

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST SPECIAL SESSION**  
**August 21, 2003 to August 22, 2003**

**The General Effective Date For**  
**First Special Session**  
**Non-Emergency Laws Is**  
**November 22, 2003**

**SECOND REGULAR SESSION**  
**January 7, 2004 to January 30, 2004**

**The General Effective Date For**  
**Second Regular Session**  
**Non-Emergency Laws Is**  
**April 30, 2004**

**SECOND SPECIAL SESSION**  
**February 3, 2004 to April 30, 2004**

**The General Effective Date For**  
**Second Special Session**  
**Non-Emergency Laws Is**  
**July 30, 2004**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2004**

- G. Name the municipality claiming the lien;
- H. Set forth the phrase "NOTICE OF PERSONAL PROPERTY TAX LIEN" in that part of the financing statement otherwise used to describe the collateral;
- I. Indicate that the notice is filed as a non-UCC filing; and
- J. Indicate that the taxpayer or owner, if an organization, has no organizational identification number, regardless of whether such a number may exist for that entity.

The Except as provided in this subsection, the notice of lien need not contain the information required by Title 11, section 9-1516, subsection (2), paragraph (e), subparagraph (iii) and must be accepted for filing without that information notwithstanding the provisions of Title 11, section 9-1520, subsection (1). A copy of the notice of lien must be given by certified mail, return receipt requested, at the last known address, to the taxpayer, to the owner, if the owner is not the taxpayer, and to any party who has asserted that it holds an interest in any of the property that is subject to the lien in an authenticated notification received by the municipality within 5 years prior to the date on which the municipality sends the notice of lien for filing, or who has filed a financing statement with the office identified in Title 11, section 9-1501, subsection (1), paragraph (b) that remains effective as of the date on which the municipality sends the notice of lien for filing. Failure to give notice to any secured party who has a perfected security interest prevents the lien from taking priority over that security interest, but does not otherwise affect the validity of the lien.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect July 1, 2004.

Effective July 1, 2004.

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**CHAPTER 632**

**S.P. 619 - L.D. 1687**

**An Act To Protect the Privacy of Home Information of Maine State Retirement System Members, Benefit Recipients and Staff**

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

**Sec. 1. 5 MRSA §17057, sub-§3** is enacted to read:

**3. Home contact information.** Except as provided in this subsection, records of home contact information of retirement system members, benefit recipients or staff members that are in the possession of the retirement system are confidential, not open to public inspection and not public records as defined in Title 1, section 402, subsection 3.

A. For purposes of this subsection, "home contact information" means a home address, home telephone number, home facsimile transmission number or home e-mail address.

B. This subsection does not apply to home contact information of a retirement system member or benefit recipient if that person has signed a waiver of the confidentiality of the member's or recipient's home contact information. The retirement system shall make available a waiver form for such purpose.

See title page for effective date.

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**CHAPTER 633**

**S.P. 626 - L.D. 1694**

**An Act To Amend the Motor Vehicle Laws**

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

**Sec. 1. 25 MRSA §2103-A, sub-§1**, as enacted by PL 1989, c. 754, Pt. C, §1, is amended to read:

**1. Content of state rules.** Any state rule adopted under this section must contain ~~a brief description of the substance of the referenced federal regulations or amendments~~ and instructions for obtaining a copy or a certified copy of ~~those~~ referenced federal regulations or amendments from the appropriate federal agency.

**Sec. 2. 29-A MRSA §521, sub-§9-A**, as enacted by PL 1997, c. 673, §2, is amended to read:

**9-A. Enforcement of disability parking restrictions.** ~~Local or county~~ A law enforcement ~~agencies~~ officer may enforce ~~handicapped~~ disability parking restrictions ~~on private off street parking areas.~~ The State Police shall enforce ~~handicapped~~ disability parking restrictions at service facilities established on the Maine Turnpike and on the interstate highway system in the State. A person commits a traffic infraction if that person parks in a parking space designated and clearly marked for persons with physical disabilities and has not been issued or is not transporting a person who has been issued a disability

registration plate or a removable windshield placard pursuant to this section or section 523 or a disability registration plate or placard issued by another state.

**Sec. 3. 29-A MRSA §1763, first ¶,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

Notwithstanding Title 5, section 10003, a State Police officer or employee of the State Police designated as a motor vehicle inspector may immediately suspend or revoke the license issued to any official inspection station or the inspection mechanic certificate issued to any inspecting mechanic for a violation of this chapter or the rules promulgated pursuant to section 1769. The penalty for a first offense is a license suspension for a period of 6 months. The penalty for a 2nd or subsequent offense is a license suspension for a period of one year or license revocation.

**Sec. 4. 29-A MRSA §2054, sub-§2, ¶D,** as repealed and replaced by PL 2003, c. 510, Pt. C, §8 and affected by §10, is amended to read:

D. Except as provided in this paragraph, a vehicle may not be equipped with or display a blue light.

(1) Emergency lights used on the following vehicles must emit a blue light or a combination of blue and white light: a police vehicle; a Department of Corrections vehicle as described in subsection 1, paragraph B, subparagraph (6); a vehicle operated by a chief of police, a sheriff or a deputy sheriff; and a vehicle operated by a qualified deputy sheriff or other qualified individual performing court security-related functions and services.

