

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.

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

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

1652 or section 1655, whichever is applicable, is less than 1,000 pounds, the fine shall be waived. If the excess is less than 1,000 pounds plus 500 pounds multiplied by the number of axles in the axle group, the fine shall be reduced by 2/3. If the excess is less than 1,000 pounds plus 1,000 pounds multiplied by the number of axles in the axle group, the fine shall be reduced by 50%. If the axle excess is greater than those enumerated in this paragraph the fine schedule shall apply.

Sec. 2. 29 MRSA §1654, 8th ¶, as repealed and replaced by PL 1985, c. 812, Pt. B, §§2 and 9, is repealed and the following enacted in its place:

Notwithstanding any other paragraph in this section, for vehicles using the interstate system as defined in the Federal Highway Act of 1956, there shall be a minimum fine of \$20 and cost of court.

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

Effective May 12, 1987.

CHAPTER 109

H.P. 653 — L.D. 881

AN ACT to Amend the Experimental Vehicle Law.

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

23 MRSA §4206, sub-§9, as enacted by PL 1985, c. 741, is amended to read:

9. Experimental vehicle permits. The Commissioner of Transportation, with the advice of the Commissioner of Public Safety and the Director of Motor Vehicles, may establish a program providing for the issuance of temporary experimental vehicle permits on a discretionary basis, each for a period not exceeding 2 years, upon proper application in writing from a trucker representing a significant sector of the trucking industry. The permits are to provide for the operation and the evaluation of the operation of experimental vehicles which have a length, width, height, weight and other conditions beyond that specified in Title 29, over any nonlimited way or bridge maintained by the Department of Transportation. These permits shall carry no fee. Registration shall be assessed for the applicable road limit exclusive of general or special commodity permits, despite expected operation beyond these limits, in an experimental mode. Multistate experiments are to be encouraged. Registration in another state in the context of a regional multistate experiment will be honored without the necessity of acquiring a Maine registration. These permits shall only be granted within the context of a structured joint industry-government evaluation program, including preparatory off-road performance tests, strictly controlled operational testing on the highway system and

both in-process and final evaluation reports covering productivity, operating characteristics and safety. Additional reports may be required by the commissioner if deemed necessary during the experimental phase. The Commissioner of Transportation shall issue these permits on a limited basis and only if he judges that a significant potential exists for increased productivity without undue compromise in safety by the eventual legal general operation of the experimental vehicle, without permit, on the highway system. No commitment to that eventual operation is implied by the issuance of the temporary experimental vehicle permit. The Commissioner of Transportation shall ratify, at his discretion, all conditions of the experimental programs proposed, including, but not limited to, preparatory off-road vehicle tests, time limits, vehicle dimensions, axle and gross weight limits, routing, insurance and reporting provisions. The commissioner may terminate any evaluation at any time if in his judgment the operation of the vehicle poses an undue threat to public safety or the integrity of the highway system or if the conditions of the permit are violated.

The commissioner shall submit a report biennially to the joint standing committee of the Legislature having jurisdiction over transportation before the first regular session of each Legislature. This report shall discuss the progress of any experimental vehicle evaluations and contain recommendations, if any, for legislation leading to their eventual general use on the highway system.

Effective September 29, 1987.

CHAPTER 110

H.P. 1000 — L.D. 1346

AN ACT to Amend the Maine Tort Claims Act Relating to Personal Liability of Employees of a Governmental Entity.

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

14 MRSA §8103, sub-§3, as amended by PL 1985, c. 599, §2, is further amended to read:

3. Personal liability; employee of a governmental entity. Except as otherwise expressly provided by section 8111 or by any other law, statute, and notwithstanding the common law, the personal liability for the negligent acts or omissions of an employee of a governmental entity acting within the course and scope of his employment shall be personally liable for his negligent acts or omissions causing property damage, bodily injury or death in instances in which the governmental entity is immune under this section only subject to a limit of \$10,000 for any and all such claims arising out of a single occurrence and the employee shall not be liable for the amount in excess of that limit on any such ~~claim~~ claims.