

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

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 ~~29~~ MRSA §1252, sub-~~§2~~, ¶F, as repealed and replaced by PL 1983, c. 667, §2, is amended to read: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

Sec. 3. 21-A MRSA §737, sub-§2, as enacted by PL 1985, c. 161, §6, is amended to read:

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

A. 10% or less if the combined vote for the 2 candidates is 1,000 or less, otherwise a deposit of \$150 is required;

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

C. 4% or less if the combined vote for the 2 candidates is 5,001 to 10,000, otherwise a deposit of \$250 is required;

D. 3% or less if the combined vote for the 2 candidates is 10,001 to 50,000, otherwise a deposit of \$300 is required;

E. 1% 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. 1/2 of 1% 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 Secretary of State when the recount is requested. This deposit, made by the candidate requesting the recount, is forfeited to the State if the recount has begun and it fails to change the result of the election. If the recount reverses the election, the deposit shall be returned to the candidate requesting the recount.

All deposits required under this section are in addition to any deposit required for a ballot inspection.

Sec. 4. 30 MRSA §2063, first ¶ is amended to read:

Upon written application of any candidate for a municipal office within 3 days after the result of a city election or an election under section 2061 has been declared, the clerk shall permit him or his agent to inspect the ballots under proper protective regulations, subject to the following provisions.

Sec. 5. 30 MRSA §2063, sub-§§4 and 5 are enacted to read:

4. 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.

5. When deposit is required. A deposit is not re-

quired 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.

Effective September 29, 1987.

CHAPTER 259

S.P. 464 — L.D. 1421

AN ACT to Simplify Fees for Certified Copies of Divorce Reports.

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

Sec. 1. 22 MRSA §2804, as amended by PL 1967, c. 186, §3, is further amended to read:

§2804. — — index

The Registrar of Vital Statistics shall prepare and keep an alphabetical index, by the names of both parties, of all annulments and divorces reported. When requested, the registrar shall cause a search to be made of his files for the record of any divorce or annulment and shall furnish a copy thereof. The fee for such search and copy shall be \$2, payable in advance reasonably reflect the cost of