

# 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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Twin City Printery  
Lewiston, Maine  
1987

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

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

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or other nonload carrying appurtenances which may be permitted by federal regulation.

~~F. The overall length of trailers and semitrailers shall not include the space occupied by refrigeration units or other nonload carrying appurtenances which may be permitted by Federal regulation.~~

Sec. 2. 29 MRSA §1652, sub-§1, ¶D, as repealed and replaced by PL 1975, c. 237, §4, is amended to read:

D. The following vehicles are permitted on the Interstate Highway System:

(1) All 3-axle trucks with brakes on the wheels of all axles, hauling forest products or raw ore from mine or quarry to place of processing, may be operated with a gross weight of 48,000 pounds with a distance between extreme axles of not less than 18 feet; and

(2) All 3-axle trucks with brakes on the wheels of all axles, hauling construction materials, may be operated with a gross weight of 48,000 pounds with a distance between extreme axles of not less than 16 feet; and

(3) A combination comprised of a motor vehicle hauling any tank trailer, dump trailer or ocean transport container with a combined weight of 68,000 pounds on the tandems of the tractor and the trailer, provided that the distance between the first and last axles of those tandems is 30 feet or more. This subparagraph is void on and after September 1, 1988.

Sec. 3. 29 MRSA §1654, first ¶, as repealed and replaced by PL 1985, c. 812, Pt. B, §§2 and 9, is amended to read:

Any person who violates any weight provision for any axle or group of axles or gross weight, if convicted, shall be guilty of a misdemeanor on account of each such violation and for each violation of which convicted shall be punished by a fine. When both gross and axle weights are exceeded, the fine shall be imposed on whichever excess is the greater penalty imposed shall be on the violation that results in the higher fine.

Effective September 29, 1987.

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## CHAPTER 200

H.P. 681 — L.D. 922

### AN ACT to Permit the Annual Filing of Certain Fuel Use Reports.

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

Sec. 1. 36 MRSA §2965, as amended by PL 1983, c.

94, Pt. C, §16, is further amended by adding at the end a new paragraph to read:

Notwithstanding the other provisions of this section, when the annual tax liability is expected to be \$100 or less, a motor carrier, with the approval of the State Tax Assessor, may file an annual return with payment on or before the last day of January each year covering the prior year.

Sec. 2. 36 MRSA §3209, as amended by PL 1985, c. 127, §1, is further amended by adding at the end a new paragraph to read:

Notwithstanding the other provisions of this section, when the annual tax liability is expected to be \$100 or less, a user, with the approval of the State Tax Assessor, may file an annual return with payment on or before the last day of January each year covering the prior year.

Sec. 3. **Effective date.** This Act shall become effective on January 1, 1988.

Effective January 1, 1988.

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## CHAPTER 201

H.P. 693 — L.D. 934

### AN ACT to Facilitate the Transfer of Information Between the Department of Human Services and the Bureau of Taxation.

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

Sec. 1. 36 MRSA §191, sub-§2, ¶J, as amended by PL 1985, c. 764, §4, is further amended to read:

J. The disclosure to a state agency seeking setoff of a liquidated debt against a tax refund pursuant to section 5276-A of information necessary to effectuate the intent of that section; and

Sec. 2. 36 MRSA §191, sub-§2, ¶K, as enacted by PL 1985, c. 764, §5, is amended to read:

K. The disclosure by a municipal assessor, or by the State Tax Assessor with regard to the unorganized territory, of information contained on the declaration of value form required by section 4641-B, to a person who has filed an application for abatement pursuant to section 841. Information which may be disclosed is limited to information which is relevant to the determination of just value of the property for which the form was filed; and

Sec. 3. 36 MRSA §191, sub-§2, ¶L is enacted to read:

L. The disclosure to an authorized representative of the Department of Human Services of the most recent address of a delinquent payor of child support when a written request containing the payor's Social Security number is made by the department.

Effective September 29, 1987.

## CHAPTER 202

S.P. 325 — L.D. 953

### AN ACT to Provide Increased Penalties for Door-to-door Fraud.

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

Sec. 1. 32 MRSA §4661, sub-§2-A is enacted to read:

2-A. Permanent place of business. "Permanent place of business" means the building or other permanently affixed structure, including a home residence, which is used in whole or in part for the purpose of engaging in sales of consumer merchandise.

Sec. 2. 32 MRSA §4662, as amended by PL 1981, c. 187, §3, is further amended to read:

#### §4662. Contents of contract

Where merchandise is sold or contracted to be sold, whether under a single contract or under multiple contracts, to a consumer as a result of or in connection with a salesman's direct contact accomplished by means of and including, but not limited to, a personal visit or a telephone call upon the consumer, other than at the seller's place of business, without the consumer soliciting the initial contact, the contract shall be in writing, bear the signature of the seller and the consumer, contain the date of the transaction, the terms of the sale or offer, the name and the mailing address of the seller seller's permanent place of business, a statement of the consumer's right to avoid as provided in this subchapter and a statement of the limitation contained in section 4664-A. A completely executed copy of the contract or agreement shall be furnished by the seller to the consumer immediately after the consumer signs the agreement or contract.

Sec. 3. 32 MRSA §4667, last ¶, as enacted by PL 1969, c. 395, is repealed and the following enacted in its place:

A violation of any provision of this subchapter shall be a Class D crime.

Effective September 29, 1987.

## CHAPTER 203

H.P. 1175 — L.D. 1601

### AN ACT to Save Medicaid Funds by Expanding the Ability of the Department of Human Services to Recover Funds from Other Payors.

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

22 MRSA §14, sub-§§2-B and 2-C are enacted to read:

2-B. Direct reimbursement to health care provider. When an insured is eligible under the Medicaid program administered by the Department of Human Services, pursuant to the United States Social Security Act, Title XIX, for the medical costs of injury, disease, disability or similar occurrence for which an insurer is liable, and the insured's claim is payable to a health care provider as provided or permitted by the terms of a health insurance policy or pursuant to an assignment of rights by an insured, the insurer shall directly reimburse the health care provider to the extent that the claim is honored.

2-C. Direct reimbursement to the Department of Human Services. When an insured is eligible under the Medicaid program administered by the Department of Human Services, pursuant to the United States Social Security Act, Title XIX, for the medical costs of injury, disease, disability or similar occurrence for which an insurer is liable, and the claim is not payable to a health care provider under the terms of the health insurance policy, the insurer shall directly reimburse the Department of Human Services, upon request, for any medical services paid by the department on behalf of a Medicaid recipient to the extent that those medical services are payable under the terms of the health insurance policy.

Effective September 29, 1987.

## CHAPTER 204

H.P. 1179 — L.D. 1608

### AN ACT Relating to the Availability of Rebate Forms for Manufacturers' Rebates.

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

10 MRSA c. 206-A is enacted to read:

#### CHAPTER 206-A

#### MANUFACTURERS' REBATES

§1231. Definitions