

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

SECOND SPECIAL SESSION

July 29, 2005

SECOND REGULAR SESSION

January 4, 2006 to May 24, 2006

THE GENERAL EFFECTIVE DATE FOR

SECOND SPECIAL SESSION

NON-EMERGENCY LAWS IS

OCTOBER 28, 2005

THE GENERAL EFFECTIVE DATE FOR

SECOND REGULAR SESSION

NON-EMERGENCY LAWS IS

AUGUST 23, 2006

**PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.**

Penmor Lithographers

Lewiston, Maine

2006

painted signs on pavement and vertical standing signs that are visible in existing weather conditions.

(4) The municipal officers may establish and enforce the time limit for use of a parking space reserved as a ~~handicapped~~ disability parking space on a public way or public parking area.

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

Effective April 4, 2006.

CHAPTER 529

H.P. 1314 - L.D. 1874

An Act To Amend the Laws Relating to Corporations, Limited Partnerships, Limited Liability Companies and Limited Liability Partnerships

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

Sec. 1. 13-B MRSA §1401, sub-§8, as amended by PL 1999, c. 594, §16, is further amended to read:

8. Statement of change in registered office. Statement of change in registered office, as provided by section 305, subsection 3, ~~\$5~~ \$15 for each corporation listed; or when separate statements are filed at one time, ~~\$5~~ \$15 for each separate statement up to but not exceeding 100 statements, ~~\$2~~ \$10 for each separate statement over 100 but not exceeding 200 statements, and ~~\$1~~ \$5 for each separate statement over 200 statements;

Sec. 2. 13-B MRSA §1401, sub-§14, as amended by PL 1997, c. 376, §31, is further amended to read:

14. Articles of merger or consolidation. Articles of merger or consolidation, as provided by section 904, ~~\$10~~ \$25; and if the merger or consolidation changes the survivor's purposes, a further additional amount of ~~\$5~~ \$15;

Sec. 3. 13-B MRSA §1401, sub-§31-A, as enacted by PL 2003, c. 631, §9, is amended to read:

31-A. Amended annual report. An amended annual report of a domestic or foreign corporation as provided by section 1301-C, ~~\$40~~ \$35;

Sec. 4. 31 MRSA §494, sub-§6, as amended by PL 1993, c. 316, §60, is further amended to read:

6. Resignation of agent; appointment by limited partnership; service of process. After receipt of the notice of the resignation of its registered agent under subsection 3, paragraph B, a limited partnership shall file a certificate of amendment designating a new registered agent. If the limited partnership fails to appoint a new registered agent within ~~30~~ 60 days after the filing of the certificate of resignation, the authority of that foreign limited partnership to carry on business in this State is canceled and the foreign limited partnership may not carry on business in this State.

Sec. 5. 31 MRSA §526, sub-§15-B, as amended by PL 2005, c. 12, Pt. FF, §7, is further amended to read:

15-B. Amended annual report. For filing an amended annual report under section 529-A, for a domestic limited partnership, a fee of \$85; for a foreign limited partnership, a fee of \$150;

Sec. 6. 31 MRSA §714, sub-§6, as enacted by PL 1993, c. 718, Pt. A, §1, is amended to read:

6. Resignation of agent; appointment by limited liability company; service of process. After receipt of the notice of the resignation of its registered agent under subsection 3, paragraph B, the limited liability company shall file a certificate of amendment designating a new registered agent. If the limited liability company fails to appoint a new registered agent within ~~30~~ 60 days after the filing of the certificate of resignation, the authority of that foreign limited liability company to carry on business in this State is canceled and the foreign limited liability company may not carry on business in this State.

Sec. 7. 31 MRSA §751, sub-§20-B, as amended by PL 2005, c. 12, Pt. FF, §10, is further amended to read:

20-B. Amended annual report. For filing an amended annual report under section 757-A, for a domestic limited liability company, a fee of \$85; for a foreign limited liability company, a fee of \$150;

Sec. 8. 31 MRSA §854, sub-§6, as enacted by PL 1995, c. 633, Pt. B, §1, is amended to read:

6. Resignation of agent; appointment by foreign limited liability partnership; service of process. After receipt of the notice of the resignation of its registered agent under subsection 3, paragraph B, the foreign limited liability partnership shall file a certificate of amendment designating a new registered agent. If the foreign limited liability partnership fails to appoint a new registered agent within ~~30~~ 60 days after the filing of the certificate of resignation, the

authority of that foreign limited liability partnership to carry on business in this State is canceled and the foreign limited liability partnership may not carry on business in this State.

