

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 453-End

AND AT THE
FIRST SPECIAL SESSION
September 6, 1983 to September 7, 1983
Chapters 583-588

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J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

appointed under section 7933 without first securing leave of the court. Except in cases of gross negligence or intentional wrongdoing, the receiver is liable in his official capacity only and any judgment rendered shall be satisfied out of receivership assets.

§7937. Court order to have effect of license

An order appointing a receiver under section 7933 shall have the effect of a license for the duration of the receivership. The receiver shall be responsible to the court for the conduct of the facility during the receivership, and any violation of regulations governing the conduct of the facility, if not promptly corrected, shall be reported by the department to the court.

§7938. Rule-making authority to implement receivership law

The department may adopt regulations as necessary, pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, to implement this chapter.

Effective September 23, 1983.

CHAPTER 455

H.P. 1272 - L.D. 1686

AN ACT to Amend Certain Motor Vehicle
Laws.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, these motor vehicle laws contain permit and registration options which are essential to the trucking industry; and

Whereas, these amendments to the motor vehicle laws expedite the affairs of Maine commerce and facilitate conduct of the state's business; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preser-

vation of the public peace, health and safety; now, therefore,

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

Sec. 1. 29 MRSA §1, sub-§3-F is enacted to read:

3-F. License. "License" means any operator's license or any other license, permit or privilege to drive a motor vehicle issued under or granted by the laws of this State. The term includes any temporary license, provisional license or instruction permit, any nonresident operating privilege and the privilege of any person to drive a motor vehicle whether or not the person holds a valid operator's license.

Sec. 2. 29 MRSA §1, sub-§7, as amended by PL 1969, c. 414, §2, is further amended to read:

7. Motor vehicle. "Motor vehicle" shall mean means any self-propelled vehicle not operated exclusively on tracks, including motorcycles, but not including snowmobiles as defined in Title 12, section 1971.

Sec. 3. 29 MRSA §1, sub-§10-D, as enacted by PL 1981, c. 346, §1, is repealed and the following enacted in its place:

10-D. Resident. "Resident" means all persons who have been domiciled in this State for a period of 30 days, except for persons in compliance with section 2243, subsection 1, and all persons who have declared or established residency in this State. Any foreign person having a place of business in this State shall be deemed to be a resident as to all vehicles owned or leased and which are garaged or maintained in this State, or in the case of foreign persons in the business of renting you-drive or you-haul vehicles as to an apportioned share of their fleet based upon the mileage of all vehicles of the owner operated in this State bears to the total mileage of all vehicles of the owner operated both within and without the State.

Sec. 4. 29 MRSA §1, sub-§12 is amended to read:

12. Semitrailer. "Semitrailer" shall mean means any vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so designed that some part of its weight and of its load rests upon or is carried by such that motor vehicle, and shall include pole dollies, pole dickeys, so called, and wheels commonly used as a support for the ends of logs or other long articles, but excluding tow dollies.

Sec. 5. 29 MRSA §1, sub-§18 is amended to read:

18. Trailer. "Trailer" shall mean any vehicle without motive power, designed for carrying persons or property and for being drawn by a motor vehicle, not operated on tracks, and so constructed that no part of its weight rests upon the towing vehicle, but excluding tow dollies.

Sec. 6. 29 MRSA §1, sub-§23 is enacted to read:

23. Tow dolley. "Tow dolley" means a device towed by a motor vehicle and designed and used exclusively to transport another motor vehicle and upon which the front or rear wheels of the towed motor vehicle are mounted, while the other wheels of the towed motor vehicle remain in contact with the ground.

Sec. 7. 29 MRSA §4 is amended to read:

§4. Reciprocal agreements with New Hampshire

Notwithstanding any law to the contrary, the Secretary of State is empowered to make agreements or arrangements with the duly authorized representatives of the state of New Hampshire providing that ~~trucks,~~ ~~tractors or semitrailers~~ buses, taxicabs, trucks, tractors, trailers, semitrailers or double-bottoms owned by residents of such that bordering state and legally registered in such that state may be operated in intrastate commerce in this State, including intrastate commerce, within a zone not to exceed 10 miles from the border of such that state. Such ~~The~~ agreements or arrangements shall provide that a resident of this State, when using the highways of ~~said~~ that adjoining state, shall receive substantially equivalent benefits and privileges.

