

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 2016 to August 2, 2017

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2017

Sec. 10. 7 MRSA §100, sub-§1, as enacted by PL 2005, c. 563, §3, is amended to read:

1. Violation by driver. Upon receipt of a written report alleging that a ~~teamster~~ driver has violated the laws or rules governing pulling events, the Pull Events Commission may after a hearing disqualify a ~~teamster driver~~ driver from participation in pulling events.

See title page for effective date.

CHAPTER 208

H.P. 976 - L.D. 1418

An Act To Ban the Purchase of Retail Marijuana and Retail Marijuana Products with Temporary Assistance for Needy Families Program Benefits

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

Sec. 1. 22 MRSA §3763, sub-§11, ¶¶H and I, as enacted by PL 2015, c. 484, §1, are amended to read:

H. Publications, services or entertainment that contain or promote obscene matter. For purposes of this paragraph, "obscene matter" has the same meaning as in Title 17, section 2911, subsection 1, paragraph D; ~~or~~

I. Tattoos, as defined by Title 32, section 4201, or body art; or

Sec. 2. 22 MRSA §3763, sub-§11, ¶J is enacted to read:

J. Retail marijuana and retail marijuana products, as defined by Title 7, section 2442.

See title page for effective date.

CHAPTER 209

S.P. 497 - L.D. 1442

An Act To Raise the Debtor's Exemption on Vehicles

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

Sec. 1. 14 MRSA §4422, sub-§2, as amended by PL 2001, c. 306, §2, is further amended to read:

2. Motor vehicle. The debtor's interest, not to exceed ~~\$5,000~~ \$7,500 in value, in one motor vehicle.

See title page for effective date.

CHAPTER 210

S.P. 498 - L.D. 1443

An Act To Update Professional and Occupational Licensing Laws

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

PART A

Sec. A-1. 10 MRSA §1404, first ¶, as amended by PL 1989, c. 717, §1, is further amended to read:

A statutory warranty is hereby established under which both the manufacturer and the dealer certify that to the best of their knowledge, the new ~~mobile~~ manufactured home is free from any substantial defects in the approved building systems, materials and workmanship. The dealer shall deliver the written warranty to the buyer at the time of sale, and the warranty ~~shall~~ must contain the following terms:

Sec. A-2. 10 MRSA §1404, sub-§1, as enacted by PL 1973, c. 435, is amended to read:

1. Defects. That the ~~mobile~~ manufactured home is free from any substantial defects in materials or workmanship;

Sec. A-3. 10 MRSA §1404, sub-§3, as enacted by PL 1973, c. 754, §2, is amended to read:

3. Liability. That the manufacturer and dealer ~~shall be~~ are jointly and severally liable to the consumer for the fulfillment of the terms of warranty, and the consumer may notify either one or both of the need for appropriate corrective action in instances of substantial defects in the approved building systems, materials or workmanship;

Sec. A-4. 10 MRSA §1404, sub-§5, as amended by PL 1989, c. 717, §2, is further amended to read:

5. Responsibility. That, while the manufacturers of any ~~or all~~ appliances may also issue their own express warranties, the primary responsibility for appropriate corrective action under the warranty rests with the dealer and manufacturer, and the consumer should report all complaints to the dealer and manufacturer initially; and

Sec. A-5. 10 MRSA §1404-A, sub-§§1 and 2, as enacted by PL 1993, c. 642, §7, are amended to read:

1. Approved building systems, materials and workmanship. That the installation is free from any substantial defects in the approved building systems, materials or workmanship;

2. Corrective action. That the installer or the installer and the dealer, when the dealer is responsible for the installation, shall take appropriate corrective action at the site of the manufactured housing in instances of substantial defects in the approved building systems, materials or workmanship that become evident within one year from the date of the installation of the manufactured housing if the buyer or the buyer's transferee gives written notice of the defects to the installer or the installer and the dealer, when the dealer is responsible for installation, at the installer's or the installer's and the dealer's business addresses no later than one year and 10 days after the date of installation;

PART B

Sec. B-1. 10 MRSA §9001, sub-§1, ¶D, as amended by PL 2005, c. 678, §2 and affected by §13, is further amended to read:

D. Manufactured housing may present hazards to the health, life and safety of persons and to the safety of property unless properly manufactured because vital parts ~~such as, including but not limited to~~ heating, plumbing and electrical and structural systems, are concealed and defects may not be readily ascertainable when inspected by a purchaser. Accordingly, it is the policy and purpose of this State to provide protection to the public against those possible hazards; and

Sec. B-2. 10 MRSA §9002, sub-§2-B is enacted to read:

2-B. Educational facility. "Educational facility" means an academic institution providing education designed to provide career and technical training to its students through the construction of manufactured homes. "Educational facility" includes but is not limited to career or technical schools, high schools and postsecondary programs.

Sec. B-3. 10 MRSA §9002, sub-§3, as repealed and replaced by PL 1981, c. 152, §3, is amended to read:

3. Federal manufactured home construction and safety standard. "~~Federal Manufactured Housing Construction and Safety Standard~~ manufactured home construction and safety standard" means a reasonable the standard for the construction, design and performance of a manufactured home ~~which~~ that meets the needs of the public including the need for quality, durability and safety ~~which and that~~ and that has been duly adopted by the Federal Government pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended by the

Manufactured Housing Improvement Act of 2000, 42 United States Code, Section 5401, et seq.

Sec. B-4. 10 MRSA §9002, sub-§5, as enacted by PL 1977, c. 550, §1, is amended to read:

5. Inspection agency. "Inspection agency" means an approved person or organization, public or private, determined by the board to be qualified by reason of facilities, personnel and demonstrated ability and independence of judgment to provide for inspection and approval of the design, construction or installation of manufactured housing in compliance with the standards and the ~~regulations promulgated~~ rules adopted in accordance with this Act.

Sec. B-5. 10 MRSA §9002, sub-§6, as repealed and replaced by PL 2001, c. 260, Pt. A, §1, is amended to read:

6. Installation. "Installation" means:

A. The ~~affixing~~ placing of manufactured housing on ~~foundations~~ a foundation or supports at a building site; and

B. The assembly and fastening of structural components of manufactured housing, including the completed roof system, as specified by the manufacturer's installation instructions and in accordance with the rules of the board.

