

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2010 to June 29, 2011**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 28, 2011**

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

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**Augusta, Maine**  
**2011**

hearing" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

**Sec. O-8. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 32, chapter 137, subchapter 2, in the subchapter headnote, the words "board of speech-language pathology, audiology and hearing aid dealing and fitting" are amended to read "board of speech, audiology and hearing" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

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**CHAPTER 287**

**H.P. 619 - L.D. 823**

**An Act To Amend the Law  
Governing Tax Increment  
Financing Districts**

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

**Sec. 1. 30-A MRSA §5223, sub-§3, ¶D,** as amended by PL 2007, c. 693, §3 and affected by §37, is further amended to read:

D. The aggregate value of municipal general obligation indebtedness financed by the proceeds from tax increment financing districts within any county may not exceed \$50,000,000 adjusted by a factor equal to the percentage change in the United States Bureau of Labor Statistics Consumer Price Index, United States City Average from January 1, 1996 to the date of calculation.

(1) The commissioner may adopt rules necessary to allocate or apportion the designation of captured assessed value of property within proposed tax increment financing districts to permit compliance with the condition in this paragraph. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

(2) The acquisition, construction and installation of all real and personal property improvements, buildings, structures, fixtures and equipment included within the development program and financed through municipal bonded indebtedness must be completed within ~~5~~ 8 years of the commissioner's approval of the designation of the tax increment financing district.

See title page for effective date.

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**CHAPTER 288**

**S.P. 253 - L.D. 850**

**An Act To Improve the  
Protection of Animals**

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

**Sec. 1. 7 MRSA §4019,** as enacted by PL 2007, c. 702, §20, is amended to read:

**§4019. Removal from unattended motor vehicle**

**1. Removal authorized.** A law enforcement officer, humane agent ~~or~~, animal control officer, firefighter as defined in Title 26, section 2101, first responder as defined in Title 32, section 83, subsection 13-A or security guard licensed under Title 32, chapter 93, referred to in this section as "authorized persons," may take all steps that are reasonably necessary to remove an animal from a motor vehicle if the animal's safety, health or well-being appears to be in immediate danger from heat, cold or lack of adequate ventilation and the conditions could reasonably be expected to cause extreme suffering or death.

**2. Notice required.** A law enforcement officer, humane agent or animal control officer who removes an animal in accordance with subsection 1 shall, in a secure and conspicuous location on or within the motor vehicle, leave written notice bearing the officer's or agent's name and office and the address of the location where the animal may be claimed. A firefighter, first responder or security guard who removes an animal in accordance with subsection 1 shall, in a secure and conspicuous location on or within the motor vehicle, leave written notice bearing the person's name and the address of the location where the animal may be claimed. The owner may claim the animal only after payment of all charges that have accrued for the maintenance, care, medical treatment and impoundment of the animal.

**3. Immunity.** ~~A law enforcement officer, humane agent or animal control officer~~ An authorized person who removes an animal from a motor vehicle pursuant to subsection 1 is immune from criminal or civil liability that might otherwise result from the removal.

See title page for effective date.

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**CHAPTER 289**

**H.P. 234 - L.D. 290**

**An Act To Amend the Maine  
Secure and Fair Enforcement  
for Mortgage Licensing Act of  
2009**

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

**Sec. 1. 9-A MRSA §13-102, sub-§1-A** is enacted to read:

**1-A. Credit sale.** "Credit sale" means the sale of a dwelling or residential real estate purchased for a personal, family or household purpose in which credit is extended by the seller and either the debt is payable in installments or a finance charge is made.

**Sec. 2. 9-A MRSA §13-102, sub-§13,** as enacted by PL 2009, c. 362, Pt. B, §1, is amended to read:

**13. Residential mortgage loan.** "Residential mortgage loan" means any loan primarily for personal, family or household use that is secured by a mortgage, deed of trust or other equivalent consensual security interest on a dwelling or residential real estate upon which is constructed or intended to be constructed a dwelling. "Residential mortgage loan" does not include a credit sale unless the credit sale is determined to be a residential mortgage loan by any rule, advisory ruling or interpretation issued by the administrator or by the United States Department of Housing and Urban Development or successor federal agency responsible for ensuring state compliance with the provisions of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008, 12 United States Code, Sections 5101 to 5113.

**Sec. 3. 9-A MRSA §13-103, sub-§2, ¶G** is enacted to read:

G. An individual who, during any calendar year or other 12-month period, takes applications for or offers or negotiates terms of not more than the maximum number of residential mortgage loans to qualify for exemption as determined by rule, advisory ruling or interpretation issued by the administrator or by the United States Department of Housing and Urban Development or successor federal agency responsible for ensuring state compliance with the provisions of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008, 12 United States Code, Sections 5101 to 5113.

**Sec. 4. 9-A MRSA §13-112, sub-§5** is enacted to read:

**5. Effect on mortgage loans.** This article may not be construed to provide that a mortgage loan originator's good faith failure to comply with the requirements of this article affects the validity or enforceability of the obligations under any residential mortgage loan resulting from a transaction in which the mortgage loan originator participated.

**Sec. 5. Retroactivity.** This Act applies retroactively to January 1, 2011.

See title page for effective date.

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**CHAPTER 290**

**H.P. 675 - L.D. 915**

**An Act To Clarify the Exemption of Lineworkers from Maine Electrician Licensing Laws**

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

**Whereas,** in the fall of 2010, the Electricians' Examining Board issued a preliminary determination that would require licensure under the laws governing electrician licensing for lineworkers employed by electricity generators and contractors performing line work on behalf of public utilities and electricity generators; and

**Whereas,** electrician licensing is intended to cover indoor electrical work governed by the National Electrical Code, whereas outdoor and related line work performed by public utilities, electricity generators and their contractors is governed by the National Electrical Safety Code and is unrelated to electrician licensing; and

**Whereas,** the actions of the Electricians' Examining Board to require electrician licensure of lineworkers would substantially interfere with the ability of public utilities, electricity generators and their contractors to safely and cost-effectively install electric lines subject to the National Electrical Safety Code, including lines for large transmission and distribution projects currently under construction in this State; 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 §1101, sub-§7,** as enacted by PL 1997, c. 119, §1, is repealed.

**Sec. 2. 32 MRSA §1101, sub-§8,** as enacted by PL 1999, c. 386, Pt. F, §1, is repealed and the following enacted in its place: