

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

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THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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

J.S. McCarthy Company
Augusta, Maine
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

not more than one grant is made to any applicant each year, except that the commissioner may pay up to 50% of the expense of individual projects serving commercial establishments or up to 25% of the expense of individual projects serving seasonal dwellings. An applicant who is the owner of a single-family dwelling or commercial establishment served by a pollution abatement construction program under this paragraph is not eligible for a grant if: for a single-family dwelling, the sum of the adjusted gross income of all ~~persons listed on the deed of record~~ the owners exceeded \$30,000 in the previous taxable year; or for a commercial establishment, the gross profit ~~earnings~~ exceeded \$30,000 in the previous taxable year. To determine eligibility, the commissioner may require an applicant to submit a copy of the ~~deed of record and a copy of the~~ relevant federal income tax return of the owner or owners. In addition to any penalty adjudged under section 349, a person who knowingly makes any false statement, representation or certification in the application for a grant under this paragraph and who receives such a grant shall, upon conviction, make restitution to the department in an amount equal to the amount of the grant plus interest and reasonable recovery cost incurred by the department.

Sec. 2. 38 MRSA §411-A, sub-§2, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §25, is further amended to read:

2. Cost-share. The commissioner shall determine the portion of project expenses eligible for grants under this section as follows.

- A. The commissioner shall pay 90% of the costs of a project that results in the removal of a year-round residential overboard discharge.
- B. The commissioner shall pay 50% of the costs of a project that results in the removal of a commercial overboard discharge.
- C. The commissioner shall pay 25% of the costs of a project that results in the removal of a seasonal residential overboard discharge.

For the purposes of this section and section 414-A, ~~seasonal~~ "year-round residential overboard discharge" means an overboard discharge from a human habitation occupied for ~~less~~ more than 6 months in any calendar year and is the legal residence of the owner for federal and state income tax purposes.

Sec. 3. 38 MRSA §414-A, sub-§1-B, ¶B, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §30, is further amended to read:

- B. For the purposes of this subsection, the department may not require the installation or use of wastewater holding tanks as a "technologically

proven alternative method of wastewater disposal" except in the following cases:

- (1) Seasonal residential overboard discharges that are located on the mainland or on any island connected to the mainland by vehicle bridge or by scheduled car ferry service; ~~and~~
- (2) All overboard discharges located within the boundaries of a sanitary or sewer district when the district has agreed to service and maintain the holding tank at an annual fee that does not exceed those fees charged to other similar users of the district's services who are physically connected to the sewers of the district; ~~and~~
- (3) All overboard discharges located within the municipality when the municipality has agreed to service and maintain the holding tank at an annual fee that does not exceed those fees charged to other similar users of the municipality's services who are physically connected to the sewers of the municipality.

See title page for effective date.

CHAPTER 224

S.P. 341 - L.D. 1038

An Act Clarifying Certain Traffic Infraction Provisions of the Motor Vehicle Laws

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

Sec. 1. 29 MRSA §1, sub-§17-C, as amended by PL 1991, c. 549, §10 and affected by §17, is further amended to read:

17-C. Traffic infraction. "Traffic infraction" means any violation of any provision of this Title, or of any rules established under this Title, not expressly defined as a felony, misdemeanor or crime, and otherwise not punishable by incarceration or, unless specifically authorized, by a fine of more than \$500. A traffic infraction includes any offense referred to in this Title as a civil violation and is not a crime, but is a civil violation and the penalty therefor may not be deemed for any purpose a penal or criminal punishment. There is no right to trial by jury for a traffic infraction. The exclusive penalty for a traffic infraction violation of any public or private law of this State, or of any rule adopted pursuant to any law of this State, is a fine and suspension of license, permit, the right to operate a motor vehicle in this State and the right to apply for or obtain a license or permit, or both. The exclusive penalty for a traffic infraction violation of

any ordinance enacted by any political subdivision of this State is a fine.

The term "traffic infraction" as used in any public or private law of this State, or in any rule adopted pursuant to any law of this State, or in any ordinance enacted by any political subdivision of this State, has this same meaning and effect.

