

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

and may be used only in a proceeding as provided by Title 5, section 9057, subsection 6.

See title page for effective date.

CHAPTER 294

H.P. 776 - L.D. 1107

An Act To Provide a Uniform Process for the Use of Orders Awarding Parental Rights and Responsibilities To Dispose of a Child Protective Case

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

Sec. 1. 22 MRSA §4036, sub-§1-A, as enacted by PL 2007, c. 256, §1, is amended to read:

1-A. Parental rights and responsibilities orders. Upon request of a parent, the court may enter an order awarding parental rights and responsibilities pursuant to Title 19-A, section 1653 if the court determines that the order will protect the child from jeopardy and is in the child's best interest as defined in Title 19-A, section 1653, subsection 3. The court shall ensure that proper notice was given that the child protective case may be disposed of through an order awarding parental rights and responsibilities upon request of a parent. If the court enters an order pursuant to this subsection:

A. The court shall direct the clerk to open a family matters case on behalf of the parties and require the case to be appropriately docketed without a separate initial filing by the parties. The court shall require the parties to complete the income affidavits, child support worksheets and supporting documentation as required in Title 19-A, chapter 63. The court shall enter the order has the same force and effect as other orders entered awarding parental rights and responsibilities pursuant to Title 19-A, section 1653;

A-1. The order awarding parental rights and responsibilities may not include reference to or discussion of the child protective case, although the court may identify any jeopardy that remains as a finding of fact. Child protective case documents are confidential, and the court shall seal and keep confidential any documents from the child protective case that are made a part of the record of the family matters case opened under paragraph A;

B. The order awarding parental rights and responsibilities is subject to modification or termination in the same manner as other orders entered pursuant to Title 19-A, section 1653;

C. Any person who requests a modification or termination of the order awarding parental rights and responsibilities must serve the department with the motion or petition;

D. The department is not a party to proceedings to modify or terminate the order awarding parental rights and responsibilities unless otherwise ordered by the court. This paragraph may not be construed to limit the department's ability to request a judicial review pursuant to section 4038, subsection 2;

D-1. The court may either:

(1) Immediately dismiss the child protection action; or

(2) Enter a provisional order awarding parental rights and responsibilities and, after the passage of a period set by the court not to exceed 6 months, the child protection action must be dismissed, with the order awarding parental rights and responsibilities becoming permanent, unless there is good cause shown in writing to continue the child protection action; and

E. Notwithstanding section 4038, the court may order that further judicial reviews may not be held unless requested by a party and, notwithstanding section 4038 B, may order that further permanency planning hearings may not be held; and

F. When a provisional order awarding parental rights and responsibilities is entered under paragraph D-1, subparagraph (2), the court may terminate the appointments of the guardian ad litem and attorneys for parents and guardians. When the child protection action is dismissed under paragraph D-1, subparagraph (1) or (2), the court may shall terminate the appointments of the guardian ad litem and attorneys for parents and guardians, in which case, After the appointments are terminated, the attorneys and guardian ad litem have no further responsibilities to their clients or the court.

See title page for effective date.

CHAPTER 295

H.P. 847 - L.D. 1203

An Act To Encourage Financing of Manufactured Housing for the Workforce

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

Sec. 1. 9-A MRSA §13-103, sub-§1, as enacted by PL 2009, c. 362, Pt. B, §1, is amended to read:

1. Requirement. An individual, unless specifically exempted from this Article under subsection 2, may not engage in the business of a mortgage loan originator without obtaining and maintaining annually a license under this Article. Each licensed mortgage loan originator must register with and maintain a valid unique identifier issued by the nationwide mortgage licensing system and registry.

As used in this subsection, "engaging in the business of a mortgage loan originator" means the individual, in a commercial context and habitually or repeatedly:

A. Takes a residential mortgage loan application and offers or negotiates terms of a residential mortgage loan for compensation or gain; or

B. Represents to the public, through advertising or other means of communicating or providing information, including the use of business cards, stationery, brochures, signs, rate lists or other promotional items, that the individual can or will perform the activities described in paragraph A.

An individual is considered to be acting habitually or repeatedly under this subsection if the individual takes a residential mortgage application and offers or negotiates terms of a residential mortgage loan for compensation or gain more than 3 times in a 12-month period. An exemption from the licensure requirements under this Article does not apply if the individual, alone or with others, is found by the administrator to have acted so as to intentionally circumvent or evade the provisions of this subsection.

Sec. 2. 9-A MRSA §13-103, sub-§2, ¶¶H to J are enacted to read:

H. An individual who acts as a mortgage loan originator in providing financing for the sale of a property owned by that individual as long as that individual does not habitually or repeatedly engage in that activity.

I. An individual who acts as a mortgage loan originator as long as the source of prospective financing does not provide mortgage financing or perform other mortgage loan origination activities habitually or repeatedly.

J. An employee of a government entity who acts as a mortgage loan originator pursuant to that employee's official duties as an employee of that government entity.

See title page for effective date.

**CHAPTER 296
S.P. 456 - L.D. 1313**

An Act To Amend Licensing Requirements for Professional Engineers

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

Sec. 1. 32 MRSA §1251, as amended by PL 2005, c. 315, §2, is further amended to read:

§1251. Definitions

As used in this chapter, unless a different meaning clearly appears from the context, otherwise indicates, the following terms have the following meanings.

1. Board. "Board" means the State Board of Licensure for Professional Engineers.

1-A. Accreditation board. "Accreditation board" means the accreditation board for engineering and technology.

1-B. Engineering accreditation commission. "Engineering accreditation commission" means the engineering accreditation commission of the accreditation board.

2. Engineer-intern. ~~The term "engineer-intern" "Engineer-intern" means a person who has been certified as such an engineer-intern by the board and whose name has been entered in the register of engineer-interns.~~

2-A. National council. "National council" means the National Council of Examiners for Engineering and Surveying.

3. Practice of professional engineering. ~~The term "practice of professional engineering" shall be held to mean~~ "Practice of professional engineering" means any professional service, such as consultation, investigation, evaluation, planning, design or responsible supervision of construction in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works or projects, wherein the public welfare or the safeguarding of life, health or property is concerned or involved, when such professional service requires the application of engineering principles and data.

4. Professional engineer. ~~The term "professional engineer" means a person who, by reason of a knowledge of mathematics, the physical sciences and the principles of engineering, acquired by professional education and practical experience, is qualified to engage in engineering practice as defined.~~

5. Technology accreditation commission. "Technology accreditation commission" means the technology accreditation commission of the accreditation board.