

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST SPECIAL SESSION
August 29, 2013

SECOND REGULAR SESSION
January 8, 2014 to May 2, 2014

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
EMERGENCY LAW IS
SEPTEMBER 6, 2013

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2014

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

Augusta, Maine
2014

ceeding year, or, in the case of an employee who is terminated before the close of the calendar year, within 30 days from the date of receipt of a written request from the employee if that 30-day period ends before January 31st. The assessor may establish an alternative due date for providing a written statement under this section that is consistent with the due date for the related federal statement. The statement must show the amount of wages paid by the employer to the employee or, in the case of withholding pursuant to sections 5250-B and 5255-B, the total items of income that were subject to withholding, the amount deducted and withheld as tax and such other information as the assessor requires.

Sec. 16. 36 MRSA §6901, sub-§2, as amended by PL 2011, c. 240, §45 and affected by §47, is further amended to read:

2. Certified production wages. "Certified production wages" means wages subject to withholding under section 5250, subsection 1 that are paid by a visual media production company for work on a certified visual media production. ~~"Certified production wages" includes~~ an amount paid to a temporary employee-leasing company for personal services rendered in this State by a leased employee in connection with a certified visual media production ~~and~~ an amount paid for the services of a performing artist working in the State in connection with a certified visual media production and other contractual payments for the services of individuals working in the State in connection with a certified visual media production. "Certified production wages" includes only the first \$50,000 paid to or with respect to a particular individual for personal services rendered in connection with a particular certified visual media production.

Sec. 17. Retroactive application. That section of this Act that amends the Maine Revised Statutes, Title 25, section 2399, 2nd paragraph applies retroactively to the fire risk allocation determination required for tax periods beginning on or after January 1, 2014.

See title page for effective date.

CHAPTER 547

S.P. 685 - L.D. 1724

An Act To Conform Licensing Requirements for Real Estate Appraisers with Federal Law

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

Sec. 1. 32 MRSA §14021, sub-§7 is enacted to read:

7. Fingerprinting. In accordance with standards adopted by the appraiser qualifications board, an applicant shall submit a set of the applicant's fingerprints, taken by a law enforcement officer, and any other information necessary for a statewide and nationwide criminal history record check to be completed by the Department of Public Safety, State Bureau of Identification and the Federal Bureau of Investigation, commencing at the time determined by the appraiser qualifications board. All costs associated with the criminal history record check are the responsibility of the applicant and must be submitted with the fingerprints. Criminal history records provided to the board of real estate appraisers are confidential and may only be used to determine an applicant's eligibility for licensure. The subject of a Federal Bureau of Investigation criminal history record check may obtain a copy of a criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state criminal record check may inspect and review criminal history record information pursuant to Title 16, section 709.

Sec. 2. 32 MRSA §14024, sub-§2, as enacted by PL 1999, c. 185, §5, is repealed.

Sec. 3. 32 MRSA §14024, sub-§3, as enacted by PL 1999, c. 185, §5, is amended to read:

3. Applicants licensed in another jurisdiction. ~~An applicant who is licensed under the laws of another jurisdiction is governed by this subsection. may be issued a license if:~~

~~A. An applicant who is licensed under the laws of a jurisdiction that has a current reciprocal agreement with the board may obtain a license upon such terms and conditions as may be agreed upon through the reciprocal agreement.~~

~~B. An applicant who is licensed, in good standing, under the laws of a jurisdiction that has not entered into a reciprocal agreement with the board may qualify for licensure by submitting evidence, satisfactory to the board, that the applicant has met all of the qualifications for licensure equivalent to those as set forth by this subchapter for that level of licensure.~~

C. The applicant holds a license in good standing from a jurisdiction with requirements for licensure that meet or exceed the license requirements as set forth by this subchapter for that level of licensure; and

D. The appraiser licensing program of the other jurisdiction complies with Title XI of the federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989 as determined by the federal agency responsible for the determination under that Act.

Sec. 4. 32 MRSA §14027, sub-§1, as amended by PL 2011, c. 286, Pt. L, §2, is further amended to read:

1. Requirement. As a prerequisite to renewal of a license, an applicant must have completed continuing education as set forth by rules adopted by the board. An applicant may not repeat for credit the same continuing education course offering within a license renewal cycle.

Sec. 5. 32 MRSA §14035, sub-§2, as amended by PL 2011, c. 286, Pt. L, §3, is further amended to read:

2. Professional qualifications. An applicant for a certified general real property appraiser license must meet the licensing requirements ~~promulgated established~~ by the appraiser qualifications board. Each As a prerequisite to taking the examination required by section 14035-A, an applicant must:

A. Hold a bachelor's or higher degree from an accredited college or university ~~or have successfully passed 30 semester credit hours in the following college level subject matter courses from an accredited college, junior college, community college or university:~~

- ~~(1) English composition;~~
- ~~(2) Microeconomics;~~
- ~~(3) Macroeconomics;~~
- ~~(4) Finance;~~
- ~~(5) Algebra, geometry or higher mathematics;~~
- ~~(6) Statistics;~~
- ~~(7) Computers, word processing and spreadsheets;~~
- ~~(8) Business or real estate law; and~~
- ~~(9) Two elective courses in accounting, geography, agricultural economics, business management or real estate.~~