(2) Emergency lights used on an ambulance, an emergency medical service vehicle, a fire department vehicle, ~~a fire vehicle~~ or a hazardous material response vehicle may include one blue light mounted at facing toward the rear of the vehicle so that the light is primarily visible to approaching traffic from the rear only.

(3) The taillight of a vehicle, or replica of a vehicle, manufactured prior to 1952 and registered under section 457, may contain a blue or purple insert of not more than one inch in diameter.

**Sec. 5. 29-A MRSA §2054, sub-§5,** as amended by PL 2001, c. 360, §7, is further amended to read:

**5. Exercise of privileges.** The operator of an authorized emergency vehicle when responding to, but not upon returning from, an emergency call or fire alarm or when in pursuit of an actual or suspected violator of the law may exercise the privileges set forth in this subsection. The operator of an authorized emergency vehicle may:

A. Park or stand, notwithstanding the provisions of this chapter;

B. Proceed past a red signal, stop signal or stop sign, but only after slowing down as necessary for safe operation;

C. Exceed the maximum speed limits as long as life or property is not endangered, except that capital security officers and employees of the Department of Corrections may not exercise this privilege;

D. Disregard regulations governing direction of movement or turning in specified directions; and

E. Proceed with caution past a stopped school bus that has red lights flashing only:

(1) After coming to a complete stop; and

(2) When signaled by the school bus operator to proceed.

Nothing in this subsection prohibits the operator of an authorized emergency vehicle from activating emergency lights for the limited purpose of warning motorists when entering or exiting structures designed to house the emergency vehicles.

**Sec. 6. 29-A MRSA §2057-A** is enacted to read:

**§2057-A. Preemptive traffic light devices prohibited**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Lighted traffic control device" means a traffic control device conforming to the requirements of section 2057, subsection 1.

B. "Preemptive traffic light device" means a device capable of altering or interrupting the normal cycle of a lighted traffic control device or equipment associated with the functionality of a lighted traffic control device.

**2. Violation.** A person commits a Class E crime if that person possesses a preemptive traffic light device or operates or allows the operation of a motor vehicle, vehicle, motorized wheelchair, electric

personal mobility device, scooter or bicycle equipped with a preemptive traffic light device.

**3. Exemptions.** This section does not apply to:

A. An authorized emergency vehicle maintained by a municipality, county or state agency or an ambulance or emergency medical services vehicle as defined in section 2054, subsection 1;

B. Transit route buses engaged in the transportation of passengers and maintained by or contracted to a municipal, county or state agency; or

C. A vehicle used by the Department of Transportation for the purpose of installing, maintaining or testing a lighted traffic control device.

**Sec. 7. 29-A MRSA §2307, sub-§§1, 2 and 3,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

**1. Biannual inspection.** Notwithstanding chapter 15, a school bus must be inspected by an official inspection station designated by the Chief of the State Police as a school bus inspection station, bi-annually during each August and February of the 2 months designated by the State Police in consultation with the Department of Education.

**2. Additional inspection.** In addition to ~~inspection~~ inspections under subsection 1, ~~between September 1st and November 30th and between March 1st and May 31st~~ a school bus inspection must be conducted by the State Police at least annually within 3 months following one of the inspections required by subsection 1.

**3. Other dates.** A school bus requiring inspection during a month other than ~~August and February~~ a month designated pursuant to subsection 1 that satisfies the inspection requirements must be issued the school bus inspection sticker that expires the next ~~August or February, whichever is earlier~~ month designated pursuant to subsection 1.

**Sec. 8. 29-A MRSA §2411, sub-§1-A, ¶D,** as enacted by PL 2003, c. 452, Pt. Q, §78 and affected by Pt. X, §2, is amended to read:

D. Violates paragraph A, B or C and:

(1) In fact causes serious bodily injury as defined in Title 17-A, section 2, subsection 23 to another person or in fact causes the death of another person; or

(2) Has either a prior conviction for a Class C crime under this section or former Title 29, section 1312-B or a prior criminal homicide conviction involving or resulting from the operation of a motor vehicle while

under the influence of intoxicating liquor or drugs or with a blood-alcohol level of 0.08% or greater.

See title page for effective date.

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## CHAPTER 634

H.P. 1275 - L.D. 1753

### An Act To Improve Quality and Safety in Long-term Care

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

**Sec. 1. 22 MRSA §1717, sub-§3,** as enacted by PL 1997, c. 716, §1, is repealed and the following enacted in its place:

**3. Prohibited employment.** A personal care agency shall obtain criminal history record information about applicants for positions as unlicensed assistive personnel and may not hire an individual who:

A. Has worked as a certified nursing assistant and has been the subject of a notation by the state survey agency for a substantiated complaint of abuse, neglect or misappropriation of property in a health care setting that was entered on the Maine Registry of Certified Nursing Assistants;

B. Has been convicted in a court of law of a crime involving abuse, neglect or misappropriation of property in a health care setting; or

C. Has a prior criminal conviction within the last 10 years of:

(1) A crime for which incarceration of 3 years or more may be imposed under the laws of the state in which the conviction occurred; or

(2) A crime for which incarceration of less than 3 years may be imposed under the laws of the state in which the conviction occurred involving sexual misconduct or involving abuse, neglect or exploitation in a setting other than a health care setting.

**Sec. 2. 22 MRSA §1717, sub-§4,** as enacted by PL 1997, c. 716, §1, is repealed and the following enacted in its place:

**4. Penalties.** The following penalties apply to violations of this section.

A. A person who operates a personal care agency without registering with the department