

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
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ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

municipal impoundment fees and actual fees incurred for food, shelter, veterinary care and any other fees required by this chapter for each day that the ferret has been sheltered. In this case no fee may be allowed by the board.

§3969. Bites by ferrets

The local health officer may order the confinement of any ferret which has bitten a human being. Such confinement may be either with the owner or by seizing the ferret as determined by the confining officer. The local health officer shall have responsibility for implementing this paragraph. Animal control officers may also, at their discretion, implement this paragraph.

Until such time as the Department of Human Services indicates that evidence of rabies can be identified in a ferret within the time period required for human counter measures, a ferret may be put to death immediately for laboratory tests. The Department of Human Services shall promulgate rules regarding the confinement, seizure and sacrifice of ferrets.

§3970. Violations and damage caused by ferrets

1. Violation. Any person who violates any section of this chapter commits a civil violation for which a forfeiture not to exceed \$100 may be adjudged.

2. Damage by ferrets. Damage caused by ferrets shall be subject to this chapter.

Emergency clause. In view of the emergency cited in the preamble, all sections of this Act except section 4 and that portion of section 5 which enacts the Maine Revised Statutes, Title 7, section 3966, subsection 1, shall take effect when approved. The excepted sections shall take effect January 1, 1989.

Effective March 25, 1988 except as otherwise indicated.

CHAPTER 644

S.P. 795 — L.D. 2092

AN ACT to Prohibit the Display of Blue Lights on Vehicles Other than those Used by Authorized Law Enforcement Officers and Agencies.

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

Sec. 1. 28-A MRSA §2212, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

§2212. State liquor enforcement officers' vehicles

Notwithstanding the provisions of Title 29, sections section 1362 and ~~1368~~, motor vehicles operated by state liquor enforcement officers may be equipped with sirens

and. As provided in Title 29, section 1367-B, those vehicles may be equipped with lights which emit a blue beam of light. The equipment permitted by this section may be used only to discharge law enforcement responsibilities in connection with this Title and Title 29, sections 1312 and 1312-B.

Sec. 2. 29 MRSA §52, as amended by PL 1981, c. 696, §2, is further amended to read:

§52. Deputy

The Secretary of State may appoint and deputize agents, examiners and inspectors, stationed at convenient places in the State, to receive applications for registration and licenses for the operation of vehicles, to conduct examinations and to perform any assigned duties pursuant to this Title when ordered by the Secretary of State. Any motor vehicle inspector appointed under this section shall have the duty and all necessary authority to enforce the provisions of chapter 5, subchapter III-A and chapters 7, 15 and 21 and to enforce all rules promulgated to implement these provisions. Enforcement power as it relates to this section shall not include provisions under section ~~1368~~, ~~subsection 2~~ 1367-B, subsection 3 and shall not be considered as having authority to make routine motor vehicle stops on the highways of the State.

Sec. 3. 29 MRSA §944-A, 2nd ¶, as enacted by PL 1981, c. 88, §1, is amended to read:

The driver of a vehicle shall yield the right-of-way to any authorized vehicle obviously and actually engaged in work upon a highway whenever such vehicle displays flashing lights meeting the requirements of section ~~1368~~, ~~subsection 3~~ 1367-B, subsection 5 and section 1462.

Sec. 4. 29 MRSA §946, as amended by PL 1985, c. 108, §9, is further amended to read:

§946. Police and fire vehicles

Police, fire department, forest fire control vehicles and ambulance vehicles, when operated in response to calls, or when a police officer is in pursuit of a motor vehicle operator for which he has probable cause to believe that the operator has committed or is in the process of committing a violation of law, and vehicles of the Department of Corrections making use of a blue light or a siren shall have the right-of-way. On the approach of any such vehicle, from any direction, and when such vehicle is sounding a siren and emitting a flashing light, the driver of every other vehicle shall immediately draw his vehicle as near as practicable to the right-hand curb and parallel thereto, clear of any intersection, and bring it to a standstill until such public service vehicles have passed.

Sec. 5. 29 MRSA §946-A, sub-§3, as enacted by PL 1981, c. 88, §2, is amended to read:

3. Audible signals; visual signals. The exemptions

granted in this section to an authorized emergency vehicle apply only when that vehicle is making use of an audible signal as required in sections 946 and 1362 and visual signals as required in sections 946 and ~~1368~~ 1367-B, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a special visual signal visible from in front of the vehicle.

Sec. 6. 29 MRSA §946-A, sub-§5 is enacted to read:

5. Limited privileges authorized. Vehicles designated by the Department of Corrections to carry blue lights and sirens may exercise the privileges of emergency vehicles in accordance with this section except that they may not exceed the maximum speed limits, notwithstanding subsection 2, paragraph C.