~~An applicant may receive credit for a college course for an exam taken through a college level examination program if a college or university accredited by a commission on colleges, a regional or national accreditation association or an accrediting agency that is recognized by the United States Secretary of Education accepts the exam and issues a transcript showing its approval;~~

B. Satisfactorily complete 300 creditable class hours as specified in the appraiser qualifications board's required core curriculum, which must include the 15-hour national uniform standards of professional appraisal practice course and examination; and

~~C. Pass the appraiser qualifications board's uniform state-certified general real property appraiser examination; and~~

D. Hold a valid license under this chapter and demonstrate 3,000 hours of appraisal experience obtained during no fewer than 30 months, including 1,500 hours of nonresidential appraisal work.

Sec. 6. 32 MRSA §14035, sub-§3, as enacted by PL 2005, c. 518, §6, is repealed.

Sec. 7. 32 MRSA §14035-A is enacted to read:

§14035-A. Required examination; certified general real property appraiser

An applicant for a certified general real property appraiser license must pass the appraiser qualifications board's uniform state-certified general real property appraiser examination within 24 months of the date the applicant is eligible to take the examination. An applicant must apply for a certified general real property appraiser license within 24 months of successfully completing the examination.

Sec. 8. 32 MRSA §14036, sub-§2, as amended by PL 2011, c. 286, Pt. L, §4, is further amended to read:

2. Professional qualifications. An applicant for a certified residential real property appraiser license must meet the licensing requirements ~~promulgated established~~ by the appraiser qualifications board. Each As a prerequisite to taking the examination required by section 14036-A, an applicant must:

A. Hold ~~an associate's a~~ bachelor's or higher degree from an accredited college or university ~~or have successfully passed 21 semester credit hours in the following collegiate level subject matter courses from an accredited college, junior college, community college or university:~~

- ~~(1) English composition;~~
- ~~(2) Principles of microeconomics or macroeconomics;~~
- ~~(3) Finance;~~
- ~~(4) Algebra, geometry or higher mathematics;~~
- ~~(5) Statistics;~~
- ~~(6) Computers, word processing and spreadsheets; and~~
- ~~(7) Business or real estate law.~~

~~An applicant may receive credit for a college course for an exam taken through a college level examination program if a college or university accredited by a commission on colleges, a regional or national accreditation association or an accred-~~

~~iting agency that is recognized by the United States Secretary of Education accepts the exam and issues a transcript showing its approval;~~

B. Satisfactorily complete 200 creditable class hours as specified in the appraiser qualifications board's required core curriculum, which must include the 15-hour national uniform standards of professional appraisal practice course and examination; and

~~C. Pass the appraiser qualifications board's uniform state-certified residential real property appraiser examination; and~~

D. Hold a valid license under this chapter and demonstrate 2,500 hours of appraisal experience obtained during no fewer than 24 months, including complex residential property appraisals completed under the supervision of a certified residential real property appraiser or a certified general real property appraiser under section 14035.

Sec. 9. 32 MRSA §14036, sub-§3, as enacted by PL 2005, c. 518, §7, is repealed.

Sec. 10. 32 MRSA §14036-A is enacted to read:

§14036-A. Required examination; certified residential real property appraiser

An applicant for a certified residential real property appraiser license must pass the appraiser qualifications board's uniform state-certified residential real property appraiser examination within 24 months of the date the applicant is eligible to take the examination. An applicant must apply for a certified residential real property appraiser license within 24 months of successfully completing the examination.

Sec. 11. 32 MRSA §14037, sub-§2, as enacted by PL 2005, c. 518, §8, is amended to read:

2. Professional qualifications. ~~Each~~ An applicant for a residential real property appraiser license must meet the licensing requirements promulgated established by the appraiser qualifications board. ~~Each~~ As a prerequisite to taking the examination required by section 14037-A, an applicant must:

A. Satisfactorily complete 150 creditable class hours as specified in the appraiser qualifications board's required core curriculum, which must include the 15-hour national uniform standard of professional appraisal practice course and examination;

~~B. Pass the appraiser qualifications board's licensed residential real property appraiser examination; and~~

C. Hold a valid license under this chapter and demonstrate 2,000 hours of appraisal experience obtained during no fewer than 12 months; and

D. Hold an associate or higher degree from an accredited college or university or have successfully completed 30 semester credit hours of college-level courses from an accredited college, junior college, community college or university.

Sec. 12. 32 MRSA §14037, sub-§3, as enacted by PL 2005, c. 518, §8, is repealed.

Sec. 13. 32 MRSA §14037-A is enacted to read:

§14037-A. Required examination; residential real property appraiser

An applicant for a residential real property appraiser license must pass the appraiser qualifications board's licensed residential real property appraiser examination within 24 months of the date the applicant is eligible to take the examination. An applicant must apply for a residential real property appraiser license within 24 months of successfully completing the examination.

