

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

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TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2007

CHAPTER 382
H.P. 999 - L.D. 1425

**An Act To Facilitate the
Reporting of the Crime of
Acquiring Drugs by Deception**

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

Sec. 1. 17-A MRSA §1108, sub-§3, as amended by PL 2001, c. 383, §128 and affected by §156, is further amended to read:

3. For purposes of this section, information communicated to a ~~physician~~ prescribing health care provider, or a person acting under the direction or supervision of a prescribing health care provider, in an effort to violate this section, including a violation by procuring the administration of a scheduled drug by deception, may not be deemed a privileged communication.

Sec. 2. 17-A MRSA §1108, sub-§6 is enacted to read:

6. A prescribing health care provider, or a person acting under the direction or supervision of a prescribing health care provider, who knows or has reasonable cause to believe that a person is committing or has committed deception may report that fact to a law enforcement officer. A person participating in good faith in reporting under this subsection, or in participating in a related proceeding, is immune from criminal or civil liability for the act of reporting or participating in the proceeding.

See title page for effective date.

CHAPTER 383
S.P. 168 - L.D. 513

**An Act To Amend the Motor
Vehicle Laws**

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

Sec. 1. 10 MRSA §1163, sub-§7, as amended by PL 2003, c. 337, §5, is further amended to read:

7. Disclosure at time of resale for failure to make effective repair. A motor vehicle that is returned to the manufacturer under subsection 2 may not be resold without clear and conspicuous written disclosure to any subsequent purchaser, whether that purchaser is a consumer or a dealer, of the following information:

A. That the motor vehicle was returned to the manufacturer under this chapter;

B. That the motor vehicle did not conform to the manufacturer's express warranties; and

C. The ways in which the motor vehicle did not conform to the manufacturer's express warranties.

The certificate of title of a vehicle subject to the disclosure requirements of this subsection is subject to the branding requirements of Title 29-A, section 670.

Sec. 2. 29-A MRSA §101, sub-§70-A is enacted to read:

70-A. Sport utility vehicle. "Sport utility vehicle" means a motor vehicle constructed on a light truck chassis but designed primarily for the transportation of persons or any motor vehicle designated by the United States Department of Transportation as a sport utility vehicle.

Sec. 3. 29-A MRSA §456-A, sub-§8, as enacted by PL 2001, c. 623, §4, is amended to read:

8. Weight limit. A lobster plate may be issued for a motor vehicle that does not exceed ~~9,000~~ 10,000 pounds. A motor vehicle that exceeds 6,000 pounds is subject to the fees in section 504.

Sec. 4. 29-A MRSA §456-B, sub-§8, as enacted by PL 2001, c. 623, §4, is amended to read:

8. Weight limit. A Maine Black Bears plate may be issued for a motor vehicle that does not exceed ~~9,000~~ 10,000 pounds. A motor vehicle that exceeds 6,000 pounds is subject to the fees in section 504.

Sec. 5. 29-A MRSA §468, as amended by PL 2003, c. 652, Pt. B, §1 and affected by §8, is further amended to read:

§468. Specialty plate

The Secretary of State may not issue a specialty license plate ~~unless until the sponsor has met all of the requirements of this section and the proposed~~ specialty license plate legislation as required in subsection 7 is authorized reviewed by the joint standing committee of the Legislature having jurisdiction over transportation matters and approved by the Legislature. For the purposes of this section, "specialty license plate" means a specially designed registration plate that may be used in place of the regular plate and registration for fundraising purposes. The Secretary of State shall administer a specialty license plate in accordance with the following provisions.