Sec. 9. 31 MRSA §871, sub-§18-B, as amended by PL 2005, c. 12, Pt. FF, §13, is further amended to read:

18-B. Amended annual report. For filing an amended annual report under section 873-A, for a domestic limited liability partnership, a fee of \$85; for a foreign limited liability partnership, a fee of \$150;

See title page for effective date.

CHAPTER 530

H.P. 1327 - L.D. 1887

An Act To Update Licensing and Certification Requirements for Child Care Facilities and Family Child Care Providers

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

Sec. 1. 20-A MRSA §12501-A, sub-§5, as enacted by PL 2003, c. 427, §2, is amended to read:

5. Child care facility. "Child care facility" means a child care center or a ~~home-day~~ family child care provider as defined in Title 22, section 8301-A.

Sec. 2. 22 MRSA §1319-C, sub-§1, as amended by PL 2003, c. 421, §3, is further amended to read:

1. Annual screening required. The department shall require a child care facility and the premises of a ~~home-day~~ family child care provider as defined in chapter 1673 and a nursery school as defined in chapter 1675 to have an annual screening for potential lead hazards. If potential lead hazards are identified, a full lead inspection must be conducted.

Sec. 3. 22 MRSA §1319-C, sub-§3, as enacted by PL 1999, c. 276, §10, is amended to read:

3. Approval dependent on compliance. As of July 1, 1998, a ~~day-care-center~~ family child care provider, child care facility or nursery school may not be licensed, registered, certified or otherwise approved or receive any state funds unless it is in compliance with this section.

Sec. 4. 22 MRSA §1321, as amended by PL 2003, c. 421, §§6 to 8, is further amended to read:

§1321. Notice and removal

If the department determines that an environmental lead hazard exists in or on any dwelling, premises, residential child-occupied facility, child care facility, premises of a ~~home-day~~ family child care provider or nursery school:

1. Notice posted. The department shall post in or upon the dwelling, premises, residential child-occupied facility, child care facility, premises of the ~~home-day~~ family child care provider or nursery school, in a conspicuous place or places, notice of the existence of environmental lead hazard. Notice may not be removed until the department states that the environmental lead hazard no longer exists;

2. Notice to persons. The department shall give notice of the existence of the environmental lead hazard to all occupants;

3. Notice to owner; removal. The department shall give notice of the existence of the environmental lead hazard to the owner and order that the lead-based substances be removed, replaced or securely and permanently covered within 30 days of receipt of the notice. If the lead-based substances can not be removed, replaced or securely and permanently covered within 30 days, the department may grant an extension of reasonable time. All lead-based paint activities must be performed in accordance with rules adopted by the Department of Environmental Protection pursuant to Title 38, chapter 12-B. In the case of an owner-occupied, single-family residence, the department may provide technical assistance and guidance in lieu of enforcement activity at the department's discretion; and

4. Sale of dwelling, residential facility, child-occupied facility or nursery school. If, before the end of the 30-day period or extension, the owner sells the dwelling, premises, child care facility, premises of the ~~home-day~~ family child care provider, residential child-occupied facility or nursery school, the owner shall notify the prospective buyer of the environmental lead hazard and the new owner must assume the responsibility of carrying out the requirements of this section within the specified time period.

Sec. 5. 22 MRSA §1326, as amended by PL 2003, c. 421, §10, is further amended to read:

§1326. Injunction requiring removal

If the lead-based substance remains an environmental lead hazard at the expiration of 30 days or at the expiration of an extension given by the commissioner pursuant to section 1321, the State, in addition to any other remedies it has, may seek a mandatory injunction ordering the environmental lead hazard removed by a suitable 3rd party at the expense of the owner of the dwelling, premises, residential child-