

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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

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PUBLIC LAWS

OF THE

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ministered under Title 28 shall be transferred to the proper place under this Act by the State Controller on the request of the commission and the State Budget Officer, and with the approval of the Governor.

3. Agreements, leases, contracts, authorizations or licenses. All agreements, leases, contracts, authorizations or licenses issued under the Maine Revised Statutes, Title 28, prior to the effective date of this Act shall continue to be valid under the terms of issuance until they expire or are rescinded, amended or revoked.

4. Rules. All current rules of the commission shall remain in force and effect until rescinded, amended or otherwise changed by the commission.

Sec. 6. Legislative intent. It is the intent of the Legislature that this Act shall be considered a revision of the State Liquor Commission and the Bureau of Alcoholic Beverages governing laws.

PART B

Sec. 1. 5 MRSA §12004, sub-§6, ¶A, sub-¶(2) is amended to read:

(2) State Liquor Commission Legislative Per Diem ~~28~~ 28-A MRSA §51

Sec. 2. 15 MRSA §1702, as amended by PL 1975, c. 499, §3, is further amended to read:

§1702. No punishment until conviction; costs; concurrent or consecutive sentences

No person shall be punished for an offense until convicted thereof in a court having jurisdiction of the person and case. In all cases where a fine is imposed he may be sentenced to pay the costs of prosecution, except before the District Court in which court he may be sentenced to pay a fine sufficient to cover said costs as provided in Title 4, section 173; and except before a District Court for violations of Title ~~28~~ 28-A, sections ~~1055; 1057, 1203 and 1207~~ 2078, 2080, 2223 and 2225, and Title 30, chapter 215, subchapter IV, he shall be sentenced to pay such costs.

Sec. 3. 15 MRSA §3103, sub-§1, ¶C, as amended by PL 1977, c. 664, §11, is further amended to read:

C. Offenses involving intoxicating liquor, as provided in Title ~~28~~ 28-A, section ~~303~~ 2051;

Sec. 4. 17 MRSA §1301-A, 2nd ¶, as amended by PL 1973, c. 567, §20, is further amended to read:

The inspectors and agents of licensing authorities issuing licenses under this section shall have the authority to investigate and prosecute complaints against its licensees for violation of this section, and to institute proceedings before the Administrative Court Judge who shall be empowered to proceed under Title 5, chapters

301 to 307, and not under Title ~~28~~ 28-A, section ~~401~~ chapter 33.

Sec. 5. 30 MRSA §2411, sub-§4, as amended by PL 1977, c. 501, §2, is further amended to read:

4. Jurisdiction. Any municipality establishing a board of appeals under this section may vest the board with the power to hear any appeal by any person, affected directly or indirectly, from any decision, order, rule or failure to act of any officer, board, agency or other body where such appeal is necessary, proper or required. No board created under this section may assert jurisdiction over any matter unless the municipality has by ordinance specified the precise subject matter that may be appealed to the board and the official or officials whose action or nonaction may be appealed to the board. Any board of appeals operating under this section shall hear any appeal submitted to the board in accordance with Title ~~28~~ 28-A, section ~~702~~ 1054.

Sec. 6. 36 MRSA §172, sub-§1, as enacted by PL 1981, c. 364, §11, is amended to read:

1. Liquor licensee. If the taxpayer is a liquor licensee, to the State Liquor Commission, which shall construe that liability and lack of cooperation to be a ground for denying, suspending or revoking the taxpayer's liquor license in accordance with Title ~~28~~ 28-A, sections ~~304 and 401~~ section 707 and chapter 33; or

Effective September 29, 1987.

CHAPTER 46

H.P. 49 — L.D. 52

AN ACT Regarding Motor Vehicle Accident Reports.

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

Sec. 1. 29 MRSA §783, sub-§1, as repealed and replaced by PL 1979, c. 430, §1, is amended to read:

1. Contents of report and duty of Chief of the State Police. Where an accident on a public way, or in any place where public traffic may reasonably be anticipated, has resulted in bodily injury to or death of any person, or in property damage to an apparent extent of ~~\$300~~ \$500 or more, the accident report required by section 891 shall contain, in a form prescribed by the Secretary of State, information to enable the Secretary of State to determine whether the requirement for proof of financial responsibility is inapplicable by reason of the existence of insurance or other exceptions specified in this section. The driver, or the person acting for him in reporting, shall furnish such additional relevant information as the Secretary of State shall require. The Secretary of State may rely upon the accuracy of the information unless and until he has reason to believe that the information is erroneous.