For manufactured housing as defined in subsection 7, paragraphs A and C, "installation" also includes the connection to existing services, including but not limited to electrical, oil, gas, water, sewage and similar systems that are necessary for the use of the manufactured housing for dwelling purposes.

Sec. B-6. 10 MRSA §9002, sub-§7, ¶B, as amended by PL 2005, c. 344, §4, is further amended to read:

B. State-certified modular homes, which are those units that the manufacturer certifies are constructed in compliance with ~~the State's Manufactured Housing~~ this Act and regulations rules, meaning structures, transportable in one or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained therein. "Manufactured housing" ~~does not include modular homes constructed at an educational facility by students pursuant to rules adopted by the board~~;

Sec. B-7. 10 MRSA §9002, sub-§12 is enacted to read:

12. Person. "Person" means an individual or entity, including but not limited to a corporation, partnership, firm, organization, company, homeowner, consumer or purchaser.

Sec. B-8. 10 MRSA §9003, sub-§2, ¶F, as repealed and replaced by PL 1995, c. 462, Pt. A, §26, is amended to read:

F. One member who is an owner or operator of a ~~mobile home park with more than 15 lots~~ manufactured housing community;

Sec. B-9. 10 MRSA §9006, sub-§1, as amended by PL 1993, c. 642, §13, is further amended to read:

1. Standards. The board shall, by rule, set uniform reasonable standards for the installation of manufactured homes, including, but not limited to, standards for foundations, supports, anchoring ~~and~~ underpinning and skirting of manufactured homes installed in this State.

Sec. B-10. 10 MRSA §9006-B, as enacted by PL 1993, c. 186, §1, is amended to read:

§9006-B. Formaldehyde emissions; disclosure

In addition to requiring that the "Health Notice on Formaldehyde Emissions" set out in 24 Code of Federal Regulations 53280.309 be prominently displayed in each manufactured housing unit sold in the State and provided as part of the Manufactured Home Consumer Manual provided to each purchaser of a new manufactured ~~home~~ housing unit, the board shall require that a copy of that notice be provided to a purchaser of a new ~~mobile home~~ manufactured housing unit at the time of execution of the purchase and sales agreement, and that each purchaser sign a certification, provided at the bottom of that notice, that the purchaser has read and understood the contents of the notice before signing the purchase and sales agreement.

Sec. B-11. 10 MRSA §9008, sub-§1, as amended by PL 2005, c. 344, §7, is further amended to read:

1. Licenses. A person may not manufacture, sell, broker, distribute, install or service any manufactured housing in this State regardless of the destination of the housing without first obtaining a license from the board as required in this chapter.

Sec. B-12. 10 MRSA §9009, sub-§3, as amended by PL 2007, c. 402, Pt. D, §5, is further amended to read:

3. Remedies for manufacturing and building system defects. The board staff may investigate ~~all~~ any complaints made to the board of noncompliance with or violation of chapter 213 or a warranty applicable to the sale of manufactured housing. If the board finds, after hearing, that a manufacturer, dealer or developer dealer has sold, or is making available for sale, manufactured housing that poses a threat to public health or safety or has failed to comply with chapter 213 or an applicable warranty, express or implied, the

board may order the manufacturer, dealer or developer dealer or any combination thereof to take appropriate corrective action. Corrective action may include, but is not limited to, reimbursing consumers for repairs that are covered by warranty and made by the consumer if the consumer notifies the dealer, developer dealer or manufacturer in writing of the defect within a reasonable time prior to undertaking the repairs and the board finds that the repairs are or were necessary to correct or prevent an imminent threat to health or safety or to the structure of the manufactured housing. The board may also revoke or suspend the license of the manufacturer, dealer, developer dealer or any combination thereof to prevent any future threat to public health or safety. Notwithstanding the provisions of ~~Title 10, section 8003, subsection 5-A~~, revocations ordered by the board are subject to judicial review exclusively in the Superior Court in accordance with Title 5, chapter 375, subchapter 7. This subsection applies to any new manufactured housing that is sold to a consumer after January 1, 1993.

Sec. B-13. 10 MRSA §9011, sub-§1, as enacted by PL 1977, c. 550, §1, is amended to read:

1. Inspection of violations. The board may, upon complaint or probable cause, inspect the manufactured housing, manufacturing facilities, a licensee's business facilities or such records as may be necessary to verify whether a violation has occurred. If the board finds that a violation has occurred, it shall proceed ~~as~~ pursuant to section 9009.

Sec. B-14. 10 MRSA §9021, sub-§1, as amended by PL 2007, c. 402, Pt. D, §7, is further amended to read:

1. Licenses required. Any person who engages in the business of manufacturing, brokering, distributing, selling, installing or servicing manufactured housing, regardless of the destination of the housing, must first obtain a license issued by the board. The board shall, within a reasonable time, issue a license to any person who intends to manufacture, sell, install or service manufactured housing in this State subject to filing and approval of an application. Any person who is licensed to conduct these activities by other state or federal law is exempt from this requirement when the law provides for specific authority to provide a particular service or preempts the requirement for such a license. Active licensees of the Real Estate Commission are exempt from the licensing requirement for selling or brokering used manufactured housing and new manufactured housing if such housing is sold or offered for sale by a licensee of the board.

Sec. B-15. 10 MRSA §9021, sub-§2-A, as amended by PL 2009, c. 241, Pt. A, §4 and PL 2011, c. 286, Pt. B, §5, is further amended to read:

2-A. Fees. The Director of the Office of Professional and Occupational Regulation within the De-

partment of Professional and Financial Regulation may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes. The license fee to operate a ~~mobile home park~~ manufactured housing community pursuant to subchapter 6 may not exceed a base fee of \$60 plus an additional amount of up to \$6 per ~~mobile~~ manufactured home site. This fee must accompany each license application, including applications for ~~mobile home park~~ manufactured housing community expansion and license renewal. The review and evaluation fees authorized by section 9083 may not exceed the actual cost of the review or evaluation. The fee for any inspection authorized by this chapter may not exceed the actual cost of the inspection. The fee for each warranty seal required by section 9006-C, subsections 1 and 2 and each new dwelling unit required by section 9045 may not exceed \$200. The fee for any other purpose authorized by this chapter may not exceed \$200 annually. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. B-16. 10 MRSA §9022, sub-§3, as enacted by PL 1977, c. 550, §1, is amended to read:

3. Mechanics. Licensed mechanics may install or service ~~manufactured housing~~ HUD-code homes and pre-HUD-code homes and are exempt from any other licensing requirements of any state or political subdivisions, but must obtain any permits required.