1. Sponsor. A person must register with the Secretary of State as the sponsor of a specialty license plate.

2. Names, signatures and payment. The Secretary of State may not manufacture an authorized specialty plate unless the sponsor ~~pays in advance for the manufacture of at least 2,000 pairs of the specialty plate and provides a list with 2,000 names, signatures and current plate numbers of supporters who intend to~~

~~purchase the specialty license plate. A payment of \$40,000 for 2,000 pairs of plates at \$20 per pair must be deposited in the Specialty License Plate Fund established under section 469. The Secretary of State shall provide one \$20 credit to purchase a pair of specialty license plates for each name and signature provided.;~~

A. Provides to the Secretary of State a list with 2,000 names, dated signatures and current plate numbers of supporters who have signed a statement declaring they intend to purchase and display the specialty license plate; and

B. Collects from each supporter who signs the statement an amount of \$25 for each set of plates and provides to the Secretary of State the sum of these contributions in the amount of \$50,000, which is nonrefundable.

The Secretary of State shall deposit the \$50,000 provided under paragraph B in the Specialty License Plate Fund established under section 469.

~~3. Fee. The Secretary of State shall establish a fee for each pair of an authorized specialty plate of \$20.~~

3-A. Credit receipts. The Secretary of State shall provide 2,000 credit receipts to the sponsor to provide to each supporter that contributed \$25. The credit receipt may be used only to obtain one set of specialty plates.

3-B. Registration fee. The fee for the specialty license plate is in addition to the regular motor vehicle registration fee required by section 501 and the excise tax required by Title 36, section 1482.

4. Minimum number manufactured. The Secretary of State shall manufacture a minimum of 2,000 specialty license plates for each specialty plate authorized under this section.

5. Design approval. A sponsor must submit a proposed design for a specialty license plate for approval or modification by the Secretary of State. The joint standing committee of the Legislature having jurisdiction over transportation matters shall review the final design for a specialty license plate prior to manufacture of the plate.

6. Duplicate plates. The Secretary of State shall issue a specialty license plate in a 3-number and 3-letter combination sequence. Vanity plates may not duplicate vanity plates issued in another class of plate.

7. Deadline for Secretary of State approval. The sponsor must submit to the Secretary of State the names, signatures, payment and proposed design for the specialty license plate by September 1st. The signatures must have been collected within 2 years of submission to the Secretary of State. If the design is approved pursuant to subsection 5, the Secretary of

State shall submit proposed legislation seeking authorization of the specialty license plate to the following regular session of the Legislature.

8. Weight limit. A specialty license plate may be issued for an automobile or pickup truck that does not exceed ~~6,000~~ 10,000 pounds.

9. Limit on authorization. The Secretary of State shall retire and cease to issue any plate authorized after January 1, 2007 upon the occurrence of the earlier of:

A. When the number of sets of the plate issued falls below 4,000 for more than one year; and

B. Ten years after the date of authorization.

10. Additional versions or classes of the specialty plate. All requirements set forth in this section must be followed for each additional class or version of a specialty plate.

Sec. 6. 29-A MRSA §468-A, as enacted by PL 2003, c. 652, Pt. B, §2 and affected by §8, is amended to read:

§468-A. Recognition license plates

The Secretary of State may not issue a recognition license plate ~~unless until the sponsor has met all of the requirements of this section and the proposed recognition license plate legislation as required by subsection 8 is authorized reviewed by the joint standing committee of the Legislature having jurisdiction over transportation matters and approved by the Legislature.~~ The Secretary of State shall administer a recognition license plate in accordance with this section.

1. Definition. "Recognition license plate" means a specially designed registration plate that may be used in place of the regular plate and registration for recognition purposes only and is not used for fundraising purposes.

2. Sponsor. A person shall register with the Secretary of State as the sponsor of a recognition license plate.

3. Names, signatures and payment. The Secretary of State may not manufacture an authorized recognition license plate unless a sponsor ~~under subsection 2 pays in advance for the manufacture of at least 2,000 pairs of the recognition license plate and provides a list with 2,000 names, signatures and current plate numbers of supporters who intend to purchase the recognition license plate. A payment of \$40,000 for 2,000 pairs of plates at \$20 per pair must be deposited in the Specialty License Plate Fund established under section 469. After 2,000 pairs of plates are purchased or 5 years have passed from the date the plate is authorized, whichever occurs first, the Secretary of State shall reimburse \$20,000 to the sponsor of the plate from the Specialty License Plate Fund.;~~

A. Provides to the Secretary of State a list with 2,000 names, dated signatures and current plate numbers of supporters who have signed a statement declaring they intend to purchase and display the recognition license plate; and

B. Collects from each supporter who signs the statement an amount of \$25 for each set of plates and provides the Secretary of State the sum of these contributions in the amount of \$50,000, which is nonrefundable.