Sec. 2. 29 MRSA §783, sub-§2, ¶A, as repealed and replaced by PL 1979, c. 430, §2, is amended to read:

A. Upon receipt by the Secretary of State of the report of an accident on a public way, or in any place where public traffic may reasonably be anticipated, which has resulted in death, bodily injury or property damage to an apparent extent of ~~§300~~ \$500 or more, the Secretary of State, pursuant and subject to chapter 17, shall, 30 days following the date of request for compliance with the following requirement, suspend the license, the right to obtain a license, or the right to operate of any person operating, and the registration certificates and registration plates or the right to register of any person owning a motor vehicle, trailer or semitrailer in any manner involved in the accident, unless the operator and owner shall immediately give and maintain proof of financial responsibility as provided under section 787, subsection 2. The Secretary of State may waive the requirement of filing proof of financial responsibility at any time after 3 years from the date of request for compliance, provided no further filing is required under section 782, subsection 1.

Sec. 3. 29 MRSA §891, 3rd ¶, as amended by PL 1979, c. 626, §1, is further amended to read:

The driver of any vehicle involved in an accident resulting in injuries to or death of any person or property damage to the apparent amount of ~~§300~~ \$500 or more, or some person acting for him, or the owner of ~~said~~ the vehicle having knowledge of the accident should the operator of same be unknown, shall, immediately by the quickest means of communication, give notice of the accident either to a state police officer, or to the nearest state police field office, or to the sheriff's office, or to a deputy sheriff, within the county wherein the accident occurred, or to the office of the police department, or to an officer, of the municipality wherein the accident occurred. The absence of notice having been given to the nearest state police field office or to the sheriff's office within the county wherein the accident occurred or the office of the police department of the municipality wherein the accident occurred shall be deemed prima facie evidence of a violation of this section. Any person failing to comply with the requirements of this paragraph shall be guilty of a misdemeanor. Every such notice received by any such official or department shall be promptly investigated. If the accident results in serious bodily injury or death of any person, the investigation shall be conducted by an officer who has met the training standards of a full-time police officer.

Sec. 4. 29 MRSA §891, 7th ¶, as amended by PL 1979, c. 480, §3, is further amended to read:

The driver of any vehicle involved in an accident resulting in injury to or death of any person or property damage to the apparent amount of ~~§300~~ \$500 or more, or some person acting for him, shall, within 48 hours after the accident, make a written report of it to the Secretary of State, on forms provided by ~~said~~ the Secretary

of State. The Secretary of State may require drivers of vehicles involved in any such accident to file supplemental reports whenever the original report is insufficient in the opinion of the Secretary of State.

Effective September 29, 1987.

CHAPTER 47

S.P. 355 — L.D. 1072

AN ACT to Amend the Approval Deadlines for the Androscoggin and Aroostook County Budgets.

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

Whereas, under current law, the Legislature must act on the Androscoggin and Aroostook County budgets by April 1st; and

Whereas, the deadlines established by law must be changed to allow sufficient time to properly accomplish this work; and

Whereas, if this legislation is not effective immediately, Androscoggin and Aroostook Counties will be forced to operate under an outdated budget; 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 preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 30 MRSA §1425, sub-§5, as enacted by PL 1985, c. 737, Pt. A, §85-B, is amended to read:

5. **Final budget approval.** Prior to January 15th of the fiscal year for which the budget is prepared, the budget committee shall submit the proposed budget to the Legislature. The Legislature shall approve or disapprove the budget as submitted prior to ~~April 1st~~ May 1st of each year.

If the Legislature disapproves of the budget, the budget committee shall submit within 15 calendar days, new budget proposals in accordance with subsection 1 and the provisions of this section shall be followed until a budget is finally approved.

The budget as approved by the Legislature shall be the final authorization for the assessment of county taxes. The budget shall be transmitted to the county commissioners and the county tax authorized shall be apportioned and collected in accordance with section 254. The budget for the unorganized territories will be transmit-