Sec. B-17. 10 MRSA §9022, sub-§4, as enacted by PL 1999, c. 386, Pt. C, §3, is amended to read:

4. Installers. Licensed installers may install ~~manufactured housing~~ and service state-certified modular homes and are exempt from any other licensing requirements of any state or political subdivisions but must obtain any permits required.

Sec. B-18. 10 MRSA §9043, sub-§2, ¶B, as enacted by PL 1981, c. 152, §14, is amended to read:

B. The local enforcement agency ~~se~~ reports the compliance to the board in such form and detail as the board may reasonably require.

Sec. B-19. 10 MRSA §9043, sub-§4, as enacted by PL 1981, c. 152, §14, is amended to read:

4. Certification. The manufacturer of that housing, regardless of the approval alternative used, shall certify that the manufactured housing conforms to all applicable standards whether adopted by the board or local enforcement agency, as the case may be, and that manufacturer's certification ~~shall~~ must be permanently affixed to the manufactured housing in accordance with such requirements as the board may by ~~regulation~~ rule prescribe. Affixation of a certificate to manufactured housing ~~shall signify~~ signifies the manufacturer's representation and warranty to all purchasers of the

housing that the housing was manufactured in accordance with all applicable standards of the board or the local enforcement agency, as the case may be, in effect on the date of manufacture.

Sec. B-20. 10 MRSA §9044, sub-§3, as enacted by PL 1981, c. 152, §14, is amended to read:

3. Suspension of qualification. Qualification of an inspection agency ~~shall~~ must be suspended by the board if, after appropriate notice and administrative hearing, it determines the agency is no longer qualified as meeting the standards adopted pursuant to subsection 1. The board may request information and documentation and may conduct such reviews and inspections of the work of a qualified agency as the board determines are necessary to reasonably ~~assure~~ ensure continuing compliance of the qualified agency with the standards adopted pursuant to subsection 1.

Sec. B-21. 10 MRSA §9046, as amended by PL 2005, c. 344, §21, is further amended to read:

§9046. Complaint investigation

Upon complaint by any person concerning an alleged violation of this chapter, the board ~~shall~~ may investigate and determine, or ~~shall~~ may cause to be investigated and determined, whether the unit complies with established ~~regulations~~ rules. The board shall notify the complainant of the complainant's right to relief under section 9011, subsection 4. If the board determines the defect occurred in other similar manufactured housing, the board shall notify all ascertainable purchasers of the housing, in accordance with the records obtained from the manufacturer and dealer of their possible right of action under this subchapter. Failure of the manufacturer, dealer or developer dealer to retain reasonable business records or to provide access to those records in response to a request by the board pursuant to this subchapter is a violation of this chapter.

Sec. B-22. 10 MRSA §9047, sub-§3, as enacted by PL 1981, c. 152, §14, is amended to read:

3. Corrections. The licensed person responsible for ~~a~~ noncompliance with the standards adopted by the board or for the creation of a safety hazard shall promptly ~~effect~~ make or cause to be made such repairs and modifications as may be necessary to correct the nonconformance or eliminate the safety hazard. Any licensed person who fails to make these repairs or modifications ~~shall be~~ is subject to section 9009.

Sec. B-23. 10 MRSA §9051, sub-§§1 and 2, as repealed and replaced by PL 1981, c. 152, §15, are amended to read:

1. Violation. The board ~~shall~~ may cause to be investigated any complaint of an alleged violation by any licensee or of any ~~regulations~~ rules adopted by the board, either by its own inspector or any authorized agency to determine the validity of the complaint.

A. Within one year and 10 days after installation, any home buyer of new manufactured housing may file a complaint about any defective construction or installation defect.

B. Any person having knowledge of a violation of this chapter may file a complaint within one year of that violation.

2. Form. ~~Complaints are to be made on a form prescribed~~ may be made in any form, as approved by the board providing whatever, as long as the complaint includes all information the board ~~deems~~ considers necessary.

Sec. B-24. 10 MRSA §9061, sub-§6, as enacted by PL 1981, c. 152, §16, is amended to read:

6. Manufacturer. "Manufacturer" means any person engaged in manufacturing or assembling manufactured homes, regardless of the destination of the homes, including any person engaged in importing homes for resale.

Sec. B-25. 10 MRSA §9066, sub-§1, ¶¶A and D, as amended by PL 1993, c. 642, §35, are further amended to read:

A. To manufacture for sale, lease, sell, offer for sale or lease or introduce, deliver or import into the State any manufactured housing that is manufactured on or after the effective date of any applicable federal manufactured housing home construction and safety standard that does not comply with that standard;

D. To fail to issue a certification required by 42 United States Code, Section 5415 or to issue a certification to the effect that a manufactured home conforms to all applicable federal manufactured housing home construction and safety standards, if that person in the exercise of due care has reason to know that the certification is false or misleading in a material respect;

Sec. B-26. 10 MRSA §9066, sub-§3, as enacted by PL 1981, c. 152, §16, is amended to read:

3. Persons who did not have reason to know that the home is not in conformity with standards. Subsection 1, paragraph A, ~~shall~~ does not apply to any person who establishes that ~~he~~ the person did not have reason to know in the exercise of due care that the manufactured home is not in conformity with applicable federal manufactured housing home construction and safety standards; or any person who, prior to the first purchase, holds a certificate by the manufacturer or importer of the manufactured home to the effect that the manufactured home conforms to all applicable federal manufactured housing home construction and safety standards, unless the person knows that the manufactured home does not so conform.