The Secretary of State shall deposit the \$50,000 provided under paragraph B into the Specialty License Plate Fund established under section 469.

3-A. Credit receipts. The Secretary of State shall provide 2,000 credit receipts to the sponsor to provide to each supporter that contributed \$25. The credit receipt may be used only to obtain one set of specialty plates.

4. Registration fee. The fee for the recognition license plate is in addition to the regular motor vehicle registration fee required by section 501 and the excise tax required by Title 36, section 1482.

5. Minimum number manufactured. The Secretary of State shall manufacture a minimum of 2,000 recognition license plates for each recognition license plate authorized under this section.

6. Design approval. A sponsor must submit a proposed design for a recognition license plate for approval or modification by the Secretary of State. The joint standing committee of the Legislature having jurisdiction over transportation matters shall review the final design for a recognition license plate prior to the manufacture of the plate.

7. Duplicate plates. The Secretary of State shall issue a recognition license plate in a 3-number and 3-letter combination sequence. Vanity plates may not duplicate vanity plates issued in another class of plate.

8. Deadline for Secretary of State approval. The sponsor shall submit to the Secretary of State the names, signatures, payment and proposed design for the recognition license plate by September 1st. The signatures must have been collected within 2 years of submission to the Secretary of State. If the design is approved pursuant to subsection 6, the Secretary of State shall submit proposed legislation seeking authorization of the recognition license plate to the following regular session of the Legislature.

9. Weight limit. A recognition license plate may not be issued for an automobile or pickup truck that weighs more than ~~6,000~~ 10,000 pounds.

10. Limit on authorization. The Secretary of State shall retire and cease to issue any plate authorized after January 1, 2007 upon the occurrence of the earlier of:

A. When the number of sets of the plate issued falls below 4,000 for more than one year; and

B. Ten years after the date of authorization.

11. Additional versions or classes of the recognition plate. All requirements set forth in this section must be followed for each additional class or version of a recognition plate.

Sec. 7. 29-A MRSA §501, sub-§1, as amended by PL 1999, c. 790, Pt. C, §3 and affected by §19, is further amended to read:

1. Automobiles; pickup trucks. The fee for an automobile ~~or~~ pickup truck or sport utility vehicle used for the conveyance of passengers or interchangeably for passengers or property is \$25.

An automobile or sport utility vehicle used for the conveyance of passengers or property is a "combination" vehicle and may be issued a special plate with the word "combination" instead of "Vacationland." A passenger vehicle used under contract with the State, a municipality or a school district to transport students must be designated as "combination." A vehicle owned or operated by parents or legal guardians is exempt from this subsection.

Commercial plates may not be issued for or displayed on an automobile.

A sport utility vehicle may be registered either as an automobile or a truck. A sport utility vehicle with a gross vehicle weight or combined gross vehicle weight in excess of 10,000 pounds and used in the furtherance of a commercial enterprise must be registered as a truck according to its actual gross weight as provided in section 504.

The gross weight of a pickup truck registered as provided by this subsection may not exceed 6,000 pounds. An owner of a pickup truck who operates the pickup truck with a gross weight in excess of 6,000 pounds or the pickup truck drawing a semitrailer with a combined gross weight in excess of 6,000 pounds must register the truck as provided in section 504.

~~Notwithstanding any other provision of law, a~~ combination of vehicles consisting of a pickup truck as defined in section 101, subsection 55 and a semitrailer with a registered weight of 2,000 pounds or less may be ~~registered under this section for~~ operated at the combined gross weight of the pickup truck and the semitrailer.