Sec. 8. 29 MRSA §55-B, first ¶, as amended by PL 1979, c. 663, §166, is further amended to read:

Whenever the payment of any fee or fees required by this Title, or the payment of any use tax required to be collected by the Secretary of State under chapter 5, subchapter 1-A, results in a protest or is returned by the bank upon which it was drawn because of "insufficient funds," "account closed," "no account" or any other similar reason, the Secretary of State or any deputy or agent thereof, ~~shall~~ may promptly mail a notice of dishonor, as defined in Title 11, section 3-508, to the person liable for the fee, fees or tax, demanding payment thereof and warning the person that if the amount due is not paid within 5 days after receipt of the notice, suspension of the person's license, permit, certificate ~~or plates,~~ whichever the case may be, and all plates

will result as provided in this section. If the person fails to pay the required amount within 5 days after receipt of the notice, the Secretary of State shall ~~may~~, pursuant to chapter 17, forthwith suspend any ~~license, permit, certificate or plates issued for such dishonored instrument or the registration certificate and plates issued for the vehicle in respect to which the use tax remains unpaid~~ all licenses, permits, certificates and plates of the person liable for the fee, fees or tax.

Sec. 9. 29 MRSA §113, as amended by PL 1977, c. 481, §5-A, is further amended to read:

§113. Disposition of registration plates

All registration number plates, issued by the Secretary of State, shall continue to be the property of the State, ~~and the person to whom the same are issued shall surrender the same on demand of the Secretary of State or his designee whenever his registration certificate is suspended or revoked or has expired without renewal.~~ Whenever the owner of a registered vehicle transfers or assigns his title, or interest thereto, the registration shall expire, whenever the registration certificate is suspended, revoked, canceled or has expired without the intention of renewal or transfer within 6 months, the owner shall remove the registration plates therefrom and forward the same along with the registration certificate to the Secretary of State or may have those plates and the registration number thereon assigned in the name of the original registrant to another vehicle upon payment of the fees required by law and subject to the rules of the Secretary of State. Whoever steals, takes or carries away any registration number plate from any person entitled to its possession shall be punished by a fine of not more than \$100 or by imprisonment for not more than 90 days, or by both is guilty of a Class E crime.

Sec. 10. 29 MRSA §191, sub-§2, as enacted by PL 1977, c. 481, §6, is amended to read:

2. Nonplate issue year. When a person fails to reregister during a nonplate issue year and the registration remains expired for ~~12~~ 6 consecutive months, then his reservation of the same number may cease and the number becomes available for reissuance, reassignment, or both.

Sec. 11. 29 MRSA §246-A, sub-§1, as enacted by PL 1981, c. 689, §1, is amended to read:

1. Application. Notwithstanding any other provision of law, a person owning, operating or causing operation of a vehicle on the highways of this

State, subject to Title 36, chapter 453, 455 ~~or~~, 457 or 459, shall apply to the Secretary of State for a fuel use identification decal for each vehicle covered by such those reports or licensing requirement, except vehicles owned and operated by government agencies and vehicles bearing dealer registration plates pursuant to subchapter III-A.

Sec. 12. 29 MRSA §354, sub-§4, as enacted by PL 1973, c. 529, §1, is repealed and the following enacted in its place:

4. Permit to demonstrate loaded truck. A dealer, to demonstrate a loaded truck, truck tractor, trailer, semitrailer or combination of vehicles bearing dealer registration plates, shall first obtain a written permit from the Secretary of State. No permit is required to demonstrate a vehicle or combination of vehicles without a load. These permits may be issued to nonresident dealers when reciprocity to do so has been established.

Sec. 13. 29 MRSA §355, next to last ¶, as amended by PL 1979, c. 673, §8, is further amended to read:

Such records shall at all times be available for inspection by the Secretary of State, or his duly authorized agents or duly authorized members of law enforcement agencies or representatives of the Attorney General's office. A copy of the records, except the information required by subsections 6 and 7, shall be filed with the Secretary of State's office immediately following the sale or disposition of the vehicle, on a form or forms prescribed by the Secretary of State.