Sec. B-27. 10 MRSA §9081, sub-§1, as enacted by PL 1983, c. 553, §17, is amended to read:

1. Manufactured home. ~~"Mobile Manufactured home"~~ means a structure, transportable in one or more sections ~~which, that~~ is 8 body feet or more in width and is 32 body feet or more in length and ~~which that~~ is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein.

Sec. B-28. 10 MRSA §9081, sub-§2, as amended by PL 1991, c. 391, §7, is further amended to read:

2. Manufactured housing community. ~~"Mobile home park Manufactured housing community"~~ means a parcel or adjoining parcel of land, under single ownership, that has been planned and improved for the placement of 3 or more mobile manufactured homes, but does not include a construction camp.

Sec. B-29. 10 MRSA §9082, as enacted by PL 1983, c. 553, §17, is amended to read:

§9082. License required

~~No A person, corporation, firm or copartnership may not~~ conduct, control, manage or operate, for compensation, directly or indirectly, any ~~mobile home park, manufactured housing community~~ unless licensed by the board. Licenses issued ~~shall~~ must be displayed in a place readily visible to customers or other persons using a licensed establishment.

Any person, ~~corporation, firm or copartnership~~ desiring a license shall submit satisfactory evidence, in a form acceptable to the board, of its that person's ability to comply with the minimum standards of this subchapter and all regulations rules adopted thereunder under this subchapter.

Sec. B-30. 10 MRSA §9083, as repealed and replaced by PL 2007, c. 402, Pt. D, §13, is amended to read:

§9083. Fees

Application and license fees for ~~mobile home parks may be~~ manufactured housing communities are set under section 9021, subsection 2-A, including applications for ~~mobile home park~~ manufactured housing community expansion and license renewal. Fees ~~may~~ are also be set under section 9021, subsection 2-A for ~~mobile home park~~ manufactured housing community inspections; for the cost of reviewing engineering and site plans; for costs incurred in evaluating an applicant's eligibility for licensure as a ~~mobile home park~~ manufactured housing community; and for costs incurred in evaluating a licensee's ongoing compliance with the requirements of this subchapter and the rules of the board. Failure to pay costs billed to an applicant

or licensee within 90 days of the billing date constitutes grounds for license revocation, unless an extension for an additional period not to exceed 90 days is granted in writing by the board.

Sec. B-31. 10 MRSA §9084, first ¶, as amended by PL 2009, c. 241, Pt. A, §7, is further amended to read:

The board shall, within 30 days following receipt of application, issue a license to operate any ~~mobile home park~~ manufactured housing community that is found to comply with this subchapter and the rules adopted by the board.

Sec. B-32. 10 MRSA §9084, 2nd ¶, as amended by PL 1993, c. 642, §38, is further amended to read:

When any applicant is found, based upon an inspection by the board or by municipal inspection made according to section 9088, not in compliance with the requirements of this subchapter or rules adopted and approved pursuant to section 9085 or section 9088, subsection 1, the board may refuse issuance of the initial license but ~~shall~~ may issue a conditional license with such terms and conditions as required by the board except when conditions are found that present a danger to the health and safety of the public. A conditional license may not exceed 90 days. Failure by the conditional licensee to meet the terms and conditions specified permits the board to void the conditional license.

Sec. B-33. 10 MRSA §9084, 4th ¶, as amended by PL 2007, c. 402, Pt. D, §14, is further amended to read:

Upon the written request of the board, the Department of Health and Human Services, Maine Center for Disease Control and Prevention shall provide such technical services as may be required by the board to assist with inspections and licensing of new ~~mobile home parks~~ manufactured housing communities. The department may assess the ~~mobile home park~~ manufactured housing community owner a reasonable fee for these services.

Sec. B-34. 10 MRSA §9085, as amended by PL 1995, c. 381, §1 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

§9085. Rules

The board may make and enforce all necessary rules for the administration of this subchapter, and may repeal or amend such rules from time to time as may be in the public interest, insofar as that action is not in conflict with any of the provisions of this subchapter. ~~All rules of the Department of Health and Human Services governing mobile home parks in effect on the effective date of this subchapter remain in effect for a period not to exceed one year, unless sooner amended or repealed by the board. The board~~

~~shall accept as compliance with its rules documentation submitted by a seasonal mobile home park that substantially similar provisions required by other federal or state agencies have been met that duplicate provisions required by the board regarding matters of safety and health. In cases where there are federal and state laws, rules or regulations containing similar provisions, the stricter standard must apply.~~

Sec. B-35. 10 MRSA §9086, as enacted by PL 1983, c. 553, §17, is amended to read:

§9086. Right of entry and inspection

The board and any duly designated officer or employee thereof may enter upon the premises of any ~~mobile home park~~ manufactured housing community licensed pursuant to this subchapter at any reasonable time in order to determine the state of compliance with this subchapter and any rules in force pursuant ~~thereto~~ to this subchapter. The right of entry and inspection ~~shall extend~~ extends to any premises ~~which~~ under its jurisdiction that the board has reason to believe are being operated or maintained without a license, but no such entry or inspection of any premises may be made without the permission of the owner or person in charge ~~thereof of the premises~~ or, after hearing, upon order of the court.

Sec. B-36. 10 MRSA §9087, first ¶, as enacted by PL 1983, c. 553, §17, is amended to read:

Any person, ~~corporation, firm or copartnership~~ who ~~shall operate~~ operates any ~~mobile home park~~ manufactured housing community without first obtaining a license as required by this subchapter is guilty of a Class E crime. Each day any such person, ~~corporation, firm or copartnership~~ operates the manufactured housing community without obtaining a license constitutes a separate offense.

Sec. B-37. 10 MRSA §9088, first ¶, as enacted by PL 1983, c. 553, §17, is amended to read:

Notwithstanding any other provisions of this subchapter, the board may issue a license to ~~mobile home parks, as defined in section 9081, a~~ manufactured housing community on the basis of an inspection performed by an inspector who works for and is compensated by the municipality in which the establishment is located, but only if the following conditions have been met.

