

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

long as it provides a defined service other than compilations. ~~The firm may satisfy this requirement by showing evidence of the satisfactory completion of a peer review within 18 months prior to January 1, 2001.~~

B. A certified public accountancy firm that does not provide a defined service other than compilations is not required to undergo a peer review if the firm annually confirms in writing to the board that it does not provide a defined service other than compilations. A certified public accountancy firm that subsequently provides a defined service other than compilations must undergo a peer review within 18 months after the fiscal year end of the first defined services engagement other than compilations that it accepts. ~~Subsequent peer reviews are governed by the provisions of paragraph A.~~

The board is authorized to adopt rules to carry out the intent of this subsection. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

PART E

Sec. E-1. 32 MRSA §14701, sub-§4, as amended by PL 2005, c. 65, Pt. C, §19, is further amended to read:

4. Merchandise. "Merchandise" includes any objects, wares, goods, promises, commodities, intangibles, services or other things of value but does not include food or technical or vocational schools located outside of the State that are registered pursuant to Title 20-A, section 9501. "Merchandise" does not include securities that are registered or exempt from registration pursuant to chapter 135, the Maine Uniform Securities Act and rules adopted pursuant to that Act or insurance products that are regulated under Title 24-A.

PART F

Sec. F-1. 32 MRSA §14805, sub-§2, as enacted by PL 1995, c. 389, §4, is amended to read:

2. Inspection. State propane and natural gas inspectors, upon written complaint or whenever they consider it necessary for purposes of examination, may enter into and upon and inspect all buildings, dispensing stations and premises within their jurisdiction at all reasonable hours. They may enter a building, dispensing station or other premises within their jurisdiction only with the permission of the person having control of the building, dispensing station or other premises or, after hearing, upon order of court. If an inspector finds any propane or natural gas installation that does not comply with this Act, the

inspector shall order that the installation be removed or remedied, and that order must be complied with immediately by the owner or occupant of the building, dispensing station or other premises or building or by the installer of the propane or natural gas equipment in violation. If the inspector finds any propane or natural gas installation in any building, dispensing station or structure on premises within the inspector's jurisdiction that creates a danger to other property or to the public, the inspector may forbid the use of the building, dispensing station or structure on premises within the inspector's jurisdiction by serving a written order upon the owner and the occupant, if any, to vacate within a reasonable period of time to be stated in the order.

See title page for effective date.

CHAPTER 348

H.P. 1176 - L.D. 1667

An Act To Allow Lincoln and Sagadahoc Counties an Exemption from the Limitation on County Assessments

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

Whereas, this legislation needs to take effect before the expiration of the 90-day period to allow for the continuation of construction of the new jail of the Lincoln and Sagadahoc Multicounty Jail Authority; and

Whereas, the jail can become fully staffed and operational in time for the completion of the building only if the jail costs are exempted from the county tax assessment limit for a 2-year period; 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. 30-A MRSA §706-A, sub-§5, ¶D is enacted to read:

D. For fiscal years 2005-06 and 2006-07 in Sagadahoc County, and fiscal years 2006 and 2007 in Lincoln County, that portion of the county assessment that is attributable to the costs of construction, debt service, operation and

maintenance of a new jail facility authorized under chapter 17 is not subject to paragraphs A, B and C or to subsections 2, 6 and 7. Notwithstanding subsection 2, paragraph A, the county assessment limit for fiscal year 2007-08 for Sagadahoc County and fiscal year 2008 in Lincoln County is the county assessment for each county for the previous fiscal year, multiplied by one plus the growth limitation factor pursuant to subsection 3. Notwithstanding subsection 2, paragraph C, the county assessments for Sagadahoc County in fiscal year 2008-09 and subsequent fiscal years and for Lincoln County in fiscal year 2009 and subsequent fiscal years are subject to subsection 2, paragraph B.

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

Effective June 8, 2005.

CHAPTER 349

S.P. 618 - L.D. 1670

An Act To Exempt Internet Services from Auctioneer Licensure

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

Whereas, there is uncertainty as to the application of auctioneering laws to sales over the Internet; and

Whereas, it is in the best interests of the citizens of Maine to resolve this uncertainty as soon as possible; 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. 32 MRSA §286, sub-§8 is enacted to read:

8. Contracted Internet services. This chapter does not apply to an individual who takes possession of goods pursuant to a contract for the exclusive purpose of selling those goods over the Internet, unless otherwise licensed under this chapter.

This subsection is repealed May 15, 2007.

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

Effective June 8, 2005.

CHAPTER 350

H.P. 1191 - L.D. 1685

An Act Regarding Energy Codes

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

Sec. 1. 10 MRSA §1413, sub-§4, as enacted by PL 1979, c. 503, §2, is amended to read:

4. Commission. "Commission" means the Commission on Energy Efficiency Building Performance Standards Public Utilities Commission.

Sec. 2. 10 MRSA §1413, sub-§7, as amended by PL 1989, c. 501, Pt. DD, §21, is repealed.

Sec. 3. 10 MRSA §1413, sub-§12, as amended by PL 1987, c. 818, §2, is further amended to read:

12. Commercial building. "Commercial ~~or institutional~~ building" means any building and any addition to an existing building ~~which that is~~ not a residential or industrial building ~~as defined herein.~~

Sec. 4. 10 MRSA §1413, sub-§16, as amended by PL 1991, c. 246, §5, is further amended to read:

16. Residential building. "Residential building" means a detached one-family or 2-family dwelling; a dwelling in a group of single-family or multifamily structure designed for year round or winter seasonal use and additions to those buildings. Notwithstanding section 9042, subsection 3, this term includes modular homes as defined in Title 30-A, section 4358 that are installed in the State dwellings that is not more than 3 stories in height and with a separate means of egress; a group of more than 2 dwelling units that are 3 stories or fewer in height and whose occupants are primarily permanent; a building 3 stories or fewer in height that is arranged for occupancy as a residential care or assisted living facility for more than 5 but not more than 16 occupants; and an accessory structure to any of these buildings.

This definition is intended to be the same as the definition of "residential building" in the model building energy code adopted by the commission by