Sec. 14. 29 MRSA §361, first ¶, as amended by PL 1981, c. 437, §12, is amended to read:

Any person issued a license under this subchapter plus owners of body shops, transmission shops and garages may make application upon a blank provided by the Secretary of State for a loaner registration certificate and plates. Loaner plates may be used on vehicles owned by the holder of a loaner registration license for the sole purpose of loaning such vehicles to customers when the customer's properly registered vehicle is disabled and in the garage for repairs. ~~Vehicles using loaner plates shall comply with section 354, subsection 1, paragraph H.~~ The registration certificate assigned to the disabled vehicle shall be carried in the vehicle displaying a loaner plate and produced upon demand of a police officer. Any restrictions or permissions granted to the disabled vehicle shall apply to the loaner vehicle, except that any use or operation shall not be incon-

sistent with this Title. A vehicle loaned by a holder of a loaner license to a customer may be operated on such plate for not more than 7 consecutive days. The Secretary of State may in his discretion extend said period of 7 consecutive days to no more than 30 days, whenever he feels the need for such extension is justified.

Sec. 15. 29 MRSA §363, first ¶, as amended by PL 1981, c. 696, §5, is further amended to read:

Any person licensed under this subchapter, excepting those holding a transporter license or only a loaner license, may, upon the sale or exchange of a motor vehicle or trailer, attach to the rear of such motor vehicle or trailer a temporary registration plate and the purchaser of such motor vehicle or trailer may operate the same for a period not to exceed ~~10~~ 14 consecutive days thereafter without payment of a regular fee. If the purchaser of such vehicle or trailer is a nonresident member of the Armed Services, said purchaser may operate the same for a period not to exceed 20 consecutive days thereafter without payment of a regular fee. If, at the end of this initial period, a Maine resident who is unable to comply with the requirements of chapter 21 and a nonresident who has applied for, but not yet received, a registration certificate from his home state, the Secretary of State may further extend this period without charge for not more than 20 additional days. A temporary registration plate may not be used on a loaded truck without a written permit from the Secretary of State. Any person licensed under this subchapter, excepting those holding a transporter license or only a loaner license, shall not attach to the rear of a house trailer or mobile home any temporary registration plate unless the operator of the vehicle hauling the trailer has in his possession the written certificate from the tax collector required by section 354, subsection 5. Temporary registration plates issued under this section for motorcycles shall be the same size as the regular motorcycle plates.

Sec. 16. 29 MRSA §532, first ¶, as amended by PL 1975, c. 770, §148, is further amended to read:

Any person who is at least 15 years of age and has completed a course in driver education as provided in section 583 may apply to the Secretary of State for an instruction permit. The Secretary of State may, in his discretion, after applicant has successfully passed all parts of an examination other than the driving test, issue to the applicant an instruction permit which shall entitle the applicant, while having such permit in his immediate possession, to drive a motor vehicle upon the public highways for

a period of one year when accompanied by a licensed operator who has at least one year of driving experience and is at least 18 years of age and who is occupying a seat beside the driver, except in the event the permittee is operating a motorcycle or motor driven cycle. If any such licensed operator, while accompanying an applicant and occupying a seat beside the driver while the vehicle is being operated on a public way, has his mental or physical functioning substantially impaired as a result of the use of intoxicating liquor or drugs, such licensed operator is guilty of a misdemeanor. The Secretary of State may, in his discretion, issue a restricted instruction permit effective for a school year or for a restricted period to an applicant who is enrolled in a driver education program which includes practice driving. Such instruction permit shall only be valid when applicant is accompanied by an instructor approved by the Commissioner of Educational and Cultural Services or eligible commercial driver education instructors licensed by the Secretary of State Department of Business Regulation, Board of Commercial Driver Education. Any person who has not held a Maine operator's license during one of the 3 preceding years may apply for an instruction permit.

Sec. 17. 29 MRSA §532, 2nd ¶, as amended by PL 1973, c. 273, is further amended to read:

Any person, who is at least 16 years of age, may make application to the Secretary of State for a motorcycle ~~or~~ motor driven cycle or moped learner's permit to operate a motorcycle ~~or~~ motor driven cycle or moped, provided the requirements of section 583 have been met. The Secretary of State shall require that before the motorcycle ~~or~~ motor driven cycle or moped learner's permit is issued any applicant shall have passed a knowledge test relating specifically to the safe operation of a motorcycle ~~or~~ motor driven cycle or moped and a vision test. The knowledge test shall be in addition to the basic test of rules of the road and sign recognition required of all drivers applying for an original State of Maine operator's license.