Sec. 8. 29-A MRSA §504, sub-§1, ¶B, as amended by PL 1999, c. 790, Pt. C, §8 and affected by §19, is further amended to read:

B. For gross weight from 6,001 to ~~9,000~~ 10,000 pounds, the fee is ~~\$34~~ \$37.

Sec. 9. 29-A MRSA §504, sub-§1, ¶C, as amended by PL 1999, c. 790, Pt. C, §8 and affected by §19, is further amended to read:

C. For gross weight from ~~9,004~~ 10,001 to 12,000 pounds, the fee is \$48.

Sec. 10. 29-A MRSA §505, sub-§2-A, ¶B, as enacted by PL 2001, c. 671, §8, is further amended to read:

B. For gross weight from 6,001 to ~~9,000~~ 10,000 pounds, the fee is ~~\$24~~ \$27.

Sec. 11. 29-A MRSA §505, sub-§2-A, ¶C, as enacted by PL 2001, c. 671, §8, is amended to read:

C. For gross weight from ~~9,004~~ 10,001 to 12,000 pounds, the fee is \$32.

Sec. 12. 29-A MRSA §519, sub-§3, as amended by PL 2005, c. 80, §1, is further amended to read:

3. Use of registration plate. The registration plate may be used on only one motor vehicle with a registered gross weight of not more than ~~9,000~~ 10,000 pounds.

Sec. 13. 29-A MRSA §521, sub-§13 is enacted to read:

13. Altering placard. A person who alters or causes to be altered the expiration date of a disability placard issued pursuant to this section commits a traffic infraction and is subject to a penalty of not less than \$100 nor more than \$500.

Sec. 14. 29-A MRSA §523, sub-§2, as amended by PL 2005, c. 573, §3, is further amended to read:

2. Disabled veterans; special free license plates. The Secretary of State, on application and upon evidence of payment of the excise tax required by Title 36, section 1482, shall issue a registration certificate and set of special designating plates to be used in lieu of regular registration plates for a vehicle with a registered gross weight of not more than ~~9,000~~ 10,000 pounds to any 100% disabled veteran when that application is accompanied by certification from the United States Veterans Administration or any branch of the United States Armed Forces as to the veteran's permanent disability and receipt of 100% service-connected benefits. A disability placard is issued in addition to the disabled veteran registration plate at no fee.

These special designating plates must bear the words "Disabled Veteran," which indicate that the vehicle is owned by a disabled veteran.

Sec. 15. 29-A MRSA §523, sub-§3, as amended by PL 2003, c. 652, Pt. B, §4 and affected by §8, is further amended to read:

3. Special veterans registration plates. The Secretary of State, on application and evidence of payment of the excise tax required by Title 36, section 1482 and the registration fee required by section 501, shall issue a registration certificate and a set of special veterans registration plates to be used in lieu of regular registration plates for a vehicle with a registered gross weight of not more than ~~9,000~~ 10,000 pounds to any person who has served in the United States Armed Forces and who has been honorably discharged. If a veteran is the primary driver of 3 vehicles, the Secretary of State may issue in accordance with this section a set of special veterans registration plates for each vehicle.

Each application must be accompanied by the applicant's Armed Forces Report of Transfer or Discharge, DD Form 214, or certification from the United States Veterans Administration or the appropriate branch of the United States Armed Forces verifying the applicant's military service and honorable discharge.

All surplus revenue collected for issuance of the special registration plates is retained by the Secretary of State to maintain and support this program.

~~The Secretary of State may issue a set of special veterans registration plates in the name of a company if the company is owned solely by a veteran who qualifies for a veteran plate under this section. The qualifying veteran must be the primary driver of the company vehicle.~~

The surviving spouse of a special veteran plate recipient issued plates in accordance with this subsection may retain and display the special veteran plates as long as the surviving spouse remains unmarried. Upon remarriage, the surviving spouse may not use the special veteran plates on a motor vehicle, but may retain them as a keepsake. Upon the death of the surviving spouse, the family may retain the special veteran plates, but may not use them on a motor vehicle.

