

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 6, 2006 to June 21, 2007**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 20, 2007**

**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**  
**2007**

distributed before that day must be distributed to each commercial track, as defined in section 275-A, subsection 1, to each agricultural fair licensee that conducts live racing on fair dates assigned by the commissioner pursuant to Title 7, section 84 and to each agricultural fair licensee that conducts an extended meet as long as that licensee conducted an extended meet in 2005, with each commercial track and each agricultural fair licensee receiving an amount of money determined by multiplying the amount of money available for distribution by a fraction, the numerator of which is the total number of live race dashes assigned to the commercial track or agricultural fair licensee for the year and the denominator of which is the total number of race dashes assigned to all commercial tracks and agricultural fair licensees for the year. The payment in January must be adjusted so that for the prior year each commercial track or agricultural fair licensee entitled to a distribution receives that portion of the total money distributed for the full year from the fund established by this section that is determined by multiplying the total amount of money by a fraction, the numerator of which is the number of live race dashes conducted by the commercial track or agricultural fair licensee during the calendar year that qualify for a distribution and the denominator of which is the total number of race dashes conducted during that calendar year that qualify for a distribution. For purposes of this subsection, a race dash qualifies for distribution if the dash was conducted by a commercial track or by an agricultural fair licensee on dates assigned under Title 7, section 84 or during an extended meet. The funds distributed pursuant to this subsection must be used to supplement harness racing purses.

This subsection takes effect December 31, 2009.

**Sec. 3. Retroactivity.** This Act applies retroactively to January 1, 2007.

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

Effective May 29, 2007.

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## CHAPTER 184

S.P. 405 - L.D. 1217

### An Act To Improve Health Standards in Piercing Procedures

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

**Sec. 1. 32 MRSA §4321, sub-§2,** as enacted by PL 1997, c. 206, §1, is amended to read:

**2. Body piercing.** "Body piercing" means the creation of an opening in the body of a human being

for the purpose of inserting jewelry or other decoration. This includes, but is not limited to, piercing of an ear, lip, tongue, nose or eyebrow. "Body piercing" does not, for the purpose of this chapter, include piercing an ~~ear~~ earlobe with a disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ~~ear~~ earlobe. Piercing in an area other than the earlobe, located at the lower end of the ear, is "body piercing" as defined in this subsection and subject to the licensing requirements of this chapter.

See title page for effective date.

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## CHAPTER 185

H.P. 1022 - L.D. 1452

### An Act To Protect a Borrower's Right To Use the Borrower's Chosen Accounting Service

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

**Sec. 1. 9-A MRSA §3-315** is enacted to read:

**§3-315. Choice of accounting, tax or attest services provider**

A supervised lender may not, in connection with the extension of credit, interfere with a purchaser's or borrower's free choice of an accounting, tax or attest services provider who is accredited as a certified public accountant, public accountant or enrolled agent, except that the supervised lender may require the provider chosen by the purchaser or borrower to provide adequate evidence of liability insurance or such other written policy requirements as the supervised lender may determine necessary to protect its interest.

**Sec. 2. 9-A MRSA §9-311** is enacted to read:

**§9-311. Choice of accounting, tax or attest services provider**

A creditor may not, in connection with the extension of credit, interfere with a purchaser's or borrower's free choice of an accounting, tax or attest services provider who is accredited as a certified public accountant, public accountant or enrolled agent, except that the creditor may require the provider chosen by the purchaser or borrower to provide adequate evidence of liability insurance or such other written policy requirements as the creditor may determine necessary to protect its interest.

**Sec. 3. 9-B MRSA §241, sub-§14** is enacted to read:

**14. Choice of accounting, tax or attest services provider.** A financial institution authorized to do

business in this State or a credit union authorized to do business in this State or a financial institution holding company or an affiliate of a financial institution holding company that is authorized to do business in this State may not, in connection with the extension of credit, interfere with a purchaser's or borrower's free choice of an accounting, tax or attest services provider who is accredited as a certified public accountant, public accountant or enrolled agent, except that the financial institution or credit union may require the provider chosen by the purchaser or borrower to provide adequate evidence of liability insurance or such other written policy requirements as the financial institution or credit union may determine necessary to protect its interest.

See title page for effective date.

**CHAPTER 186**

**H.P. 1049 - L.D. 1487**

**An Act To Amend the Laws Relating to Automotive Reflective and Tinted Glass**

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

**Sec. 1. 29-A MRSA §1916, sub-§1, ¶C,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

C. A side window or rear window is composed of, covered by or treated with a material that ~~has~~ allows a light transmittance of less than 50% 35% net of glass and material; or

**Sec. 2. 29-A MRSA §1916, sub-§2, ¶A,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

A. The provisions of subsection 1 do not apply to:

- (1) A certificate or other paper required or allowed by law to be displayed;
- (2) The label attached to a window showing the price, estimated mileage and other federally mandated information commonly known as the manufacturer's suggested retail price label;
- (3) Sun-screening or window-tinting material ~~along a 4 inch strip at above the AS-1 line in the top portion of the windshield or, if there is no AS-1 line in the top portion of the windshield, along a 5-inch strip at the top of the windshield. For purposes of this paragraph, "AS-1 line" means the marking that includes the letters "AS," the number "1" and an arrow that is required to be placed on certain safety~~

glazing materials pursuant to 49 Code of Federal Regulations, Section 571.205 (2006); or

(4) Motor vehicles for which the Chief of the State Police has granted an exception because the health of the owner or a person who usually occupies the vehicle is adversely affected by sunlight. The Chief of the State Police may, upon proper application, provide the owner of a motor vehicle with a certificate of exemption that must be displayed upon the request of a law enforcement officer.

See title page for effective date.

**CHAPTER 187**

**S.P. 527 - L.D. 1500**

**An Act To Allow the Department of Environmental Protection To Charge Interest for Late Payment of Fees**

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

**Sec. 1. 38 MRSA §353, sub-§9** is enacted to read:

**9. Finance charges.** In addition to other remedies specifically authorized in this Title, the department shall charge interest at a rate of 15% per annum and may pursue enforcement, including, but not limited to, penalties pursuant to section 349 and suspension or revocation pursuant to section 341-D, subsection 3 for the failure of a licensee to pay any portion of licensing fees owed by the date due.

See title page for effective date.

**CHAPTER 188**

**H.P. 1052 - L.D. 1502**

**An Act To Clarify and Update the Laws Related to Property and Casualty Insurance**

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

**PART A**

**Sec. A-1. 24-A MRSA §2303, sub-§3-A,** as enacted by PL 1989, c. 797, §6 and affected by §§37 and 38, is repealed.