Sec. 18. 29 MRSA §540, first ¶, as repealed and replaced by PL 1981, c. 506, §3, is amended to read:

Each license shall state the name, date of birth, place of residence of the licensee, permanent number assigned him, and may contain such other information as the Secretary of State deems necessary. The license shall also bear a photograph of the licensee for the purpose of identification except that persons who renew their licenses on or after their 65th birthday, persons in active military service stationed outside the State and temporary licenses issued under section 533 may be exempt from the

photograph requirement. A license which does not contain a photograph of the licensee may be issued as the Secretary of State deems necessary.

Sec. 19. 29 MRSA §541, as amended by PL 1975, c. 589, §20, is further amended by adding at the end a new paragraph to read:

When duplicate licenses are issued under this section, an additional fee of \$2 is required for those licenses issued with a photograph attached, in accordance with section 540.

Sec. 20. 29 MRSA §581-A, as amended by PL 1977, c. 481, §16, is further amended to read:

§581-A. Proof of age

Every person between the ages of 15 and ~~18~~ 20 years shall supply to the department satisfactory proof of his date of birth before the department may accept his application for an examination prior to the issuance of a permit or original license.

Sec. 21. 29 MRSA §583, first ¶, as amended by PL 1981, c. 52, §3, is further amended to read:

No operator's license, except to operate a moped only, shall be issued to any person under 17 years of age unless such person shall present a certificate of successful completion of a driver education course and examination given by the public secondary schools and academies receiving tuition students as described in Title 20, section 1291; or certificate of successful completion of a driver education course and examination given by some person or persons licensed by the Secretary of State Department of Business Regulation, Board of Commercial Driver Education. No license shall be required of certified teachers conducting a driver education course in public secondary schools or academies receiving tuition students as described in Title 20, section 1291. All licenses expire on December 31st of the year of issue.

Sec. 22. 29 MRSA §585, as amended by PL 1973, c. 738, §9, is repealed and the following enacted in its place:

§585. Minors under 18; authorization

The Secretary of State shall not accept the application of any minor for an operator's license or instruction permit, unless:

1. Parent or guardian; signature. The application is signed by a parent or guardian having the custody

of the minor or by the spouse of the minor, provided that the spouse is of the age of 18 years or over;

2. Employer; signature. In the event a minor has no father, mother, guardian or spouse who has attained the age of 18 years, the application is signed by the employer of the minor, provided that the employer has attained the age of 18 years; or

3. Order of emancipation. The minor is emancipated pursuant to Title 15, section 3506-A, and the application is accompanied by an attested copy of the court order of emancipation.

Sec. 23. 29 MRSA §1313, as amended by PL 1981, c. 470, Pt. A, §147, is further amended to read:

§1313. Homicide; revocation of license

The license, permit or right to operate of any person, who, as a result of his operation of a motor vehicle in such a manner as to cause the death of any person, is convicted of a criminal homicide, or attempt thereof, shall be revoked immediately by the Secretary of State upon receipt of an attested copy of the court records, without further hearing. In case of an appeal, the license, permit or right to operate shall be ~~suspended~~ revoked during the course of the appeal unless the trial court shall otherwise order; ~~and the revocation shall start when and if the conviction is upheld.~~ No person whose license, permit or right to operate a motor vehicle has been so revoked may be licensed again or permitted to operate a motor vehicle for a period of 5 years from the time the license, permit or right to operate is revoked. For the purposes of this section and section 1312, a person shall be deemed to have been convicted if he pleaded guilty or nolo contendere or was otherwise adjudged or found guilty by a court of competent jurisdiction.