Sec. B-38. 10 MRSA §9090, as enacted by PL 1999, c. 203, §1, is amended to read:

§9090. Municipal foreclosure; unlicensed manufactured housing communities

Notwithstanding any other provision of law, a municipality that, as a result of the nonpayment of property taxes, forecloses and takes possession of real estate on which is located an unlicensed ~~mobile home park~~ manufactured housing community may, if the

municipality determines the ~~park~~ manufactured housing community poses a risk to public health, welfare or safety, close the ~~park~~ manufactured housing community and, with at least 30 days' prior written notice, evict the inhabitants of the ~~park~~ community. A municipality that takes possession of real estate on which is located an unlicensed ~~mobile home park~~ manufactured housing community does not enter a landlord and tenant relationship with any inhabitant of the ~~park~~ community and is not subject to the provisions of chapter 953 or any other laws governing relations between a landlord and tenant. This section does not apply to a municipality that is or becomes the licensed operator of the ~~mobile home park~~ manufactured housing community.

Sec. B-39. 14 MRSA §6001, sub-§1, as amended by PL 1995, c. 372, §1, is further amended to read:

1. Persons against whom process may be maintained. Process of forcible entry and detainer may be maintained against a disseisor who has not acquired any claim by possession and improvement; against a tenant holding under a written lease or contract or person holding under such a tenant; against a tenant where the occupancy of the premises is incidental to the employment of a tenant; at the expiration or forfeiture of the term, without notice, if commenced within 7 days from the expiration or forfeiture of the term; against a tenant at will, whose tenancy has been terminated as provided in section 6002; and against ~~mobile home~~ manufactured housing owners and tenants pursuant to Title 10, chapter 951, subchapter ~~VI~~ 6. When there are multiple occupants of an apartment or residence, the process of forcible entry and detainer is effective against all occupants if the plaintiff names as parties "all other occupants" together with all adult individuals whose names appear on the lease or rental agreement for the premises or whose tenancy the plaintiff has acknowledged by acceptance of rent or otherwise.

Sec. B-40. 33 MRSA §589, sub-§6, as amended by PL 2013, c. 209, §5, is further amended to read:

6. Membership camping operator. "Membership camping operator" means any person who offers camping or outdoor recreational opportunities through the use of camping sites and who solicits membership camping contracts paid for in cash, by installment or periodic payments, including annual fees, by which the purchasers of memberships obtain the right to use camping sites or other camping or recreational facilities of the membership camping operator. "Membership camping operator" does not include ~~mobile home parks~~ manufactured housing communities as defined in Title 10, section 9081. A membership camping operator is not a landlord pursuant to the landlord and tenant laws as provided in Title 14.

Sec. B-41. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 10, chapter 951, subchapter 6, in the subchapter headnote, the words "mobile home parks" are amended to read "manufactured housing communities" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

PART C

Sec. C-1. 32 MRSA §1501, first ¶, as amended by PL 2007, c. 402, Pt. J, §8, is further amended to read:

The State Board of Funeral Service may determine the qualifications necessary to enable any person to lawfully engage in the funeral service profession and operate a funeral establishment. The board shall examine all applicants for licenses for the practice of funeral service and shall issue a license to all persons who successfully pass that examination and pay the fee as set under section 1504. To be licensed for the practice of funeral service under this chapter, a person must be at least 18 years of age, ~~a resident of this State~~, must have successfully completed a prescribed course at a school or schools approved by the State Board of Funeral Service and must have served as a practitioner trainee for not less than 12 months under the personal supervision of a person licensed for the practice of funeral service and approved by the board. Each applicant shall demonstrate trustworthiness and competency to engage in the profession of funeral service in such a manner as to safeguard the interests of the public.

Sec. C-2. 32 MRSA §1503-A, as amended by PL 2007, c. 402, Pt. J, §11, is further amended to read:

§1503-A. Practitioner trainee

The board may issue a practitioner trainee license to an individual seeking to obtain the necessary experience to be licensed as a practitioner of funeral service. An individual who receives a practitioner trainee license shall register with the Maine Apprenticeship Program established under Title 26, section 3202 and complete 2,000 hours of training with a funeral establishment approved by the board under the instruction and supervision of a licensed funeral practitioner who is actively engaged in that practice.

~~In order for any person to receive credit for time served as a practitioner trainee, that person must have served 2,000 hours of employment with a funeral establishment approved by the State Board of Funeral Service under the instruction and supervision of a person licensed for the practice of funeral service and actively engaged in that practice, and must be licensed as a practitioner trainee with the board. Upon terminating employment, the practitioner trainee shall notify the board immediately, giving the date of termination. The practitioner trainee must repeat this proce-~~

ture with all subsequent employers, accurately showing the dates of beginning and of terminating apprenticeship employment. Before a funeral service license may be issued, the practitioner trainee must file with the board a certification of the trainee time served, signed by the practitioner trainee's employer or employers, before a notary public. Practitioner trainee requirements are satisfied in the case of an applicant who presents proof of present licensure as a practitioner of funeral service in another state at the time application is made for licensure as a practitioner of funeral service in this State.

PART D

Sec. D-1. 32 MRSA §3301, sub-§5, as amended by PL 1999, c. 386, Pt. L, §1, is further amended to read:

5. Master plumber. "Master plumber" means any ~~person, firm or corporation,~~ individual qualified under this chapter, engaging in, or about to engage in, the business of installing plumbing or plumbing systems. The license must specify the name of the ~~person, firm or corporation~~ individual to whom the license is issued ~~and in the case of a firm or corporation the license must further specify the licensed master plumber in whose name it is issued, pursuant to the requirements of section 3507.~~

Sec. D-2. 32 MRSA §3301, sub-§6, as amended by PL 1999, c. 386, Pt. L, §1, is further amended to read:

6. Trainee plumber. "Trainee plumber" means any person who is engaged in assisting in making plumbing installations under the direct supervision of ~~a one or more licensed journeyman plumber or master plumber plumbers or licensed master plumbers,~~ whether for the purpose of learning the trade or otherwise.