The Secretary of State may issue a special disability registration plate for veterans in accordance with section 521, subsections 1, 5, 7 and 9. The special disability registration plate for veterans must bear the International Symbol of Access.

The Secretary of State may issue a set of special veterans registration plates when the qualifying veteran is the primary driver of a company-owned vehicle if:

A. The company is owned solely by a veteran who qualifies for a veteran plate under this section;

B. The vehicle is leased by a veteran who qualifies for the veteran plate under this subsection; or

C. The vehicle is leased by the employer of a veteran who qualifies for the veteran plate and the employer has assigned the vehicle exclusively to the veteran. The employer must attest in writing

that the veteran will have exclusive use of the vehicle and agrees to the display of the special veteran plate.

Sec. 16. 29-A MRSA §524, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is further amended to read:

3. Pearl Harbor survivors; special license plates. The Secretary of State, on application and upon evidence of payment of the excise tax required by Title 36, section 1482, shall issue, at no fee, a registration certificate and set of special designating plates to be used in lieu of regular registration plates to any person who served in the United States Armed Forces and who was stationed at Pearl Harbor, Oahu, Hawaii during the attack by Japanese forces on December 7, 1941, when that application is accompanied by appropriate military certification verifying the applicant's service at Pearl Harbor during the attack. This special license plate is issued specifically to Pearl Harbor survivors and the privilege of using the special plate is not transferable.

These special designating plates must be of a design as determined by the Secretary of State.

Sec. 17. 29-A MRSA §524-A, sub-§6, as enacted by PL 2003, c. 683, §1, is amended to read:

6. Weight limit. A Wabanaki plate may be issued for a motor vehicle that does not exceed 9,000 10,000 pounds. A motor vehicle that exceeds 6,000 pounds is subject to the fees in section 504.

Sec. 18. 29-A MRSA §670 is enacted to read:

§670. Maine Lemon Law vehicle

This section applies to any motor vehicle subject to the disclosure requirements of Title 10, section 1163, subsection 7. A manufacturer to whom the motor vehicle was returned pursuant to Title 10, section 1163, subsection 2 shall return the title of the motor vehicle to the Secretary of State with an application for a new title in the name of the manufacturer. The Secretary of State shall issue a certificate of title that includes the following brand: "Lemon Law Buy-back." All subsequent certificates of title to that vehicle must contain the same brand.

Sec. 19. 29-A MRSA §701, sub-§4, as amended by PL 1995, c. 645, Pt. A, §13, is further amended to read:

4. New certificate. Upon receipt of the certificate, the application and fee, the Secretary of State shall issue a new certificate containing the name and address of the new lienholders and mail the certificate of title to the owner. The Secretary of State shall also mail a certificate of lien, certificate of title or certificate of salvage to the first lienholder.

Sec. 20. 29-A MRSA §1252, sub-§1, ¶C, as amended by PL 2005, c. 679, §2, is further amended to read:

C. A Class C license may be issued for the operation of a single vehicle or a combination of vehicles that does not meet the definition of Class A or Class B license.

A holder of a Class C license may, with an appropriate endorsement, operate all vehicles in that class.

A Class C license authorizes:

(1) A full-time or volunteer member of an organized municipal, state or federal fire department to operate fire apparatus as described in 49 Code of Federal Regulations, Section 383.3 (2005);

(2) A person to operate recreational vehicles for personal use;

(3) A person to operate ~~military vehicles, including National Guard~~ commercial motor vehicles, for military purposes as required in 49 Code of Federal Regulations, Section 383.3 (2005);

(4) A person to operate registered farm motor trucks bearing the letter "F" on the registration plate when the vehicle is:

(a) Controlled and operated by a farmer, including operation by the farmer's employees or family members;

(b) Used to transport agricultural products, farm machinery or farm supplies to or from a farm;

(c) Not used in the operation of a common or contract motor carrier; and

(d) Used within 150 miles of the registered owner's farm;

(5) A person, employed by a city, town, county, district or other unit of local government created by or pursuant to law that has a total population of 3,000 individuals or less, to operate a commercial motor vehicle within the boundaries of that unit of local government for the purpose of removing snow or ice from a roadway by plowing, sanding or salting, if:

(a) The properly licensed employee who ordinarily operates a commercial motor vehicle for those purposes is unable to operate the vehicle; or

(b) The employing governmental entity determines that a snow or ice emergency

exists that requires additional assistance;
or

(6) A person to operate a truck registered as an antique automobile, regardless of weight or combination weight, provided the vehicle is used for noncommercial recreational purposes or purposes pursuant to section 101, subsection 3.

