

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
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Twin City Printery
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1987

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
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A. A disability retirement benefit ceases and eligibility for a service retirement benefit begins:

(1) On the last day of the month in which the 10th anniversary of the beneficiary's normal retirement age occurs; or

(2) On the last day of the month in which the service retirement benefit of the beneficiary would equal or exceed the amount of his disability retirement benefit, if that occurs before the 10th anniversary of the beneficiary's normal retirement age;

Sec. 42. 5 MRSA §18507, sub-§2, ¶D is enacted to read:

D. A full month's benefit shall be paid to the beneficiary or estate of the disability retirement recipient for the month in which he dies.

Sec. 43. 5 MRSA §18558, as enacted by PL 1985, c. 801, §§5 and 7, is repealed.

Sec. 44. 5 MRSA §18607, as enacted by PL 1985, c. 801, §§5 and 7, is repealed.

Sec. 45. 35 MRSA §3223, sub-§5, as enacted by PL 1981, c. 447, §1, is repealed and the following enacted in its place:

5. Trustees retirement. Persons who have not been trustees prior to January 1, 1987, and who are not full-time employees, shall not be eligible to become members of the Maine State Retirement System as a result of their selection as trustees. For purposes of determining a water district trustee's eligibility to be a member of the Maine State Retirement System prior to January 1, 1987, the provisions of the appropriate governing charter in effect at the time of the trustee's application for membership shall control.

Sec. 46. 38 MRSA §1104, sub-§3, as enacted by PL 1981, c. 466, §3, is repealed and the following enacted in its place:

3. Trustees retirement. Persons who have not been trustees prior to January 1, 1987, and who are not full-time employees, shall not be eligible to become members of the Maine State Retirement System as a result of their selection as trustees.

Sec. 47. 38 MRSA §1252, sub-§6, as enacted by PL 1981, c. 466, §13, is repealed and the following enacted in its place:

6. Trustees retirement. Persons who have not been trustees prior to January 1, 1987, and who are not full-time employees, shall not be eligible to become members of the Maine State Retirement System as a result of their selection as trustees.

Effective September 29, 1987.

CHAPTER 257

H.P. 547 — L.D. 734

AN ACT to Authorize the Increase of the Maximum Speed Limit to 65 Miles Per Hour.

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

Whereas, a 55 m.p.h. speed limit was federally imposed to combat shortages and rising prices during the threat of the 1973 Arab oil embargo; and

Whereas, that serious conservation effort accomplished its purpose and now should be modified to meet a more realistic level of compliance for modern day travel; and

Whereas, there has been improved technology in auto safety and highway construction since 1973 so that Maine motorists can drive safely and comfortably at 65 m.p.h. on rural interstate highways; and

Whereas, recent research conducted by the Federal Highway Administration indicates that the speed of travel is not the most critical factor in determining safety on the nation's major thoroughfares; and

Whereas, there is widespread public contempt for the present speed limit on rural interstate highways of this State; and

Whereas, the Federal-Aid Highway Act of 1987 permits the speed limit to be raised on the rural interstate highways of this State to 65 m.p.h.; 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. 23 MRSA §1973, sub-§2, as enacted by PL 1981, c. 595, §3, is amended to read:

2. Speed limit. The authority may by rule prescribe a maximum limitation on the speed of vehicles using the turnpike, but not exceeding 55 65 miles per hour or such maximum speed as is permitted on similar roads in the State, and so limit the speed at any point or place thereon, and may regulate the volume and weight of vehicles admitted to the turnpike.