Sec. 14. 32 MRSA §14038, sub-§2, as enacted by PL 2005, c. 518, §9, is amended to read:

2. Professional qualifications. ~~Each~~ An applicant for a trainee real property appraiser license must meet the licensing requirements promulgated established by the appraiser qualifications board. ~~Each~~ An applicant must satisfactorily complete 75 creditable class hours as specified in the appraiser qualifications board's required core curriculum, which must include the 15-hour national uniform standards of professional appraisal practice course and examination;:

A. Seventy-five creditable class hours as specified in the appraiser qualifications board's required core curriculum, which must include the 15-hour national uniform standards of professional appraisal practice course, within 5 years of the date of application for licensure; and

B. A supervisory appraiser and trainee appraiser course as specified by the appraiser qualifications board.

Sec. 15. 32 MRSA §14038, sub-§3, as enacted by PL 2005, c. 518, §9, is repealed.

Sec. 16. 32 MRSA §14038, sub-§4, as enacted by PL 2005, c. 518, §9, is amended to read:

4. Number of supervisors. A trainee real property appraiser may have more than one supervising residential real property appraiser or certified general real property appraiser, ~~but a supervising appraiser may not supervise more than 3 trainee real property appraisers at one time.~~

Sec. 17. 32 MRSA §14038, sub-§6, as enacted by PL 2005, c. 518, §9, is repealed.

Sec. 18. 32 MRSA §14039 is enacted to read:

§14039. Supervisory appraiser

1. Scope of practice. A supervisory appraiser is responsible for the training, guidance and direct supervision of a trainee real property appraiser as set forth by rules adopted by the board.

2. Certified level license required. A certified general real property appraiser or certified residential real property appraiser who has held a license for a minimum of 3 years and within the last 3 years has not had a license suspended or revoked or been subject to other disciplinary action that limits the licensee's legal eligibility to perform real estate appraisal activity may supervise a trainee real property appraiser.

3. Completion of supervisory course. A supervisory appraiser must satisfactorily complete a supervisory appraiser and trainee appraiser course as specified by the appraiser qualifications board to supervise a trainee real property appraiser licensed on or after January 1, 2015.

4. Filing with board. Before employing a trainee real property appraiser, a supervising certified residential real property appraiser or certified general real property appraiser must register the name and starting date of employment of that trainee with the board.

5. Limitation on number of trainees. A supervisory appraiser may not supervise more than 3 trainee real property appraisers at one time.

Sec. 19. Effective date. This Act takes effect January 1, 2015.

Effective January 1, 2015.

CHAPTER 548

H.P. 1299 - L.D. 1808

An Act To Protect the Public from Mosquito-borne Diseases

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

Sec. 1. 7 MRSA c. 6-A is enacted to read:

CHAPTER 6-A

MANAGEMENT OF MOSQUITOES

§171. Management of mosquitoes for protection of public health; state policy

It is the policy of the State to work to find and implement ways to prevent mosquito-borne diseases in a manner that minimizes risks to humans and the environment. The State, led by the department and the Department of Health and Human Services pursuant to this chapter and Title 22, chapter 257-B, respectively, shall monitor mosquito-borne diseases and shall base mosquito management methods, including potential

pesticide use, on an evaluation of the most current risk assessments. On a continuing basis, the State shall research and evaluate means of reducing disease-carrying mosquitoes without the use of pesticides. When the Department of Health and Human Services determines that the disease risk is high and public education efforts are insufficient to adequately prevent mosquito-borne diseases in the State, the Department of Health and Human Services may declare a mosquito-borne disease public health threat pursuant to Title 22, chapter 257-B and the State may undertake emergency activities to reduce disease-carrying mosquito populations that threaten the health of residents of this State. The State in undertaking emergency activities shall use a combination of the lowest risk, most effective integrated pest management techniques and science-based technology and shall consult with officials from affected municipalities in determining the most appropriate combination of response strategies.

§172. Department lead agency; powers of commissioner

1. Lead agency. The department is the lead agency of the State for carrying out mosquito management activities as described in this chapter.

2. Management methods. The commissioner may use appropriate methods for the management of mosquitoes and the prevention of their breeding in a manner consistent with section 171, including, but not limited to, conducting or contracting for mosquito management activities and purchasing equipment necessary for the purposes of carrying out this chapter.

§173. Duties of commissioner

1. Study; plan; arrange cooperation. When sufficient money for such purposes is available in the fund, the commissioner, in cooperation with appropriate personnel from the Department of Health and Human Services, shall:

A. Consider and study mosquito management problems, including mosquito surveillance;

B. Identify means of managing disease-carrying mosquitoes in a manner that minimizes pesticide use;

C. Coordinate plans for mosquito management work that may be conducted by private landowners, groups, organizations, municipalities, counties and mosquito management districts formed pursuant to section 175; and

D. Arrange, to the extent practicable, cooperation among state departments and with federal agencies in conducting mosquito management operations within the State.

2. Consultation. The commissioner shall consult with the University of Maine Cooperative Extension and private sector experts and municipalities in devel-