Sec. D-3. 32 MRSA §3302, sub-§1, as amended by PL 2009, c. 344, Pt. D, §12 and affected by Pt. E, §2, is further amended to read:

1. License required. A license is required for any ~~person, corporation, partnership or other entity~~ individual who is engaged in plumbing or performing plumbing installations. No license is required for any activity for which a permit is not required under Title 30, section 3223 or its successor. This section does not apply to the following:

A. Plumbing by regular employees of public utilities as defined in Title 35-A, section 102, when working as such;

B. Plumbing by oil burner technicians, duly licensed under chapter 139, and propane and natural gas installers, licensed under chapter 139, except that this exception only applies to hot and cold water connections to existing piping in the same room where the installation is taking place

and does not apply beyond any existing branch connection supplying water; ~~and~~

C. Plumbing by a person in a single-family residence occupied or to be occupied by that person as that person's bona fide personal abode ~~provided that~~ as long as the installation conforms with board laws and rules; ~~and~~

D. Plumbing by a pump installer who is duly licensed pursuant to section 4700-I, subsection 2, except that this exception is limited to installing piping from the cold water distribution pipe at the pressure tank's main shut-off valve to the existing water supply piping as long as the piping is located in the same room as the tank, the length of the piping is no longer than 15 feet and the piping does not extend beyond any existing branches. Such plumbing must conform to the board's laws and rules.

Sec. D-4. 32 MRSA §3403-B, sub-§2, as enacted by PL 1997, c. 727, Pt. C, §9, is amended to read:

2. Plumbing code violations. Any person who violates the rules adopted pursuant to this section ~~or is~~ subject to sanctions pursuant to Title 10, section 8003, subsection 5-A and any person who violates a municipal ordinance adopted pursuant to Title 30-A, sections 4201 and 4211 must be penalized in accordance with Title 30-A, section 4452. Enforcement of the rules is the joint responsibility of the municipalities and the board. The board or a municipality may seek to enjoin violations of the rules or municipal ordinances. In the prosecution of a violation by a municipality, the court shall award reasonable attorney's fees to a municipality if that municipality is the prevailing party, unless the court finds that special circumstances make the award of fees unjust.

Sec. D-5. 32 MRSA §3501, sub-§3, as amended by PL 2003, c. 250, Pt. B, §3, is further amended to read:

3. Trainee license. The board may issue a trainee plumber license without examination to any person who submits a written application on a form supplied by the board with the required fee set under section 3501-B and who provides satisfactory evidence that the person ~~has entered the employ of~~ is employed by a licensed master plumber ~~to~~ or an entity that employs a licensed master plumber or plumbers and will assist the licensed master plumber or plumbers as a plumber's trainee plumber. Any person employed as a trainee plumber shall apply for a license within 10 business days after the day the person commences employment.

Sec. D-6. 32 MRSA §3501-A, as amended by PL 2003, c. 250, Pt. B, §4, is further amended to read:

§3501-A. Examinations

An applicant for a master, journeyman or journeyman-in-training ~~plumbing plumber~~ license shall present to the board a written application for examination, containing information that the board requires, accompanied by the prescribed fee as set under section 3501-B. Examinations must be in whole or in part in writing and of a thorough and practical character commensurate with the responsibilities of the prospective license holder.

The passing grade on a master ~~plumbing plumber~~ license examination may not be less than 75%. The passing grade on a journeyman ~~plumbing plumber~~ license examination may not be less than 70%. ~~A candidate failing one examination may apply for reexamination, which may be granted upon payment of a fee established by the board. Any candidate for licensure having an average grade of less than 50% may not apply for reexamination for one year.~~

Sec. D-7. 32 MRSA §3507, as amended by PL 1999, c. 386, Pt. L, §12, is repealed.

PART E

Sec. E-1. 32 MRSA §7054-A, last ¶, as enacted by PL 1987, c. 395, Pt. B, §18, is repealed.

PART F

Sec. F-1. 32 MRSA §13067-A, sub-§9, as enacted by PL 2007, c. 402, Pt. BB, §12, is amended to read:

9. Suspension or revocation of license. Having had a professional or occupational license ~~suspended or revoked for disciplinary reasons or an application rejected for reasons related to untrustworthiness within 3 years prior to the date of application or had a professional or occupational license suspended or revoked for disciplinary reasons;~~ and

Sec. F-2. 32 MRSA §13180, as enacted by PL 1987, c. 395, Pt. A, §212, is amended to read:

§13180. Termination of employment

When any broker, associate broker or real estate sales agent is discharged or terminates his employment with a brokerage agency, ~~it shall be the duty of the designated broker to shall immediately deliver the license of the broker, associate broker or real estate sales agent to the commission. The designated broker shall simultaneously address send a communication to the last known address of the broker, associate broker or sales agent advising the broker, associate broker or sales agent that his license has been delivered or mailed to the commission has been notified. A The designated broker shall deliver a copy of the communication shall accompany the license when delivered to the commission.~~

Upon receipt of the notice of termination by the licensee, the license ~~shall become~~ is void and may only be reinstated or placed on inactive status after proper application and payment of the prescribed fee. It is unlawful for any broker, associate broker or real estate sales agent to perform any brokerage services without first receiving a new active license.

Sec. F-3. 32 MRSA §13182, as amended by PL 2007, c. 402, Pt. BB, §19, is further amended to read:

§13182. Agency license renewal

Agency licenses expire on December 31st, or at such times as the Commissioner of Professional and Financial Regulation may designate, of each biennial period for which it was issued. Upon application and payment of the fee as set under section 13007, a renewal license is issued for each ensuing biennial period in the absence of any reason or condition that might warrant denial of a license. The suspension, revocation or expiration of an agency or designated broker's license automatically ~~suspends voids~~ every license granted to any person by virtue of the person's employment by the agency whose license has been suspended, revoked or expired pending a change of employer and the issuance of a new license. The new license is issued without charge if granted during the same biennial period in which the original was granted.

Sec. F-4. 32 MRSA §13183, as enacted by PL 1987, c. 395, Pt. A, §212, is amended to read:

§13183. Acts authorized

An agency, through its designated broker, may perform all of the brokerage services contemplated by this chapter and may employ or retain others to perform brokerage services on behalf of the agency. The designated broker may also delegate any of ~~his~~ the designated broker's duties and authority provided for under this chapter to an agency affiliate, but when doing so ~~shall~~ is not be relieved of any responsibility imposed by this chapter.

