

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

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PUBLIC LAWS

OF THE

STATE OF MAINE

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1987

A. The rental of a housing accommodation in a building which contains housing accommodations for not more than 2 families living independently of each other, if the owner or members of the owner's family reside in that housing accommodation; or

B. The rental of a room or rooms in a housing accommodation, if the rental is by the occupant of the housing accommodation or by the owner of the housing accommodation and the owner or members of the owner's family reside in that housing accommodation.

Effective September 29, 1987.

CHAPTER 105

H.P. 616 — L.D. 834

AN ACT Relating to the Appointment of Persons to Superintendent Positions Within the Department of Professional and Financial Regulation.

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

Whereas, current law requires the Superintendent of Banking, Superintendent of Insurance and Superintendent of Consumer Credit Protection within the Department of Professional and Financial Regulation to be reviewed by the joint standing committee of the Legislature having jurisdiction over business legislation; and

Whereas, the banking, insurance and consumer credit protection legislation is now referred to the recently created Joint Standing Committee on Banking and Insurance; and

Whereas, there are some appointments that need to be made to these positions during the First Regular Session of the 113th Legislature; and

Whereas, the Joint Standing Committee on Banking and Insurance is more appropriate than the Joint Standing Committee on Business Legislation to review the nominations to these positions; 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. 9-A MRSA §6-103, as amended by PL 1985, c. 763, Pt. A, §48, is further amended to read:

§6-103. Administration

There is created and established the Bureau of Consumer Credit Protection within the Department of ~~Business~~ Professional and Financial Regulation. The Superintendent of Consumer Credit Protection is the head of Consumer Credit Protection. As used in this Act, "administrator" means the Superintendent of the Bureau of Consumer Credit Protection. He shall be appointed by the Governor and subject to review by the joint standing committee of the Legislature having jurisdiction over ~~business legislation~~ banking and insurance and to confirmation by the Legislature. He shall be appointed for a term of 5 years or until a successor is appointed and qualified. Any vacancy occurring shall be filled by appointment for the unexpired portion of the term. He may be removed from office for cause by impeachment or by the Governor on the address of both branches of the Legislature and Title 5, section 711, paragraph B, shall not apply. During his term of office the administrator shall engage in no other business or profession. The administrator's salary shall be paid from the General Fund.

Sec. 2. 9-B MRSA §211, sub-§1, as amended by PL 1981, c. 359, §4, is further amended to read:

1. Appointment; term; qualifications. The activities of the bureau shall be directed by a superintendent who shall be appointed by the Governor and subject to review by the ~~Joint Standing Committee on Business Legislation~~ joint standing committee of the Legislature having jurisdiction over banking and insurance and to confirmation by the Legislature. The superintendent shall hold office for a term of 5 years, or until his successor is appointed and qualified. The superintendent may be removed from office for cause by impeachment or by the Governor on the address of both branches of the Legislature, and Title 5, section 711, paragraph B, shall not apply. Any person appointed as superintendent shall have the knowledge of, or experience in, the theory and practice of banking.

Sec. 3. 24-A MRSA §201, sub-§2, as amended by PL 1981, c. 359, §5, is further amended to read:

2. The superintendent shall be appointed by the Governor and subject to review by the ~~Joint Standing Committee on Business Legislation~~ joint standing committee of the Legislature having jurisdiction over banking and insurance and to confirmation by the Legislature.

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

Effective May 12, 1987.

CHAPTER 106

H.P. 433 — L.D. 579

AN ACT to Facilitate Mutual Aid Agreements Between Municipal Police Departments.

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

Sec. 1. 30 MRSA §2361, sub-§2, as amended by PL 1975, c. 430, §73, is further amended to read:

2. Powers. Police officers shall be empowered to serve criminal and traffic infraction processes and to arrest and prosecute offenders of the law. Except for the purpose of retaking a prisoner whom he has arrested and who has escaped, or for the purpose of taking a person before the District Court, or for the purpose of executing a mittimus given to him by such court, or for the purpose of pursuing a person who has gone into another municipality and for whose arrest a police officer has a warrant, or as provided for in section 2366, no police officer shall may have any authority in criminal or traffic infraction matters beyond the limits of the municipality in which he is appointed. A police officer has all the statutory powers of a constable, except as limited by municipal ordinance.

Sec. 2. 30 MRSA §2366 is enacted to read:

§2366. Aid to other municipalities

Except as otherwise provided by municipal charter or ordinance, the municipal officers may authorize the chief of police or other designee to request other municipalities to provide police officers to assist the requesting municipality. The municipal officers may authorize the chief of police or other designee to provide police officers to assist other municipalities when so requested by a properly authorized chief of police or other designee of the requesting municipality.

The authorizations of the municipal officers shall be accompanied by an agreement between the requesting municipality and the responding municipality that specifies which municipality shall be liable, if any liability is determined to exist, for personal injury or property damage caused by or occurring to the police officers of the responding municipality in the course of assisting the requesting municipality.

The police officers of the responding municipality shall have the same authority as police officers within the limits of the requesting municipality, except as to the service of civil process and, when assisting other municipalities, shall have the same privileges and immunities as when acting within their own municipality.

Effective September 29, 1987.

CHAPTER 107

H.P. 650 — L.D. 878

AN ACT Relating to Historic Bridges.

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

23 MRSA §603, first ¶, as enacted by PL 1985, c. 480, §§5 and 10, is amended to read:

The State shall be responsible for the management of and all costs for maintenance and rehabilitation for the following historic bridges: Lovejoy Bridge, Andover; Robyville Bridge, Corinth; Hemlock Bridge, Fryeburg; Bennett Bridge, Lincoln Plantation; Watson's Bridge, Littleton; Artist's Bridge, Newry; Lowe's Bridge, Sangerville-Guilford; Babb's Bridge, Windham-Gorham; Wire Bridge, New Portland; Porter Bridge, Porter-Parsonsfield; ~~and~~ Bailey Island Bridge, Harpswell; Sewall's Bridge, York; and Waldo-Hancock Bridge, Prospect-Verona.

Effective September 29, 1987.

CHAPTER 108

H.P. 651 — L.D. 879

AN ACT to Make Technical Adjustments to the Truck Overweight Law.

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

Whereas, the State is threatened with the loss of a portion of its federal highway funds unless its interstate truck weight enforcement laws are immediately brought into compliance with federal standards; 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. 29 MRSA §1654, 3rd and 4th ¶¶, as repealed and replaced by PL 1985, c. 812, Pt. B, §§2 and 9, are amended to read:

If Except as provided in the 8th paragraph, if the gross weight as specified in section 1652 or section 1655, whichever is applicable, is exceeded by less than 500 pounds multiplied by the number of axles less one, the fine shall be waived. If the gross weight is exceeded by less than 1,000 pounds multiplied by the number of axles less one, the fine shall be reduced by 50%. If the gross excess is greater than those enumerated in this paragraph the fine schedule shall apply.

If Except as provided in the 8th paragraph, if the excess on any axle or group of axles as specified in section