Sec. 2. 29 MRSA §1312-F, sub-§3, as enacted by PL 1987, c. 525, is amended to read:

3. Penalty. Any person who violates this section commits a ~~civil violation~~ traffic infraction for which a forfeiture of not more than \$500 may be adjudged.

Sec. 3. 29 MRSA §1368-B, sub-§4, as enacted by PL 1983, c. 299, is repealed.

Sec. 4. 29 MRSA §1368-B, sub-§6, as enacted by PL 1983, c. 299, is amended to read:

6. Penalty. ~~Following the initial 6-month warning period, A violation of this section is a civil violation for which a forfeiture of \$25 for the first violation and \$50 for each subsequent violation may be adjudged~~ traffic infraction. The court shall waive any ~~civil~~ fine or cost against a parent or legal guardian who receives a ~~civil violation~~ traffic infraction citation for a first violation of this section if the parent or legal guardian supplies the court with satisfactory evidence that the parent or guardian has acquired or purchased a child safety seat for continuous use by the child of the parent or guardian. This child safety seat ~~shall~~ must comply with the standards described in Federal Motor Vehicle Safety Standards, 49 Code of Federal Regulations, Part 571, in effect January 1, 1981, within 30 days of the issuance of the ~~civil violation~~ traffic infraction citation.

Sec. 5. 29 MRSA §1368-C, sub-§1, as amended by PL 1991, c. 548, Pt. F, §1 and affected by §2, is further amended to read:

1. Persons at least 4 but under 19 years of age. When a person 4 years of age or older, but less than 19 years of age, is a passenger in a motor vehicle that is required by the United States Department of Transportation to be equipped with seat belts, the operator or passenger must be properly secured in a seat belt or in a child safety seat that meets the requirements set out in 49 Code of Federal Regulations, Part 571. The failure by the operator of a motor vehicle to ensure that the operator and any passengers are secured by a seat belt or a child safety seat as required by this subsection while the vehicle is being operated is a ~~civil violation~~ traffic infraction punishable as provided in subsection 4.

Sec. 6. 29 MRSA §1368-C, sub-§3, as amended by PL 1991, c. 470, is repealed.

Sec. 7. 29 MRSA §1368-C, sub-§4, as amended by PL 1991, c. 445, is amended to read:

4. Penalty. Violation of this section is a ~~civil violation for which a forfeiture of \$25 for the first violation and \$200 for each subsequent violation may be adjudged~~ traffic infraction.

Sec. 8. 29 MRSA §1376, 7th ¶, as enacted by PL 1979, c. 593, is amended to read:

Violation of this section is a ~~civil violation for which a forfeiture of \$25 for the first violation and \$50 for each subsequent violation shall be adjudged~~ traffic infraction.

Sec. 9. 29 MRSA §2019, sub-§2-A, as enacted by PL 1991, c. 273, is amended by amending the first ¶ to read:

2-A. Registered owner's liability for vehicle illegally passing a school bus. A person who is a registered owner of a vehicle at the time that vehicle is involved in a violation of subsection 2 commits a ~~civil violation~~ traffic infraction. For purposes of this subsection, "registered owner" includes a person issued a dealer or transporter registration plate.

Sec. 10. 29 MRSA §2019, sub-§2-A, ¶E, as enacted by PL 1991, c. 273, is amended to read:

E. Notwithstanding subsection 5, a person who violates this subsection commits a ~~civil violation for which a forfeiture of not less than \$50 or more than \$250 may be adjudged~~ traffic infraction.

Sec. 11. 29 MRSA §2184, sub-§1, ¶E, as repealed and replaced by PL 1991, c. 293, §2, is amended to read:

E. Has failed to answer or to appear in court pursuant to any notice or order specified in section 2301-A or 2301-B.

Sec. 12. 29 MRSA §2610, sub-§5-A, as enacted by PL 1991, c. 349, is amended to read:

5-A. Abandonment of vehicle on public way. Abandonment of a vehicle on a public way is a ~~civil violation for which a forfeiture not to exceed \$250 may be adjudged~~ traffic infraction. A person who is found to have abandoned a vehicle under this subsection is responsible for any towing charges that are directly related to the abandonment of the vehicle.

See title page for effective date.