

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

and the

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

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
1988

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST AND SECOND SPECIAL SESSIONS
and
SECOND REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

displayed on automobiles. Motor vehicles used for the conveyance of passengers which are operated exclusively on islands having no roads maintained or supported by the State shall be registered for a fee of \$2.

For the purposes of registration only, a pickup truck may be registered as provided for automobiles provided that at no time shall the gross weight of a pickup truck so registered exceed 6,000 pounds when used as a motor truck or truck tractor. The owner of such a pickup truck desiring a gross weight in excess of 6,000 pounds shall register the truck as provided in section 246.

The registration fee for an electrically powered passenger vehicle with a gross vehicle weight of 6,000 pounds or less shall be \$10 greater than the registration fee for a similar vehicle powered by an internal combustion engine.

Sec. 2. 29 MRSA §246-A, sub-§2, as repealed and replaced by PL 1987, c. 472, §§1 and 4, is amended to read:

2. Vehicles requiring a fuel use identification decal. The following vehicles require a fuel use identification decal:

A. All motor vehicles or combination of vehicles propelled by internal combustion engines and, registered for a gross weight in excess of 26,000 pounds, regardless of the type of the fuel used; and which use fuel other than gasoline; and

~~B. All motor vehicles or combination of vehicles propelled by internal combustion engines with 3 or more axles, regardless of registered weight or type of fuel used; and~~

C. All other motor vehicles propelled by internal combustion engines designed to carry 20 or more passengers, regardless of the number of axles, registered weight or type of fuel used and which use fuel other than gasoline.

Interstate bus operators shall be required to obtain this decal on the same prorated basis as is used to determine fuel used within the State. The number of buses that the state mileage factor represents of the entire fleet mileage shall be required to display the fuel use identification decal or be issued a certified statement that the appropriate fee has been paid.

Farm vehicles and farm motor trucks subject to a limited inspection, as provided in section 2506, subsection 5, are not required to have a fuel use identification decal pursuant to this section.

Operators of one-way rental vehicle fleets shall be required to obtain the fuel decal on the same basis as is used to determine the number of vehicles registered in this State. The number of one-way vehicles that this registration factor represents of the entire one-way rental fleet shall be required to display the fuel use identification decal.

Sec. 3. 29 MRSA §360-A is enacted to read:

§360-A. Transit placard

A transit placard may be issued upon application to the Secretary of State by any person involved in the business of importing new motor vehicles to facilitate the movement over the highway of the motor vehicles from the port of entry to a storage yard within a 10-mile radius of the port.

A transit placard shall be displayed in or on any unregistered motor vehicle which is being operated or towed from the port to a storage yard. In no event shall any transit placard be used for any purpose other than that which is permitted under this section. Transit placards shall not be used on a towing vehicle.

Transit placards shall expire at the end of the month one year from the month of issue.

The fee for a transit license shall be \$100 annually and the fee for each placard shall be \$10. Government and quasi-government agencies shall not be assessed a fee.

Sec. 4. 29 MRSA §2448, last ¶, as enacted by PL 1987, c. 485, §18, is repealed.

Sec. 5. 36 MRSA §3202, sub-§9, as repealed and replaced by PL 1987, c. 472, §§2 and 4, is amended to read:

9. User. "User" means any person who is the registered owner of a motor vehicle which is registered for a gross weight of more than 26,000 pounds, ~~or which has 3 or more axles regardless of registered weight; or which is designed to carry 20 or more passengers, who and which uses and consumes special fuel within this State in an internal combustion engine for the generation of power to propel a motor vehicle.~~

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect on January 1, 1988.

Effective January 1, 1988.

CHAPTER 550

H.P. 1400 — L.D. 1899

AN ACT Concerning Stored Lobsters.

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

Whereas, the Legislature enacted laws concerning an increase in the minimum allowable size of lobsters trapped; and

Whereas, the effective date for those laws is January 1st in each year for which there is an increase in the minimum size; and

Whereas, the lobster industry commonly stores lobsters through the winter months which were caught during the preceding calendar year; and

Whereas, lobsters thus stored may be legal at the time stored, but not at the time sold by virtue of the increase in the legal minimum size occurring during the time of storage; 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:

12 MRSA §6431, sub-§6-A is enacted to read:

6-A. Grace period. There is a 180-day grace period following the effective date of each of the minimum size increases as provided in this section within which a person holding a wholesale or retail seafood dealer license or a lobster transportation license may handle lobsters legally purchased or received in the prior year which do not meet the new minimum size requirements.

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

Effective October 19, 1987.

CHAPTER 551

H.P. 1399 — L.D. 1898

AN ACT to Change the Effective Date of the Mahogany Quahog Tax and to Abate Taxes Previously Assessed under the Law.

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

Whereas, the Legislature instituted a mahogany quahog tax as part of an emergency Act which became effective on June 29, 1987; and

Whereas, it was the intent of the Legislature that the mahogany quahog tax become effective on September 29, 1987; and

Whereas, dealers handling mahogany quahogs were not aware of the fact that the tax was effective immediately and therefore unknowingly failed to complete the necessary paperwork, keep records and pay the required taxes; and

Whereas, in order to restore the Legislature's intent and to prevent any injustice to the citizens of Maine, it is necessary to enact legislation to immediately change the effective date of the mahogany quahog tax; 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:

36 MRSA §4717 is enacted to read:

§4717. Abatement and credit

1. Tax not assessed. No tax may be assessed under section 4712 for the period between June 29, 1987, and September 30, 1987.

2. Taxes collected or assessed. Any tax collected or assessed under this chapter for the period between June 29, 1987, and September 30, 1987, shall be abated. The Bureau of Taxation shall credit any tax paid to the account of the taxpayer or send the taxpayer a refund.

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

Effective October 19, 1987.

CHAPTER 552

H.P. 1389 — L.D. 1888

AN ACT to Delay Implementation of Certain Fire Safety Standards.

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

Whereas, fire safety standards are of the utmost importance in protecting firefighters; and

Whereas, municipalities bear the cost of providing adequate training and equipment for firefighters; and

Whereas, since the passage of the new fire safety standards in June, municipalities have not been able to revise their budgets to include expenditures to meet the new standards; and

Whereas, some delay in implementation of the standards is necessary to enable municipalities to comply with the standards, without greatly decreasing the protection of the safety standards; 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,