Sec. 2. 29 MRSA §1251, first ¶, as amended by PL 1979, c. 397, §4, is further amended to read:

Except as provided in section 1255 and notwithstanding section 1252, subsection 2, the Commissioner of Transportation, with the consent and approval of the Chief of the Maine State Police, shall have the authority to restrict the maximum rate of speed allowed by law or established by the commissioner with the consent and approval of the Chief of the Maine State Police at any and all points on the highway where in the opinion of the commissioner, with the consent and approval of the Chief of the Maine State Police, an adjusted speed limit will minimize the danger of accident, promote the free flow of traffic, conserve motor fuel or respond to changes in federal laws, and in each such place shall fix the rate of speed in accordance with his own judgment. The Department of Transportation, with the consent and approval of the Chief of the Maine State Police, shall have authority to increase the speeds of all motor vehicles at any and all points on the highway where, in its opinion, higher speeds are warranted to promote the normal and reasonable movement of traffic, provided that such increased speed shall not exceed 60 miles per hour for vehicles, except on the interstate system or other divided controlled-access highways such increased speed shall not exceed ~~70~~ 65 miles per hour for vehicles. Any adjustment to the rate of speed established pursuant to this section shall be exempt from the provisions of the Maine Administrative Procedure Act, Title 5, chapter 375. This section shall not apply to that portion of the interstate system which is part of the Maine Turnpike.

Sec. 3. ~~29~~ MRSA §1252, sub-§2, ¶F, as repealed and replaced by PL 1983, c. 667, §2, is amended to read:

F. Speed in excess of 45 miles per hour shall be unlawful when a school bus is transporting pupils to and from school. At all other times, a school bus shall not exceed the duly posted speed limits, except that a school bus shall at no time exceed 55 miles per hour.

Sec. 4. 29 MRSA §1252, sub-§5 is enacted to read:

5. Maine Turnpike and interstate highways. Any person who operates a motor vehicle on the Maine Turnpike or the Interstate Highway System at a speed which exceeds the posted speed of 65 miles per hour commits a traffic infraction punishable by a fine of not less than \$50.

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

Effective June 12, 1987.

CHAPTER 258

H.P. 792 — L.D. 1064

AN ACT to Require Candidates Requesting Ballot Inspection to Pay for this Service.

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

Sec. 1. 21-A MRSA §736, first ¶, as enacted by PL 1985, c. 161, §6, is amended to read:

If a candidate in any election applies in writing within 7 days after election day, the clerk shall permit him or his counsel, after payment of any deposit required under subsections 1-A and 1-B, to inspect the ballots and incoming voting lists, under proper protective regulations. The purpose of this inspection must be to provide factual basis for a request for recount. The inspection must be of reasonable duration and may not be used for harassment, assessment of ballot splitting or any other purpose not related to determining whether ballots were counted in a proper and lawful manner.

Sec. 2. 21-A MRSA §736, sub-§§1-A and 1-B are enacted to read:

1-A. Percentage difference. For purposes of this section, "percentage difference" means the percentage of the total vote for an office represented by the difference between the votes received by the candidate requesting a ballot inspection and the votes received by the nearest winning candidate.

1-B. When deposit is required. A deposit is not required if the percentage difference shown by the official tabulation is:

A. Ten percent or less if the combined vote for the 2 candidates is 1,000 or less, otherwise a deposit of \$150 is required;

B. Five percent or less if the combined vote for the 2 candidates is 1,001 to 5,000, otherwise a deposit of \$200 is required;

C. Four percent or less if the combined vote for the 2 candidates is 5,001 to 10,000, otherwise a deposit of \$250 is required;

D. Three percent or less if the combined vote for the 2 candidates is 10,001 to 50,000, otherwise a deposit of \$300 is required;

E. One percent or less if the combined vote received by the 2 candidates is 50,001 to 100,000, otherwise a deposit of \$500 is required; or

F. Half of one percent or less if the combined vote received by the 2 candidates is 100,001 or over, otherwise a deposit of \$1,000 is required.

All deposits required by this section must be made with the municipal clerk when the ballot inspection is requested. This deposit, made by the candidate requesting the ballot inspection, is forfeited to the municipality if the ballot inspection has begun and it fails to result in a recount which changes the result of the election. If a recount following the ballot inspection reverses the election, the deposit shall be returned to the candidate requesting the ballot inspection.