

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2012 to July 10, 2013

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 9, 2013

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

Augusta, Maine
2013

Sec. 1. 32 MRSA §16409, as enacted by PL 2005, c. 65, Pt. A, §2, is amended to read:

§16409. Withdrawal or nonrenewal of licensing of broker-dealer, agent, investment adviser and investment adviser representative

Withdrawal of licensing by a broker-dealer, agent, investment adviser or investment adviser representative becomes effective 60 days after the filing of the application to withdraw or within any shorter period authorized by the administrator, unless a revocation or suspension proceeding is pending when the application is filed. If a proceeding is pending, the administrator shall make a determination with respect to the withdrawal application as part of the proceeding. The administrator may institute a revocation or suspension proceeding under section 16412 within one year after the withdrawal became effective automatically or within one year of a license's becoming ineffective due to nonrenewal under section 16406 and issue a revocation or suspension order as of the last date on which licensing was effective.

Sec. 2. 32 MRSA §16508, sub-§1, as enacted by PL 2005, c. 65, Pt. A, §2, is amended to read:

1. Criminal penalties. A person that intentionally or knowingly violates this chapter, or a rule adopted or order issued under this chapter, except section 16504 or the notice filing requirements of section 16302 or 16405, or that intentionally or knowingly violates section 16505 knowing the statement made to be false or misleading in a material respect, upon conviction, commits a Class C crime. In any prosecution under this section, the State need not prove that the defendant knew that any instrument involved was a security, that any instrument was required to be registered under section 16301 or that any license was required under sections 16401 to 16404. An individual convicted of violating a rule or order under this chapter may be fined, but may not be imprisoned, if the individual did not have knowledge of the rule or order.

Sec. 3. 32 MRSA §16604, sub-§4, as amended by PL 2011, c. 37, §3, is further amended to read:

4. Civil fine; final orders and remedies. In a final order under subsection 3, the administrator may: order remedies described in subsection 1; censure that person; bar that person from association with any issuer, broker-dealer or investment adviser in this State; order restitution; or impose a civil fine not to exceed \$5,000 per violation. For a violation involving an investor 65 years of age or older, the amount of the civil fine may be doubled to an amount not to exceed a maximum of \$10,000 per violation.

See title page for effective date.

**CHAPTER 40
H.P. 213 - L.D. 304**

An Act To Amend the Representation on the Telecommunications Relay Services Advisory Council

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

Sec. 1. 35-A MRSA §8704, sub-§1, ¶E, as amended by PL 2009, c. 68, §13, is further amended to read:

E. Eight members appointed by the Governor as follows:

- (1) One member from the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf;
- (2) One member from a statewide association for the deaf;
- (3) One member from a center on deafness;
- (4) One member from the largest incumbent local exchange carrier providing telecommunications relay service in this State;
- (5) One member of a telephone association in this State, except that the representative under this subparagraph may not be a representative of the carrier under subparagraph (4);
- (6) Two members from the general public who use telecommunications devices for the deaf as a primary means of telecommunications; and
- (7) One member representing ~~a cellular or wireless service provider~~ an Internet telecommunications relay service provider that provides service to customers in this State.

See title page for effective date.

**CHAPTER 41
S.P. 144 - L.D. 364**

An Act To Amend the Laws Regulating Suppliers of Agricultural, Construction, Industrial and Forestry Equipment

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

Sec. 1. 10 MRSA §1293-A, as enacted by PL 2011, c. 236, §16 and affected by §18, is amended to read:

§1293-A. Prohibited acts

A supplier may not:

1. Coercion involving deliveries and orders. Mandate, coerce or attempt to coerce any dealer to order or accept delivery of equipment or repair parts not required by law that have not been voluntarily ordered by the dealer, unless the equipment or repair parts are comprised of safety features required by the supplier;

2. Interference in dealer's business. Require any dealer to refrain from participation in the management or acquisition of, or investment in, any other business; or

3. Coercion involving sale of equipment. Prevent, coerce or attempt to coerce a dealer from having an investment in or holding a dealership contract for the sale of competing product lines or makes of equipment or require the dealer to provide separate facilities for competing product lines or makes of equipment; or

4. Recover costs for reimbursement. If the supplier has reimbursed a dealer for equipment, repair parts or labor to avoid a violation of this section, recover the supplier's costs of that reimbursement.

See title page for effective date.

CHAPTER 42

H.P. 234 - L.D. 324

An Act To Make Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2013

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; 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:

PART A

Sec. A-1. Appropriations and allocations.

The following appropriations and allocations are made.

MUNICIPAL BOND BANK, MAINE

Transcap Trust Fund Z064

Initiative: Reduces funding to align allocation with projected available resources.

OTHER SPECIAL REVENUE FUNDS	2012-13	2013-14	2014-15
All Other	(\$220,686)	\$0	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$220,686)	\$0	\$0

MUNICIPAL BOND BANK, MAINE

DEPARTMENT TOTALS	2012-13	2013-14	2014-15
OTHER SPECIAL REVENUE FUNDS	(\$220,686)	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	(\$220,686)	\$0	\$0

PUBLIC SAFETY, DEPARTMENT OF

State Police 0291

Initiative: Reduces funding by managing vacancies.

HIGHWAY FUND	2012-13	2013-14	2014-15
Personal Services	(\$155,809)	\$0	\$0
HIGHWAY FUND TOTAL	(\$155,809)	\$0	\$0

State Police 0291

Initiative: Provides funding for the approved arbitration decision that awarded retroactive range changes for 4 Forensic Chemist I positions and 2 Forensic Scientist positions from range 23 to range 25, the reclassification of one State Police Forensic Specialist posi-