Sec. 24. 29 MRSA §1652, sub-§1, ¶E, as enacted by PL 1983, c. 94, Pt. B, §12, is amended to read:

E. Notwithstanding paragraphs A and B, a combination vehicle consisting of a 3-axle truck tractor operating in combination with a tri-axle semitrailer may be operated, or caused to be operated, with a maximum gross weight of 90,000 pounds; provided that:

(1) The maximum gross weight permitted by this paragraph shall be reduced by 2,000 pounds for each foot the distance is less than 32 feet between the extreme axles, excluding the steering axle, measured to the nearest foot;

(2) Nothing contained in this paragraph shall permit a gross weight on the Interstate Highway System, as defined in the Federal Aid Highway Act of 1956, in excess of those limits established for that system in this section;

(3) A general permit authorizing that operation has been obtained. The annual fee for the permit shall be \$105 or \$9 per calendar month or portion thereof and a fee of \$2 shall be assessed to transfer a permit to another vehicle. The permit may be obtained upon payment of the required fee, from any branch office of the Secretary of State, Division of Motor Vehicles, or from any agent of the Secretary of State who has been appointed for that specific purpose. These agents appointed by the Secretary of State may charge any applicant for a permit \$1 over the required permit fee and may retain that dollar for performing this function; and

(4) The vehicle is already fully registered for 80,000 pounds.

Sec. 25. 29 MRSA §1655, 3rd ¶ from the end, as enacted by PL 1983, c. 94, Pt. B, §17, is amended to read:

In addition to the required permit fee there shall be an additional charge of \$2 for each permit issued to cover the cost of processing the permit and a fee of \$2 shall be assessed to transfer a permit to another vehicle.

Sec. 26. 29 MRSA §2181, as amended by PL 1977, c. 694, §520, is further amended to read:

§2181. Fraud or falsity on application for license, registration or identification card

Whoever shall make any material misstatement of fact upon his application for license to operate a motor vehicle, or for registration thereof, application for instruction permit ~~or~~, driver's examination or application for identification card and whoever shall deceive or substitute, or cause another to deceive or substitute in connection with any examination required, or shall knowingly make use of any registration certificate, number plate or operator's license ~~or~~, badge or identification card issued upon an application containing any material false statement of fact shall be punished by a fine of not more than ~~\$100~~ \$500 or by imprisonment for not more than 90 days, or by both. Upon receipt of an attested

copy of the court record of the conviction or other sufficient evidence, the Secretary of State, shall immediately revoke every such motor vehicle operator's license or permit, certificate of registration and number plate and identification card, and these shall be surrendered to the Secretary of State upon demand and any moneys paid for these shall be forfeited.

Sec. 27. 29 MRSA §2182 is amended to read:

§2182. Unlawful use of license, instruction permit or identification card

It is a misdemeanor for any person:

1. Display. To display or cause to be displayed or have in his possession any revoked, suspended, mutilated, fictitious or fraudulently altered operator's license or, instruction permit or identification card;

2. Loan. To lend his operator's license or, instruction permit or identification card to any other person or knowingly permit the use thereof by another;

3. Representation. To display or represent as one's own any operator's license or, instruction permit or identification card not issued to him; or

4. Use. To permit any unlawful use of an operator's license or, instruction permit or identification card issued to him.

Sec. 28. 29 MRSA §2241, sub-§1, as amended by PL 1981, c. 698, §133, is further amended to read:

1. Suspension or revocation. The Secretary of State or any deputy secretary of state may suspend or revoke any certificate of registration, certificate of title or any license issued to any person to operate a motor vehicle or right to operate a motor vehicle or right to obtain an operator's license after hearing for any cause which he deems sufficient. He is also authorized to suspend or revoke any certificate of registration, certificate of title or, any license or any fuel use decal issued to any person without preliminary hearing upon showing by his records or other sufficient evidence that the driver:

A. Has committed an offense for which mandatory suspension or revocation of license or registration is required upon conviction or adjudication;

B. Has been convicted or adjudicated with such frequency of offenses against traffic regulations

governing the movement of vehicles as to indicate a disrespect for traffic laws and disregard for the safety of other persons on the highways;

C. Is ~~an~~ ~~habitually~~ a reckless or negligent driver of a motor vehicle, such fact being established by the point system, by a record of accidents or by other evidence;

D. Is incompetent to drive a motor vehicle;

E. Has permitted an unlawful or fraudulent use of such license;

F. Has committed an offense in another state which, if committed in this State, would be grounds for suspension or revocation;

G. Has been convicted of failing to stop for a police officer;

H. Has been convicted of reckless driving or driving to endanger;

I. Has failed to appear in court on the day specified, either in person or by counsel, after being ordered to do so to answer any violation of chapter 25 or Title 35, chapter 91 or 97;

J. Has ~~filed~~ failed to provide sufficient proof of ownership or other documentation in support of his title claim;

K. Is subject to action of the Secretary of State pursuant to section 55-B or section 2378, subsection 1; or

L. Has failed to comply with the payment and reporting sections of the laws related to gasoline road taxes or fuel use taxes, under Title 36, chapter 453, ~~455 or~~ 457 or 459.