Sec. F-5. 32 MRSA §13193, as amended by PL 2013, c. 217, Pt. K, §7, is further amended to read:

§13193. Nonresidents

In lieu of education and experience requirements, nonresident original license applicants must hold a similar active license in good standing in ~~their place of legal residence~~ another jurisdiction and ~~shall~~ must appear at such time and place as the director may designate for the purpose of written examination pertaining to Maine real estate laws.

Sec. F-6. 32 MRSA §13198, sub-§3, as amended by PL 2007, c. 402, Pt. BB, §27, is further amended to read:

3. Acts authorized. Each broker license granted entitles the holder to perform all of the acts contemplated under this chapter on behalf of an agency, including being designated by the agency to act for it ~~or as a branch office manager.~~

Sec. F-7. 32 MRSA §13199, sub-§3, as amended by PL 2007, c. 402, Pt. BB, §28, is further amended to read:

3. Acts authorized. Each associate broker license granted entitles the holder to perform all of the acts contemplated by this chapter, on behalf of an agency, ~~except serving as a designated broker or a branch office manager.~~

PART G

Sec. G-1. 32 MRSA §14507, sub-§2, as enacted by PL 1993, c. 444, §1, is amended to read:

2. Employees of the seller. The names and addresses of employees of the seller, ~~their dates of birth and social security numbers; and~~

Sec. G-2. 32 MRSA §14507, sub-§3, as amended by PL 2007, c. 402, Pt. KK, §4, is further amended to read:

3. Statement. At the time of making the application, a statement of all civil judgments or criminal convictions secured or outstanding against the seller that arises out of home repair services during the 4 years prior to making the application, all criminal and civil suits pending against the seller that arise out of home repair services and all criminal convictions and criminal suits pending for theft against the seller.

The seller shall promptly notify the department of all changes or additions in the information required by this section.

Knowingly, intentionally or recklessly making a false statement in an application is grounds for denial of the application or revocation of the license; ~~and.~~

Sec. G-3. 32 MRSA §14507, sub-§4, as enacted by PL 1993, c. 444, §1, is repealed.

PART H

Sec. H-1. 32 MRSA §15109, sub-§1, ¶B, as enacted by PL 1995, c. 560, Pt. H, §14 and affected by §17, is repealed.

Sec. H-2. 32 MRSA §15109, sub-§3, ¶B, as enacted by PL 1995, c. 560, Pt. H, §14 and affected by §17, is repealed.

Sec. H-3. 32 MRSA §15113, last ¶, as amended by PL 2013, c. 70, Pt. C, §28, is further amended to read:

If a boiler or pressure vessel subject to this section is moved from one location to another, notice must be given to the director of the removal and of the new

location in which the boiler or pressure vessel is to be set up.

PART I

Sec. I-1. 32 MRSA §18133, sub-§2, ¶B, as amended by PL 2015, c. 169, §5, is further amended to read:

B. Six months of licensed practical experience as an apprentice oil burner technician or solid fuel technician and completion of ~~an~~ a board-approved oil burner or solid fuel technician course at a community college, career and technical education center or career and technical education region or a comparable institute in the State or another state consisting, at a minimum, of 160 hours of study, of which at least 75 hours are made up of laboratory work on oil burning equipment and related systems; or

Sec. I-2. 32 MRSA §18135, as enacted by PL 2009, c. 344, Pt. C, §3 and affected by Pt. E, §2, is amended to read:

§18135. Propane and natural gas technician

1. Scope of license. A propane and natural gas technician may install, repair or service propane or natural gas equipment and must be authorized in one or more of the following authorities:

A. Appliance connection and service, which permits the technician to install and service propane and natural gas appliances up to 500,000 BTUs per appliance;

B. Delivery, which permits the technician to deliver propane, either by liquid transfer into a stationary container on the property of the consumer or by placing a portable container on the property of the consumer;

C. Large equipment connection and service, which permits the technician to install and service propane and natural gas appliances over 500,000 BTUs per appliance;

D. Plant operation, which permits the technician to work at a propane facility as defined in NFPA standards, Number 58; or

E. Tank setting and outside piping, which permits the technician to set and maintain propane tanks and outside piping.

2. Professional qualifications. Each applicant for a propane and natural gas technician license must pass an examination approved by the board and meet one of the following qualifications:

A. Successful completion of the certified employee training program of a national propane gas association; or

B. Successful completion of a board-approved propane or natural gas course at a Maine community college, career and technical education center or career and technical education region or a comparable institute of this State or another state and passage of an examination approved by the board.

An out-of-state applicant must present satisfactory evidence to the board of experience in installing, cleaning, servicing, altering and repairing propane and natural gas burning equipment.

Sec. I-3. 32 MRSA §18138, as enacted by PL 2009, c. 344, Pt. C, §3 and affected by Pt. E, §2, is amended to read:

§18138. Oil energy auditor

1. Scope of license. ~~A limited~~ An oil energy auditor's privileges to practice are restricted to the performance of combustion safety and efficiency testing on oil-fired space-heating equipment or water-heating equipment to ensure health and safety standards and do not include any adjustment of oil-fired space-heating equipment or water-heating equipment.

2. Professional qualifications. ~~A limited~~ An oil energy auditor must provide to the board, at a minimum, satisfactory evidence of relevant training and written and field certification that conform to standards established by a nationally recognized building performance industry certification and quality assurance program, the equivalent residential energy auditor certification program in the State or an equivalent training and education program as determined by the board.

Sec. I-4. 32 MRSA §18139, as enacted by PL 2009, c. 344, Pt. C, §3 and affected by Pt. E, §2, is amended to read:

§18139. Propane and natural gas energy auditor

1. Scope of license. A ~~limited~~ propane energy auditor's privileges are restricted to the performance of combustion safety and efficiency testing on natural gas-fired or propane gas-fired space-heating equipment or water-heating equipment to ensure health and safety standards and do not include any adjustment of natural or propane gas-fired space-heating equipment or water-heating equipment.

2. Professional qualifications. A ~~limited~~ propane energy auditor must provide to the board, at a minimum, satisfactory evidence of relevant training and written and field certification that conform to standards established by a nationally recognized building performance industry certification and quality assurance program, the equivalent residential energy auditor certification program in the State or an equivalent training and education program as determined by the board.

