

# 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  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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When ~~an authorized~~ a certified instructor is not available to teach an approved motorcycle driver education program in a given geographic area of the State, the Secretary of State may assign a qualified instructor who shall be responsible for conducting the instructional program, provided that the requesting authority insures a minimum class size of 6 students wishing to complete the motorcycle driver education program. The Secretary of State shall charge a course program fee comparable to other motorcycle driver education courses programs.

No instructor provided pursuant to this section may be considered a "teacher" within the meaning of Title 5, section 1001, subsection 25 or Title 20-A.

Sec. 25. 29 MRSA §583-F, as enacted by PL 1985, c. 694, §2, is amended by adding at the end a new paragraph to read:

The Secretary of State may suspend, revoke or deny any instructor's certificate for just cause in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375.

Sec. 26. 29 MRSA §1366, 4th ¶, as amended by PL 1971, c. 360, §35, is repealed and the following enacted in its place:

Every motor vehicle supported by 3 or more wheels shall have on the rear of the motor vehicle 2 lamps, one to the right of its axis and one to the left of its axis, each capable of displaying a red light visible for a distance of at least 100 feet behind the vehicle. When a vehicle is used in conjunction with another vehicle or vehicles, only the last of the vehicles shall be required to carry the lamp.

Sec. 27. 29 MRSA §1366, as amended by PL 1981, c. 98, §9, is further amended by adding at the end a new paragraph to read:

Every vehicle shall carry a lamp illuminating with white light its rear registration plate so that the characters on the plate shall be visible for a distance of at least 50 feet.

Sec. 28. 29 MRSA §2241-E, as amended by PL 1985, c. 481, Pt. A, §53, is further amended to read:

#### §2241-E. Suspension

Except for a court-ordered suspension under section 2301 or 2301-A, any suspension authorized under this Title shall be effective on a specified date not less than 10 days after the mailing of the notification of suspension and the period of suspension shall be computed from that date. ~~For the purpose of the reinstatement fee, any~~ Any court-ordered suspension under section 2301 or 2301-A shall be effective when entered by the court. Upon motion and good cause shown, the court ordering the suspension under section 2301 or 2301-A may waive all or any part of the reinstatement fee.

Sec. 29. 29 MRSA §2301-A, first ¶, as amended by PL 1981, c. 679, §57, is further amended to read:

If a person fails to appear in court on the day specified in response to a Uniform Traffic Ticket and Complaint, a summons, a condition of bail or order of court for any violation of any provision of this Title, or for any further appearance ordered by the court, including one for the payment of a fine, either in person or by counsel, the court shall suspend his license or permit, his right to operate motor vehicles in this State and the right to apply for or obtain a license. ~~The effective date of the suspension shall be governed by section 2241-E.~~

Sec. 30. 29 MRSA §2520, sub-§4 is enacted to read:

4. Issuance of certificate for substandard vehicle. No person may knowingly cause an official inspection sticker furnished by the Chief of the State Police to be attached to a vehicle that does not conform to the inspection standard.

Effective September 29, 1987.

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## CHAPTER 416

H.P. 1347 — L.D. 1841

### AN ACT Concerning Public Violations at the Capitol Complex.

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

Sec. 1. 25 MRSA §2904, sub-§1, as enacted by PL 1977, c. 138, §3, is amended to read:

1. Commissioner of Public Safety. Except as provided in subsection 2, the Commissioner of Public Safety is authorized and empowered to promulgate rules, including a schedule of parking violation fees, subject to the approval of the Governor, governing the security regarding use and occupancy of all parks, grounds, buildings and appurtenances maintained by the State at the seat of government at the capitol area or other state controlled locations in Augusta. These rules shall become effective upon deposit of a copy with the Secretary of State, who shall forward a copy attested under the Great Seal of the State to the District Court for Southern Kennebec.

Sec. 2. 25 MRSA §2905, 2nd ¶, as enacted by PL 1977, c. 138, §3, is amended to read:

The words "parking area" or "parking areas," when used in this chapter, or regulations issued thereunder, shall be held to mean all lands maintained by the State ~~at the seat of government~~ at the capitol area or other state controlled locations in Augusta which may be designated as parking areas by the State Director of Public Improvements or by the superintendent of the Augusta

Mental Health Institute, with the approval of the Commissioner of Public Safety.

Sec. 3. 25 MRSA §2906, first ¶, as enacted by PL 1977, c. 138, §3, is amended to read:

The Commissioner of Public Safety is authorized and empowered to make and enforce rules, subject to the approval of the Governor, governing the use of public ways and parking areas maintained by the State ~~at the seat of government at the capitol area or other state controlled locations in Augusta.~~ Said These rules and regulations shall become effective upon deposit of a copy thereof with the Secretary of State, who shall forward a copy thereof attested under the Great Seal of the State to the District Court for Southern Kennebec.

Sec. 4. 25 MRSA §2908, first ¶, as amended by PL 1985, c. 785, Pt. B, §114, is further amended to read:

The Commissioner of Public Safety is authorized and empowered to appoint and employ, subject to the Civil Service Law, security officers who shall have the powers of arrest of a sheriff in the Capitol Area, parks, grounds, buildings and appurtenances owned or leased by the State ~~at the seat of government capitol area of other state controlled locations in Augusta.~~

Sec. 5. 25 MRSA §2910, as enacted by PL 1977, c. 138, §3, is repealed and the following enacted in its place:

Any person found guilty of violating any rule made pursuant to sections 2904 to 2907 shall, upon conviction, pay a fine of not less than \$10 for each offense.

Effective September 29, 1987.

## CHAPTER 417

H.P. 1355 — L.D. 1854

### AN ACT to Clarify the Authority of Municipalities to Construct Sewer Systems or Sewage Disposal Systems.

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

30 MRSA §4352, first ¶ is amended to read:

The municipal officers of a town or a committee duly chosen by the town may, at the expense of the town, construct public drains or sewers, sewer systems or sewage disposal systems along or across any public way therein and through or upon any lands of persons or corporations when they deem it necessary for public convenience or health. Neither the municipal officers of the town nor such committee shall construct any public sewer, sewer system or sewage disposal system therein until the same shall be authorized by vote of said town and an appropriation made for the purpose, and when con-

structed, such sewers, sewer systems or sewage disposal systems shall be under the control of the municipal officers.

Effective September 29, 1987.

## CHAPTER 418

H.P. 1365 — L.D. 1869

### AN ACT to Temporarily Allow the Sale of Liquor on Sunday in Restaurants in Certain Municipalities.

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

Whereas, many liquor licensees have been selling liquor on Sunday in municipalities which have never voted on local option questions concerning sale of liquor on Sundays; and

Whereas, municipalities have permitted these liquor sales; and

Whereas, neither the licensees, the municipalities nor anyone else was aware that such sales were not legal; and

Whereas, many of these businesses rely greatly on the summer tourist season for their existence and these same businesses have for years innocently sold liquor on Sunday; and

Whereas, to prohibit these businesses from engaging in the sale of liquor, which they have in good faith engaged in for years, will seriously damage their viability this summer; 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:

28 MRSA §104 is enacted to read:

#### §104. Interim sale of liquor on Sunday

1. Application. This section applies only to a licensee which:

A. Is located in a municipality which has not voted against the sale of liquor to be consumed on the premises on Sunday since 1970;

B. Has sold liquor on Sunday for at least 2 years as of June 1, 1987; and