

§1362. Continuing professional education

1. Requirement for renewal. Beginning with registrations or licenses that expire in December 2005, every person seeking renewal under section 1357 must provide evidence satisfactory to the board that the person has completed 30 continuing professional education hours within the period for which the registration or license was issued.

2. Failure to meet requirement. The board may not renew a ~~registration to~~ license of an applicant who fails to meet the continuing professional education requirements under subsection 1. If an applicant subsequently fulfills the requirement after the ~~registration~~ license has expired, the board may renew the ~~registration~~ license for the remainder of the 2-year period for which a renewal would have been valid but for the applicant's failure to meet the continuing professional education requirement.

3. Review; monitoring. The board shall ~~annually~~ review and monitor compliance with the continuing professional education requirement under subsection 1.

4. Exemptions. Notwithstanding any other provisions of this chapter, the board or a 3-person committee of the board may allow an exemption or a

partial exemption of the requirements of this section to a person seeking renewal under section 1357 upon the showing of an extenuating situation, hardship or disability.

Sec. 28. Transition; board members.

Notwithstanding the Maine Revised Statutes, Title 32, section 1301, members of the State Board of Registration for Professional Engineers on the effective date of this Act continue to serve on the State Board of Licensure for Professional Engineers until the terms for which they were elected expire.

Sec. 29. Transition; existing certificates.

A valid certificate of registration pursuant to the Maine Revised Statutes, Title 32, chapter 19 issued before the effective date of this Act continues to be valid and may be renewed unless suspended or revoked under Title 32, section 1356.

See title page for effective date.

CHAPTER 316

H.P. 621 - L.D. 870

An Act To Increase Access to Information Regarding Referendum Questions

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

Sec. 1. 1 MRSA §353, as amended by PL 1991, c. 837, Pt. A, §1, is further amended to read:

§353. Explanation of proposed amendments and statewide referenda

With the assistance of the Secretary of State, the Attorney General shall prepare a brief explanatory statement ~~which that~~ which that must fairly describe the intent and content ~~of and what a "yes" vote favors and a "no" vote opposes~~ for each constitutional resolution or statewide referendum that may be presented to the people and which that must include any information prepared by the Treasurer of State under Title 5, section 152. ~~The explanatory statement may not include comments of proponents or opponents as provided by section 354.~~ The explanatory statement may not include comments of proponents or opponents as provided by section 354. In addition to the explanatory statement, ~~the Secretary of State and the Attorney General shall prepare an explanation of what a yes vote favors and a no vote opposes~~ beginning with the November 2006 election the Office of Fiscal and Program Review shall prepare an estimate of the fiscal impact of each constitutional resolution or statewide referendum on state revenues, appropriations and allocations within 30 days after the adjournment of the legislative session immediately prior to the statewide election when the constitutional resolution or referen-

dum will appear on the ballot. The fiscal impact estimate must summarize the aggregate impact that the constitutional resolution or referendum will have on the General Fund, the Highway Fund, Other Special Revenue Funds and the amounts distributed by the states to local units of government. The Secretary of State shall publish ~~this~~ the explanatory statement and the fiscal estimate in each daily newspaper of the State, not more than 10 and not less than 7 days prior to the voting. ~~The explanatory statement~~ This information may be published in the English language in a foreign language newspaper.

Sec. 2. 1 MRSA §354 is enacted to read:

§354. Public comment on proposed amendments and statewide referenda; rules; fees

The Secretary of State shall adopt rules regarding the publication of public comment by proponents and opponents of constitutional resolutions or statewide referenda. These rules must include, but are not limited to, a word limit, the labeling of public comment as supporting or opposing a measure and the identification of the person or persons responsible for the comment. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. Beginning with the November 2006 election and every election thereafter, the Secretary of State shall publish the public comment, along with the explanatory statement and fiscal estimate required under section 353, on a publicly accessible site on the Internet and in pamphlets distributed to the municipalities of the State. A person filing a public comment for publication shall pay a fee of \$500 to the Secretary of State. Fees collected pursuant to this section must be deposited in the Public Comment Publication Fund established under Title 5, section 90-D.

Sec. 3. 5 MRSA §90-D is enacted to read:

§90-D. Public Comment Publication Fund

The Public Comment Publication Fund, referred to in this section as "the fund," is established as a nonlapsing fund within the Department of the Secretary of State. The fund consists of fees for public comment on constitutional resolutions and statewide referenda received by the Secretary of State pursuant to Title 1, section 354. The money in the fund must be used for the purpose of publishing the informational pamphlet that includes the public comment, explanatory statement and fiscal estimate pursuant to Title 1, section 354. The unobligated and unencumbered balance of the fund in excess of \$5,000 as of December 1st of each year must be transferred to the General Fund.

Sec. 4. Appropriations and allocations.

The following appropriations and allocations are made.

SECRETARY OF STATE, DEPARTMENT OF THE

**Bureau of Administrative Services
and Corporations 0692**

Initiative: Provides initial allocations for the Public Comment Publication Fund.

OTHER SPECIAL REVENUE FUNDS	2005-06	2006-07
All Other	\$500	\$500
<hr/>		
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

See title page for effective date.

CHAPTER 317

S.P. 208 - L.D. 653

An Act To Improve Warranty Practices for Farm Machinery Dealerships

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

Sec. 1. 10 MRSA §1293, sub-§1, ¶¶A and B are enacted to read:

A. A dealer that performs warranty work as provided for in this section must be compensated for the dealer's labor in an amount that is not less than the reasonable and customary amount of time required to complete such work, expressed in hours and fractions of hours, multiplied by the dealer's established hourly labor rate. Prior to filing a claim for warranty work, the dealer shall notify the supplier of the dealer's hourly retail labor rate.

B. A dealer that performs warranty work as provided for in this section must be compensated for parts used in fulfilling such warranty work in an amount that is not less than the dealer's costs for such parts plus 15%, including all freight and handling charges applicable to such parts, to reimburse the dealer's reasonable costs of doing business and providing such warranty service on behalf of the supplier. If the warranty work is provided on behalf of the supplier on a product sold by a nonservicing dealer, the compensation for parts used in fulfilling such warranty work must be at an amount that is not less than the supplier's suggested list price or dealer's cost plus