He is also authorized to suspend any certificate of registration, certificate of title or any license issued to any person without preliminary hearing upon showing by his records or other sufficient evidence that the owner of a vehicle or holder of a title certificate fails to deliver or assign the certificate of title upon the request of the Secretary of State.

Sec. 29. 29 MRSA §2241, sub-§2, as repealed and replaced by PL 1981, c. 689, §2, is further amended to read:

2. Regulations. For the purpose of identifying ~~habitually~~ reckless or negligent drivers and habitual or frequent violators of traffic regulations govern-

ing the movement of vehicles, the Secretary of State shall adopt regulations establishing a uniform system of assigning demerit points for convictions or adjudications of violations of statutes or regulations governing the operation of motor vehicles, including violations of Title 17-A, section 360, subsection 1, paragraphs A and B and Title 28, section 1002. The regulations adopted by the Secretary of State shall include a designated level of point accumulation which so identifies drivers. The Secretary of State may assess points for convictions or adjudications in other states of offenses which, if committed in this State, would be grounds for such assessment. Notice of assessment of points shall be given when the point accumulation reaches 50% of the number at which suspension is authorized. No points may be assessed for violating a provision of this Title or municipal ordinance regulating standing, parking, equipment, size or weight.

Sec. 30. 29 MRSA §2292, sub-§4, as enacted by PL 1979, c. 10, §2, is repealed and the following enacted in its place:

4. Exceptions. A person may not be an habitual offender for the purposes of this chapter when:

A. All of a person's convictions or adjudications are based on the offense of operating a motor vehicle when his license, permit or privilege to operate has been suspended and the original suspension is based upon a failure to give or thereafter maintain proof of financial responsibility;

B. A person is convicted of the offense of operating a motor vehicle without a license if the license issued to that person had expired, and provided that the license was not suspended or revoked; or

C. A person is convicted of the offense of operating a motor vehicle when his license, permit or privilege to operate has been suspended when the suspension is based upon his failure to appear in court or failure to pay his fine.

Sec. 31. 29 MRSA §2294, sub-§1, as enacted by PL 1979, c. 10, §2, is amended to read:

1. Hearing on request. Any person whose license, permit or privilege to operate has been revoked pursuant to section 2293 may, within 30 days of notice thereof, request a hearing to show cause why his license should not be revoked. Pending the hearing, the revocation shall may be stayed.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 16, 1983.

CHAPTER 456

H.P. 1295 - L.D. 1716

AN ACT Concerning the Calculation of Periods of Imprisonment.

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

Sec. 1. 17-A MRSA §1253, sub-§1, as amended by PL 1977, c. 671, §30, is further amended to read:

1. The sentence of any person committed to the custody of the Department of Mental Health and Corrections shall commence to run on the date on which such person is received into the custody of the department pursuant to that sentence. The sentence of any person committed to the custody of a sheriff shall commence to run on the date on which that person is received into the custody of the sheriff pursuant to that sentence.

Sec. 2. 17-A MRSA §1253, sub-§1-A, as amended by PL 1981, c. 470, Pt. B, §7, is further amended to read:

1-A. When a person who has been previously sentenced in another jurisdiction has not commenced or completed that sentence, the court, subject to section 1256, subsection 1, may, with consideration of the factors stated in section 1256, subsection 2, sentence the person to a term of imprisonment which shall be treated as a concurrent sentence from the date of sentencing although the person is incarcerated in an institution of the other jurisdiction. No concurrent sentence pursuant to this subsection may be imposed unless the person being sentenced consents or unless the person being sentenced executes, at the time of sentencing, a written waiver of extradition for his return to this State upon completion of the sentence of the other jurisdiction, if any portion of this state's sentence remains unserved. In the absence of an order pursuant to this subsection requir-