

MAINE STATE LEGISLATURE

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R. d. S.

L.D. 1852

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DATE: 3/29/94

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8 the House.

10 STATE OF MAINE
12 HOUSE OF REPRESENTATIVES
14 116TH LEGISLATURE
16 SECOND REGULAR SESSION

18 HOUSE AMENDMENT "A" to S.P. 676, L.D. 1852, Bill, "An Act
20 to Correct Errors and Inconsistencies in the Laws of Maine"

22 Amend the bill by inserting after Part B the following:

24 PART C

26 Sec. C-1. 1 MRSA §2501, sub-§29, as enacted by PL 1989, c.
28 824, §1, is repealed.

30 Sec. C-2. 21-A MRSA §1017-A, sub-§1, as amended by PL 1993, c.
32 228, §1, is further amended to read:

34 1. Contributions. A party committee shall report all
36 contributions in cash or in kind from an individual contributor
38 that in the aggregate in a campaign total more than \$200. The
40 party committee shall report the name, mailing address,
42 occupation and place of business of each contributor.
44 Contributions of ~~less-than~~ \$200 or less must be reported, and
these contributions may be reported as a lump sum.

36 Sec. C-3. 24-A MRSA §1106, sub-§6, ¶E, as enacted by PL 1993,
38 c. 313, §21, is amended to read:

40 E. The aggregate amount of medium grade obligations issued,
42 guaranteed or insured by any one institution then held by
44 the insurer exceeds 1% of its admitted assets; or

Sec. C-4. 29 MRSA §780-A is enacted to read:

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§780-A. Required maintenance of financial responsibility

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1. Requirement. Every operator or owner of a motor vehicle, trailer or semitrailer registered in this State shall maintain at all times the amounts of motor vehicle liability insurance or financial responsibility specified in section 787.

2. Evidence of insurance or financial responsibility. When a law enforcement officer stops an operator or owner of a motor vehicle, trailer or semitrailer registered in this State for a moving violation or the operator is involved in an accident that must be reported under section 891, the officer shall request that the operator present evidence of motor vehicle liability insurance or financial responsibility.

3. Failure to produce evidence of insurance. If any person fails to produce evidence of insurance, as defined in section 781, subsection 1, paragraphs A-1 and A-2, to a law enforcement officer, pursuant to this section, this failure is prima facie evidence that the motorist is uninsured, is in violation of this section and is subject to the penalties of this section.

4. Dismissal. If any person charged with a violation of this section exhibits to a law enforcement officer designated by the issuing officer evidence of insurance or financial responsibility that was in effect at the time of violation no later than 24 hours before the time set for the court appearance, the proceeding for violation of this section is dismissed.

5. Penalty. Violation of this section is a traffic infraction for which a forfeiture of not less than \$100 and not more than \$500 may be assessed.

6. Suspension. Thirty days following the receipt of an abstract from the court of an adjudication of a violation of this section, the Secretary of State shall suspend, in accordance with chapter 17, the license and right to operate and obtain a license of the person operating a motor vehicle; the registration certificate and registration plates and the right to register of the person owning a motor vehicle, trailer or semitrailer until that person provides evidence of insurance in accordance with section 781, paragraph A-1 in the amounts required in this subchapter. A person who is convicted of a violation of this section 2 or more times within a 3-year period is subject to the proof of financial responsibility requirements as provided in section 787.

7. Agent immunity from liability. An insurance agent, broker or agency may not be held liable for an inaccurate insurance identification card if the card was issued based on

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2 information contained in the records of that agent, broker or
3 agency or was issued based on any false or misleading statements
4 made by the operator.

6 8. Governmental vehicle exemption. The provisions of this
7 section do not apply to governmental vehicles under section 256.

8 9. Other exemptions. The provisions of this section do not
9 apply to vehicles owned or controlled by a dealer, as defined by
10 chapter 5, subchapter III-A, nor to any vehicle registered by the
11 Secretary of State as a vehicle for hire.

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13 **Sec. C-5. Effective date.** That section of this Act that enacts
14 the Maine Revised Statutes, Title 29, section 780-A takes effect
15 retroactively to January 1, 1992.

16 **Sec. C-6. 29 MRSA §790, sub-§2, ¶A,** as enacted by PL 1987, c.
17 341, §§5 and 7, is amended to read:

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19 A. The number of those persons injured by uninsured
20 operators of motor vehicles who were not compensated fully
21 by the uninsured operator or by any health or accident
22 insurance policy and were not in violation of section 780
23 780-A; and
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25 **Sec. C-7. 38 MRSA §482, sub-§2,** as amended by PL 1993, c. 350,
26 §3 and c. 383, §3 and affected by §42, is repealed and the
27 following enacted in its place:

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29 2. Development that may substantially affect the
30 environment. "Development that may substantially affect the
31 environment," in this article also called "development," means
32 any federal, state, municipal, quasi-municipal, educational,
33 charitable, residential, commercial or industrial development
34 that:

- 35 A. Occupies a land or water area in excess of 20 acres;
- 36
- 37 B. Contemplates drilling for or excavating natural
38 resources on land or under water where the area affected is
39 in excess of 60,000 square feet;
- 40
- 41 C. Is a mining or advanced exploration activity as defined
42 in this section;
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- 44 D. Is a structure as defined in this section; or
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- 46 E. Is a subdivision as defined in this section.
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49 "Development" does not include borrow pits regulated under
50 article 7.'

HOUSE AMENDMENT

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STATEMENT OF FACT

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This amendment contains corrections that were submitted to be included in the original errors bill, but were removed from the bill or not included in the committee amendment because the Joint Standing Committee on Judiciary determined that each error as corrected might result in a substantive change in the law.

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The amendment adds Part C to the bill, which includes the following.

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1. Sections 1, 4, 5 and 6 correct an oversight by the Legislature concerning the motor vehicle financial responsibility law. When first enacted in Public Law 1987, chapter 341, the Maine Revised Statutes, Title 29, section 780 contained a sunset of January 1, 1991. Public Law 1989, chapter 824 amended the section by moving the sunset to January 1, 1992 and added a subsection that also repealed the section on January 1, 1992 to the Title 1, section 2501 list of sunsets and their effective dates. Public Law 1991, chapter 216 repealed the sunset within Title 29, section 780. The sunset listed in Title 1, section 2501 was not repealed. Part C, section 1 repeals the Title 1 provision. Section 4 reenacts the financial responsibility law and section 5 makes section 4 retroactive to January 1, 1992. Section 6 corrects a cross-reference. These sections of the amendment have been approved by the Joint Standing Committee on Banking and Insurance.

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2. Section 2 clarifies the contribution reporting requirements for party committees by adding language that includes reporting requirements for \$200 contributions. The law currently provides reporting requirements for contributions of less than \$200 or more than \$200, but not exactly \$200. This change has been approved by the Joint Standing Committee on Legal Affairs.

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3. Section 3 corrects the punctuation and inserts the disjunctive "or" between the next-to-last and last paragraphs concerning the conditions under which an insurer may not acquire high-grade or medium-grade obligations of an institution without approval of the Superintendent of Insurance. Inserting the "or" at the end of paragraph E means that the existence of only one of the conditions is necessary to trigger the requirement of the superintendent's approval. This change has been approved by the Joint Standing Committee on Banking and Insurance.

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4. Section 7 corrects a substantive conflict between Public Law 1993, chapter 350 and Public Law 1993, chapter 383, both reports from the Joint Standing Committee on Energy and Natural Resources. One chapter focused on the definitions of "development" within the site location of development laws; the other concerned regulation of borrow pits. The change in section 7 has been approved by the Joint Standing Committee on Energy and Natural Resources as correctly putting into law the committee's intent concerning both chapters.

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TOWN: Auburn

HOUSE AMENDMENT