Sec. 21. 29-A MRSA §1304, sub-§2, ¶D, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

D. An instruction permit is valid for ~~one year~~ 2 years.

Sec. 22. 29-A MRSA §1304, sub-§2, ¶E, as amended by PL 2005, c. 577, §19, is further amended to read:

E. Failure to complete the driving test within 2 years from ~~issue the date requires reexamination for the of issuance of an~~ instruction permit ~~requires reexamination for a subsequent instruction permit to be issued. In the case of a motorcycle learner's permit, failure to complete the driving test within one year from issue date of the permit requires another completion of the motorcycle driver education course required by section 1352 before a subsequent permit is issued.~~

Sec. 23. 29-A MRSA §1352, sub-§6, ¶B, as amended by PL 2001, c. 671, §26, is further amended to read:

B. Road examination for the holder of a valid motor vehicle operator's license on receipt of a certificate demonstrating successful completion of the ~~Motorcycle Basic Rider Course: Riding and Street Skills~~ or other hands-on motorcycle rider course approved by the Secretary of State. An endorsement issued pursuant to this paragraph prohibits the holder from carrying a passenger for a period of 60 days following the date of issuance of the endorsement.

Sec. 24. 29-A MRSA §2301, sub-§5, as repealed and replaced by PL 2005, c. 433, §20 and affected by §28, is amended to read:

5. School bus. "School bus" means a ~~commercial motor vehicle used to transport preprimary, primary or secondary school students from home to school, from school to home or to and from school-sponsored events. "School bus" does not include a bus used as a common carrier or a private school activity bus.~~

A. School bus CMV; or

B. School bus non-CMV.

Sec. 25. 29-A MRSA §2301, sub-§5-A is enacted to read:

5-A. School bus CMV. "School bus CMV" means a commercial motor vehicle used to transport ~~preprimary, primary or secondary school students from home to school, from school to home or to and from school-sponsored events. "School bus CMV" does not include a bus used as a common carrier or a private school activity bus.~~

Sec. 26. 29-A MRSA §2301, sub-§5-B is enacted to read:

5-B. School bus non-CMV. "School bus non-CMV" means a noncommercial motor vehicle designed to carry more than 10 passengers, including the driver, but less than 16 passengers, including the driver, and used to transport students from home to school, from school to home or to and from school-related events. "School bus non-CMV" does not include a private motor vehicle used to transport members of the owner's household or a private school activity bus.

Sec. 27. 29-A MRSA §2356, sub-§9 is enacted to read:

9. Subsequent violation. A person issued a summons for violating this section does not commit a subsequent violation of this section involving the same vehicle and same load until the next business day.

Sec. 28. 29-A MRSA §2358, sub-§9, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. 29. 29-A MRSA §2471, sub-§2, ¶C, as amended by PL 2003, c. 286, §5, is further amended to read:

C. For 90 days on the 3rd or subsequent offense.

Sec. 30. 29-A MRSA §2472, sub-§2, ¶C, as amended by PL 2003, c. 286, §6, is further amended to read:

C. For 90 days on the 3rd or subsequent offense.

Sec. 31. Grandfathered plate proposals. A sponsor who, as of June 1, 2007, has registered with the Secretary of State as a sponsor of a specialty plate or recognition plate under the Maine Revised Statutes, Title 29-A, section 468, subsection 1 or section 468-A, subsection 2 may meet the requirements of Title 29-A, section 468 or 468-A, as applicable, that were in effect on June 1, 2007. A sponsor who registered with the Secretary of State prior to June 1, 2005 has until January 1, 2008 to meet those requirements that were in effect on June 1, 2007. A sponsor who registered with the Secretary of State on or after June 1, 2005 has until 2 years from the date of registration to meet those requirements that were in effect on June 1, 2007. If the sponsor fails to meet those requirements within the

applicable time frame, the sponsor becomes subject to the new requirements established by this Act.

