

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.

Augusta, Maine
2011

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

Sec. 1. 9-A MRS §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 MRS §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 MRS §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 MRS §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.

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 MRS §1101, sub-§7, as enacted by PL 1997, c. 119, §1, is repealed.

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 F, §1, is repealed and the following enacted in its place:

8. Utility corporation. "Utility corporation" means a utility that is not a public utility, as defined in Title 35-A, section 102, or a person, firm or corporation subject to the jurisdiction of the Federal Communications Commission.

Sec. 3. 32 MRSA §1102, sub-§1-A, as amended by PL 1999, c. 657, §13, is repealed and the following enacted in its place:

1-A. Public utility. An entity subject to the jurisdiction of the Public Utilities Commission, the Federal Energy Regulatory Commission or the Federal Communications Commission, including all employees of such an entity, but only to the extent the entity or its employees are making electrical installations in furtherance of providing its authorized service or activities incidental to that authorized service. This exception does not apply to:

A. Installations, other than installation of a meter, inside a customer's building;

B. Installations of mobile home service equipment; and

C. Installations at any business office of a utility corporation that is not physically located adjacent to the utility's generation or transmission and distribution plant;

Sec. 4. 32 MRSA §1102, sub-§1-B is enacted to read:

1-B. Aboveground electric lines. Electrical work in connection with the construction, installation, operation, repair or maintenance of any aboveground electric line capable of operating at one kilovolt or more.

Sec. 5. 32 MRSA §1102, sub-§1-C is enacted to read:

1-C. Contractor. An entity, including all employees of such an entity, to the extent the entity has contracted with a public utility, as described in this section, to perform services for the public utility, but only to the extent the public utility would be exempt from this chapter if it were performing the services directly through its employees; or

Sec. 6. 32 MRSA §1102, sub-§2, as amended by PL 1999, c. 386, Pt. F, §2, is repealed.

Sec. 7. 32 MRSA §1102-B, sub-§5, ¶B, as enacted by PL 1981, c. 432, §2, is amended to read:

B. The electrical work and equipment employed in connection with the construction, installation, operation, repair or maintenance of any utility by a public utility corporation, or by a contractor working on behalf of a public utility as set forth in section 1102, subsection 1-C, in rendering its authorized service or in any way incidental thereto;

Sec. 8. 32 MRSA §1102-B, sub-§5, ¶B-1 is enacted to read:

B-1. The electrical work and equipment employed in connection with an aboveground electric line described in section 1102, subsection 1-B;

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

Effective June 10, 2011.

CHAPTER 291

H.P. 699 - L.D. 939

An Act To Enhance Mandated Reporting and Prosecution of Elder Abuse, Neglect and Exploitation

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

Sec. 1. 22 MRSA §3472, sub-§6, as amended by PL 2003, c. 653, §2, is further amended to read:

6. Dependent adult. "Dependent adult" means an adult who has a physical or mental condition that substantially impairs the adult's ability to adequately provide for that adult's daily needs. "Dependent adult" includes, but is not limited to, any of the following:

A. A resident of a nursing home licensed or required to be licensed under section 1817;

B. A resident of a facility providing assisted living services licensed or required to be licensed pursuant to section 7801; ~~or~~

C. A person considered a dependent person under Title 17-A, section 555; ~~or~~

D. A person, regardless of where that person resides, who is wholly or partially dependent upon one or more other persons for care or support, either emotional or physical, because the person suffers from a significant limitation in mobility, vision, hearing or emotional or mental functioning.

Sec. 2. 22 MRSA §3477, sub-§1, as amended by PL 2007, c. 577, §5, is further amended to read:

1. Report required. The following persons immediately shall report to the department when the person knows or has reasonable cause to suspect that an incapacitated or dependent adult has been or is ~~at substantial risk of abuse, neglect or exploitation likely to be abused, neglected or exploited;~~

A. While acting in a professional capacity: