

# 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**

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.

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**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.

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**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