Sec. I-5. 32 MRSA §18140, as enacted by PL 2009, c. 344, Pt. C, §3 and affected by Pt. E, §2, is amended to read:

§18140. Tank installer

1. Scope of license. A ~~limited~~ tank installer's privileges to practice are restricted to installing outside residential heating oil tanks at manufactured housing as defined by Title 10, section 9002, subsection 7, paragraph A.

2. Issuance of license. The following provisions govern the issuance of a ~~limited~~ tank installer's license.

A. A ~~limited~~ tank installer's license may be issued to:

- (1) A licensed manufactured housing mechanic as defined in Title 10, section 9002; or
- (2) The owner of a manufactured housing dealership for the ~~limited~~ purpose of installing heating oil tanks at manufactured housing that has been sold by the owner. The license is revoked upon the owner ceasing to operate as a manufactured housing dealer.

B. A ~~limited~~ tank installer's license may be issued jointly to a licensed manufactured housing dealer, as defined in Title 10, section 9002, and an individual employee of the dealer who is named as the corecipient of the joint ~~limited~~ tank installer's license. The corecipient dealer and employee are restricted to installing heating oil tanks at manufactured housing that was sold by the dealer. The joint ~~limited~~ tank installer's license is revoked upon termination of the employee named as the corecipient of the joint ~~limited~~ tank installer's license from the employ of the dealer.

3. Professional qualifications. A ~~limited~~ tank installer must provide satisfactory evidence to the board of completion of a board-approved training program of at least 4 hours for proper installation of an outside oil tank.

Sec. I-6. 32 MRSA §18141, as enacted by PL 2009, c. 344, Pt. C, §3 and affected by Pt. E, §2, is amended to read:

§18141. Wood pellet technician

A ~~limited~~ wood pellet technician's privileges to practice are restricted to cleaning the ash pan, cleaning the burn pot, scraping and cleaning the distribution tubes, emptying fines from the collection box and cleaning the fan.

PART J

Sec. J-1. 32 MRSA §18325, sub-§1-A is enacted to read:

1-A. Authority to file in court. If the board concludes that suspension or revocation of a license is

warranted, the board may file a complaint in the District Court in accordance with Title 4, chapter 5.

See title page for effective date.

CHAPTER 211

H.P. 1069 - L.D. 1551

An Act To Amend the Maine Tax Laws

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

PART A

Sec. A-1. 5 MRSA §1710-J, as amended by PL 2001, c. 652, §1, is repealed and the following enacted in its place:

§1710-J. Access to information

The Department of Administrative and Financial Services shall provide certain information and data to the committee in order to assist the committee in performing its statutory duties. The committee members and staff are subject to the provisions governing confidentiality of tax information described in Title 36, section 191 with regard to disclosures made pursuant to this section.

1. Statistical data. The Associate Commissioner for Tax Policy shall provide to the committee upon request any statistical tax data that may be published pursuant to Title 36, section 191, subsection 2, paragraph B.

2. Capital gains data. The Associate Commissioner for Tax Policy shall provide information annually to the committee before the committee's December 1st report pursuant to section 1710-F concerning the amount of actual capital gains and losses experienced by resident taxpayers filing income tax returns in the State under Title 36, Part 8 for tax years ending in the calendar year 2 years prior. Data reported concerning capital gains and losses may be distributed by decile or quartile. In the absence of actual data, the Associate Commissioner for Tax Policy may provide estimates of the capital gains or losses experienced.

3. Confidential tax information. Consistent with Title 36, section 191, subsection 2, paragraph CCC, the Associate Commissioner for Tax Policy may provide to the committee any additional tax information, including confidential tax information, that will assist the committee in performing its statutory duties. Any confidential tax information must be disclosed in only oral or paper form; any disclosure in paper form must be returned to the State Tax Assessor or destroyed once the committee chair determines that the committee has completed its use of the information. The committee shall discuss disclosed confidential tax

information in a manner that preserves the confidentiality of that information, including meeting in executive session not open to the public in accordance with Title 1, section 405.

Sec. A-2. 36 MRSA §175-A, sub-§1, as amended by PL 1999, c. 699, Pt. D, §26 and affected by §30, is further amended to read:

1. Filing. ~~¶~~ Before August 1, 2017, if any tax imposed by this Title or imposed by any other provision of law and authorized to be collected by the bureau is not paid when due and no further administrative or judicial review of the assessment is available pursuant to law, the assessor may file in the registry of deeds of any county, with respect to real property, or in the office of the Secretary of State, with respect to property of a type a security interest in which may be perfected by a filing in such office under Title 11, Article 9-A, a notice of lien specifying the amount of the tax, interest, penalty and costs due, the name and last known address of the person liable for the amount and, in the case of a tax imposed by this Title, the fact that the assessor has complied with all the provisions of this Title in the assessment of the tax. The lien arises at the time the assessment becomes final and constitutes a lien upon all property, whether real or personal, then owned or thereafter acquired by that person in the period before the expiration of the lien. The lien imposed by this section is not valid against any mortgagee, pledgee, purchaser, judgment creditor or holder of a properly recorded security interest until notice of the lien has been filed by the assessor, with respect to real property, in the registry of deeds of the county where such property is located and, with respect to personal property, in the office in which a financing statement for such personal property is normally filed. Notwithstanding this subsection, a tax lien upon personal property does not extend to those types of personal property not subject to perfection of a security interest by means of the filing in the office of the Secretary of State. The lien is prior to any mortgage or security interest recorded, filed or otherwise perfected after the notice, other than a purchase money security interest perfected in accordance with Title 11, Article 9-A. In the case of any mortgage or security interest properly recorded or filed prior to the notice of lien that secures future advances by the mortgagee or secured party, the lien is junior to all advances made within 45 days after filing of the notice of lien, or made without knowledge of the lien or pursuant to a commitment entered into without knowledge of the lien. Subject to the limitations in this section, the lien provided in this ~~section~~ subsection has the same force, effect and priority as a judgment lien and continues for 10 years from the date of recording unless sooner released or otherwise discharged. The lien may, within the 10-year period, or within 10 years from the date of the last extension of the lien in the manner provided in this subsection, be extended by filing for record in the