

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
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Sec. 3. 4 MRSA §1057 is enacted to read:

§1057. Jail Operations Surcharge Fund

1. Fund established. There is hereby established a fund to be known as the Jail Operations Surcharge Fund. This fund shall be maintained by the Treasurer of State for the sole purpose of reimbursing counties for costs associated with operations of the jail system.

2. Surcharge imposed. A surcharge of 10% shall be added to every fine, forfeiture or penalty imposed by any court in this State. All funds collected as a result of this surcharge shall be deposited monthly in the Jail Operations Surcharge Fund.

3. Reimbursement to counties. Monthly, the Treasurer of State shall make payments from this fund to each county in direct proportion to the amount of revenue obtained from all courts within each county, provided a county may not receive an amount greater than the prior year's expenditures on its jail. The amount of total payments made to counties shall equal 2% of the total fines, forfeitures and penalties, including this surcharge, received by the Treasurer of State. The balance remaining in the Jail Operations Surcharge Fund at the end of each month shall accrue to the General Fund.

Sec. 4. 4 MRSA §1156, as enacted by PL 1977, c. 551, §1, is amended to read:

§1156. Fines

Notwithstanding any other provisions of this chapter, a judge of the Administrative Court, in his judicial discretion, may impose a fine of a specific sum, which shall not be less than \$50 nor more than \$1,500 for any one offense, or such other limits as the statutes relating to the licensing question may provide. Such a fine may be imposed instead of or in addition to any suspension, revocation or modification of a license by the court. Section 1057 applies to any fine imposed by this section.

The Administrative Court Judge shall maintain a record of all fines and surcharges received by the court and shall pay the fines into the General Fund of the State Treasury and the surcharges into the Jail Operations Surcharge Fund on or before the 15th day of each month.

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

Effective June 17, 1987.

CHAPTER 340

S.P. 415 — L.D. 1273

AN ACT to Maintain Lifeguard Services in State Government.

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

Sec. 1. 12 MRSA §602, sub-§10, as amended by PL 1973, c. 460, §19, is further amended to read:

10. Employees. To fix the duties of and to employ permanently or part time such employees and other personnel, subject to the Personnel Civil Service Law, as the bureau may from time to time deem necessary in the discharge of its duties under this chapter; and to accept gifts and bequests of money or other personal property to be used in advancing the recreational and conservation interests in state parks. The Bureau of Parks and Recreation will designate an employee to serve as coordinator of lifeguard training.

Sec. 2. 12 MRSA §602-A is enacted to read:

§602-A. Lifeguard training

The Bureau of Parks and Recreation shall oversee the existing lifeguard training being conducted by the Lifeguard Academy. The training procedures shall be in compliance with the guidelines for open-water lifeguard training, promulgated by the United States Lifesaving Association.

Effective September 29, 1987.

CHAPTER 341

S.P. 608 — L.D. 1798

AN ACT to Require Maintenance of Financial Responsibility by All Motorists.

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

Sec. 1. 24-A MRSA §2412, sub-§6 is enacted to read:

6. Motor vehicle insurance identification cards. Pursuant to this section, the superintendent, with the advice of the Secretary of State, shall prescribe a uniform motor vehicle insurance identification card form. The superintendent shall require all insurance companies transacting business within this State to provide with each motor vehicle liability insurance policy an insurance identification card for each vehicle, describing the vehicle covered. When an insured has 5 or more motor vehicles registered in this State, the insurer may use the designation "all owned vehicles" on each card in lieu of a specific description. This section is repealed on January 1, 1991.

Sec. 2. 24-A MRSA §2451 is enacted to read:

§2451. Minimum 3-month policy for motor vehicle liability insurance

No policy for motor vehicle liability insurance may be issued for less than 3 months. This section is repealed on January 1, 1991.

Sec. 3. 29 MRSA c. 9, sub-c. I, §§779 and 780 are enacted to read:

§779. Purpose

The Legislature finds that the economic damage inflicted by uninsured motorists goes uncompensated in many cases due to the failure of motorists to maintain liability insurance or other means to insure just compensation for victims of accidents. The present law condones the financial irresponsibility of these motorists until they have already inflicted injuries or damage for which they may be unable to provide compensation. The purpose of this subchapter is to reduce the likelihood that financially irresponsible motorists will operate on the State's highways by instituting a requirement that motorists provide evidence of financial responsibility pursuant to this subchapter. This section is repealed on January 1, 1991.

§780. Required maintenance of financial responsibility

1. Requirement. Every operator or owner of a motor vehicle, trailer or semitrailer shall maintain at all times the amounts of motor vehicle liability insurance or financial responsibility specified in section 787.

2. Evidence of insurance or financial responsibility. Every operator or owner of a motor vehicle, trailer or semitrailer shall present evidence of motor vehicle liability insurance or financial responsibility upon the request of a law enforcement officer if the operator is stopped for a moving violation or is involved in an accident which shall be reported under section 891.

3. Failure to produce evidence of insurance. If any person fails to produce evidence of insurance, as defined in section 781, subsection 1, paragraphs A-1 and A-2, to a law enforcement officer, pursuant to this section, this failure shall be prima facie evidence that the motorist is uninsured, is in violation of this section and is subject to the penalties of this section.

4. Dismissal. If any person charged with a violation of this section exhibits to a law enforcement officer designated by the issuing officer evidence of insurance or financial responsibility no later than 24 hours before the time set for the court appearance, the proceeding for violation of this section shall be dismissed.

5. Penalty. Violation of this section is a traffic infraction, for which a forfeiture of not more than \$100 may be assessed.