See title page for effective date.

CHAPTER 384

H.P. 572 - L.D. 751

An Act To Modernize Maine's Accountancy Laws

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

Sec. 1. 32 MRSA §12201, sub-§3-A, as enacted by PL 1999, c. 245, §1, is amended to read:

3-A. Defined service. For purposes of section 12275, subsections 12 and 13, "defined service" means providing the following services:

A. Any audit or other engagement to be performed in accordance with the Statements on Auditing Standards, SAS;

B. Any review of a financial statement or compilation of a financial statement to be performed in accordance with the Statement on Standards for Accounting and Review Services, SSARS; ~~or~~

C. Any examination of prospective financial information to be performed in accordance with the Statement on Standards for Attestation Engagements, SSAE;

D. Any engagement to be performed in accordance with the auditing standards of the Public Company Accounting Oversight Board, established in 15 United States Code, Section 7211 (2007); or

E. Any compilation of a financial statement to be performed in accordance with the Statement on Standards for Accounting and Review Services, SSARS.

The statements on standards specified in this definition are those developed for general application by recognized national accountancy organizations.

Sec. 2. 32 MRSA §12201, sub-§12, as enacted by PL 1999, c. 245, §2, is amended to read:

12. Substantial equivalency. "Substantial equivalency" ~~is a determination by the board means~~ that the education, examination and experience requirements for certified public accountants contained in the statutes and administrative rules of another jurisdiction are comparable to or exceed the education, examination and experience requirements of ~~the board~~ this State or that an individual certified public accountant's education, examination and experience

qualifications are comparable to or exceed the education, examination and experience requirements of ~~the board~~ this State.

Sec. 3. 32 MRSA §12228, sub-§1, as amended by PL 1989, c. 450, §49, is further amended to read:

1. Certificate grant. The board shall grant the certificate of "certified public accountant" to any person who makes application to the board and who meets the good character, education, examination and experience requirements of, and who pays the fees prescribed by, this section, except that no certificate may be granted to a person ~~who has been issued hold-~~ ing a valid certificate issued by another state.

Sec. 4. 32 MRSA §12228, sub-§3, as amended by PL 2005, c. 347, Pt. D, §§1 and 2, is further amended to read:

3. Education requirement. The education requirement for a certificate, ~~which must be met no later than 120 days after an applicant sits for the examination prescribed in subsection 4,~~ is as follows:

B. At least 150 semester hours of education, including a minimum 4-year baccalaureate or higher degree conferred by a college or university acceptable to the board, the total educational program to include basic courses in accounting and auditing determined to be appropriate under board rules. Rules adopted by the board pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A; and

C. An examination applicant who expects to ~~meet the education requirement~~ complete a minimum 4-year baccalaureate or higher degree required in paragraph B within 120 days following the examination is eligible to take the examination. Grades may not be released, nor may credit for the examination or any part of the examination be given to the applicant unless the ~~education requirement~~ degree required in paragraph B is completed within 120 days following the examination or within such time as the board in its sole discretion may determine.

Sec. 5. 32 MRSA §12228, sub-§12, as enacted by PL 1999, c. 245, §5, is repealed.

Sec. 6. 32 MRSA §12228, sub-§13, as enacted by PL 1999, c. 245, §5, is repealed.

Sec. 7. 32 MRSA §12228, sub-§14, as enacted by PL 1999, c. 245, §5, is repealed.

Sec. 8. 32 MRSA §12228, sub-§15, as enacted by PL 1999, c. 245, §5, is repealed.

Sec. 9. 32 MRSA §12251, sub-§4-A, as enacted by PL 1999, c. 245, §9, is repealed.