6. Suspension. Thirty days following the receipt of an abstract from the court of an adjudication of a violation of this section, the Secretary of State shall suspend, in accordance with chapter 17, the license; right to oper-

ate and obtain a license of any person operating a motor vehicle; the registration certificate and registration plates; and the right to register of any person owning a motor vehicle, trailer or semitrailer until that person provides evidence of insurance in accordance with section 781, paragraph A-1, and in the amounts required in this subchapter. Any person who is convicted of a violation of this section 2 or more times within a 3-year period shall be subject to the proof of financial responsibility requirements as provided in section 787.

7. Agent immunity from liability. An insurance agent, broker or agency may not be held liable for an inaccurate insurance identification card if the card was issued based on information contained in the records of that agent, broker or agency or was issued based on any false or misleading statements made by the operator.

8. Sunset provision. This section is repealed on January 1, 1991.

Sec. 4. 29 MRSA §781, sub-§1, ¶¶A-1 and A-2 are enacted to read:

A-1. "Evidence of insurance" means a motor vehicle insurance identification card, motor vehicle liability insurance policy or binder issued pending the issuance of the actual policy or insurance identification card.

A-2. "Insurance identification card" means a card issued to an insured by an insurer pursuant to Title 24-A, section 2412, subsection 6; or a card issued by the Secretary of State for use by any person or corporation who, in lieu of maintaining a motor vehicle liability policy, elects to provide proof of financial responsibility as provided in section 787.

Sec. 5. 29 MRSA §790 is enacted to read:

§790. Uncompensated injured persons data collection

1. Secretary of State to prepare list. The Secretary of State shall prepare a monthly list of all accidents involving any uninsured operator of a motor vehicle which results in bodily injury to any person, other than the uninsured operator, for a period of one year beginning January 1, 1988. This list shall include, at a minimum, the names and addresses of persons injured in these accidents and shall be sent to the Legislative Council.

2. Survey of injured persons. The Legislative Council shall survey a random sample of those persons with bodily injuries on the list in order to determine the following:

A. The number of those persons injured by uninsured operators of motor vehicles who were not compensated fully by the uninsured operator or by any health or accident insurance policy and were not in violation of section 780; and

B. The amount of money which will be necessary to

establish a fund to compensate those persons.

3. Report. The Office of Policy and Legal Analysis shall report the results of the survey described in subsection 2 and any recommendations to the joint standing committee of the Legislature having jurisdiction over insurance by January 15, 1990.

Sec. 6. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

	1987-88	1988-89
<u>SECRETARY OF STATE, DEPARTMENT OF</u>		
Administration — Motor Vehicles		
Positions	(4)	(4)
Personal Services	\$38,337	\$76,673
All Other	3,526	6,698
Capital Expenditures	5,000	
 Total	 \$46,863	 \$83,371
Provides funds for 3 Clerk Typist II's; one Clerk Typist III; and general operating expenses to assist with the anticipated administrative responsibilities.		

Sec. 7. Effective date. This Act shall take effect on January 1, 1988.

Effective January 1, 1988.

CHAPTER 342

H.P. 1348 — L.D. 1842

AN ACT to Make Substantive Changes in the Liquor Laws.

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

Sec. 1. 5 MRSA §88-A, sub-§1, ¶A, as enacted by PL 1987, c. 45, Pt. A, §1, is amended to read:

A. The application form must include, directly above the signature line, the following notice to the applicant: "I understand that knowingly supplying false information on this form is a Class D crime under Title 17-A, punishable by confinement of up to one year 364 days or by monetary fine of up to \$500 \$1,000, or both."

Sec. 2. 28-A MRSA §2, sub-§12, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed and the following enacted in its place:

12. Fortified wine. "Fortified wine" means:

A. Any liquor containing more than 15.5% alcohol by

volume which is produced by the fermentation of fruit or other agricultural products containing sugar; or

B. Wine to which spirits have been added.

Sec. 3. 28-A MRSA §2, sub-§15, ¶E, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed and the following enacted in its place:

E. "Dining car" and "passenger car" mean cars in which food and liquor are served.

Sec. 4. 28-A MRSA §2, sub-§15, ¶F, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed.

Sec. 5. 28-A MRSA §2, sub-§15, ¶H, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

H. "Hotel" means any reputable place operated by responsible persons of good reputation, where the public obtains sleeping accommodations for a consideration and where meals may be served, whether or not under one roof.

(1) A hotel is considered to be serving meals when it provides on the premises one or more public dining rooms, open and serving food during the morning, afternoon and evening, and a separate kitchen in which food is regularly prepared for the public.

(2) Nothing in this paragraph may be held to prevent the commission from issuing part-time licenses to bona fide part-time hotels.

(3) "Hotel guest" means a person whose name and address is registered on the registry maintained by the hotel and who is the bona fide occupant of a room of the hotel. A person registering solely for the purpose of obtaining liquor is not considered a hotel guest.

~~(4) No group of buildings which is reasonably classified as overnight camps qualifies as a hotel.~~

Sec. 6. 28-A MRSA §2, sub-§15, ¶K-1 is enacted to read:

K-1. "International air terminal" means an airport served by one or more bona fide international air carriers.

Sec. 7. 28-A MRSA §2, sub-§15, ¶T, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed.

Sec. 8. 28-A MRSA §2, sub-§15, ¶T-1 is enacted to read:

T-1. "Tavern" means a reputable place operated by responsible persons where food may be sold and malt liquor may be sold at tables, booths and counters.

Sec. 9. 28-A MRSA §2, sub-§15, ¶U, as enacted by