Sec. 7. 29 MRSA §1362, as repealed and replaced by PL 1985, c. 506, Pt. A, §56, is repealed and the following enacted in its place:

§1362. Brakes; signals; unnecessary noise; bells and sirens; exceptions

Every motor vehicle shall be provided with adequate brakes in good working order and sufficient to control the vehicle at all times when the vehicle is in use, and a suitable and adequate horn or other device for signaling. Every such motor vehicle shall have brakes adjusted so as to stop 2-wheel brake vehicles at a speed of 20 miles per hour within a distance of 45 feet and 4-wheel brake vehicles within 30 feet, excepting motorcycles and motor driven cycles, which, at all times and under all conditions of loading, shall have brakes adjusted so as to stop the vehicles within a distance of 30 feet from a speed of 20 miles per hour. Every such vehicle and combination of vehicles, except 2-wheel motorcycles and 2-wheel motor driven cycles, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice or loose material. The parking brakes shall be capable of being applied in conformance with the requirements of this section by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power, provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the requirements of this section. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same brake drums, brake shoes and lining assemblies, brake shoe anchors and mechanical brake shoe actuation mechanisms normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes.

No signaling device may be unnecessarily sounded nor any braking or acceleration unnecessarily made so as to cause a harsh, objectionable or unreasonable noise. No bell or siren may be installed or used on any motor vehicle, except that fire and police department vehicles and ambulances and vehicles operated by state, city and town fire inspectors, city and town fire chiefs, assistant fire chiefs, police chiefs and assistant police chiefs may be so equipped for use only when responding to emergency calls; motor vehicles used by forest rangers or personnel engaged in forest fire control as may be designated by the Department of Conservation; motor vehicles used by sheriffs and deputy sheriffs; motor vehicles used by inland fisheries and game wardens as may be designated by the Department of Inland Fisheries and Wildlife; motor vehicles used by coastal wardens as may be designated by the Department of Marine Resources; motor vehicles used by United States Government law enforcement officials; motor vehicles used by a state or municipal department which controls or supervises electrical alarm and communication systems may be so equipped for use as provided by law; and motor vehicles used by corrections personnel as may be designated by the Department of Corrections may be so equipped for use only when responding to prison escapes or performing high-security transfers of committed offenders.

Sec. 8. 29 MRSA §1367-B is enacted to read:

§1367-B. Spot, fog or auxiliary lights; fire and emergency vehicles

1. Spot and fog lights. There shall not be used on or in connection with any motor vehicle a spotlight or more than 2 fog or auxiliary lights, the rays from which shine more than 2 feet above the road at a distance of 30 feet from the vehicle, except that such a spotlight may be used for the purpose of reading signs and as an auxiliary light in cases of necessity when the other lights required by law fail to operate. No fog or auxiliary light mounted on any vehicle at a height greater than the center of the main headlamps may be illuminated while that vehicle is being operated on any public way, except as provided by section 1462, and the beam emitted shall be white or amber.

2. Alternate flashing headlamps. No vehicles, other than ambulances, fire department, police department and highway maintenance vehicles, may be equipped with a device which provides for the alternate flashing of the vehicle's headlamps.

3. Blue lights. Emergency lights used on police department vehicles, on Department of Corrections vehicles and on motor vehicles operated by chiefs of police, state fire inspectors, inland fisheries and wildlife wardens, marine patrol officers, Baxter State Park rangers, sheriffs, deputy sheriffs, liquor enforcement officers and United States Government law enforcement officers shall emit a blue beam of light. No other vehicle may be equipped with or display a blue light.

4. Red lights. A red light shall not be used on or in connection with any motor vehicle, the beam from which is visible to the front of the vehicle, except that emergency vehicles may display lights which emit a red beam to the front of the vehicle only under the following classifications.

A. Lights used on ambulances; fire department vehicles; vehicles operated by city and town fire inspectors; forestry department vehicles used for forest fire control purposes; and by vehicles operated by chiefs and chief officers, such as assistant chiefs, deputy chiefs and district chiefs of fire departments, shall emit a red beam of light or a combination of red and white lights. When authorized by the municipal officers of a municipality and countersigned by the fire chief, a red blinker or flashing red signal light not more than 5 inches in diameter may be mounted as near as practicable above the registration plate on the front of a motor vehicle, or mounted on the dashboard so that the light will be shielded from the driver so as not to interfere with his vision, while operated by a member of a municipal or volunteer fire department. The light may be displayed, but shall not be in operation, except while the vehicle is in use for fire or other emergency service. No volunteer or municipal firefighter may operate a red blinker or flashing red signal light upon a motor vehicle, except while actually enroute to the scene of a fire or other emergency requiring services and unless the operator is an active member of the department. Nothing in this subsection may limit the use of lights showing a red beam of light to the front or rear of school buses, provided those lights are of a type approved by the Commissioner of Educational and Cultural Services under section 2012; nor may any designation or authorization by the Commissioner of Public Safety be required for the use of emergency lights authorized under this section.

B. Members of a volunteer emergency rescue squad or volunteer emergency ambulance service may display a red blinker or flashing red signal light of the same proportion, in the same location and under the same conditions as those permitted volunteer firefighters, when authorized by the municipal officers and countersigned by the chief official of the rescue squad or ambulance service.

5. Amber lights. Lights used on vehicles engaged in highway maintenance, in emergency rescue operations by civil defense and public safety agencies, wreckers and public utility emergency service vehicles shall emit an amber beam of light.

A. Vehicles equipped and used for plowing snow on other than public ways may be equipped with an auxiliary rotary flashing light, which shall be mounted on top of the vehicle in such a manner as to emit an amber beam of light over a 360 degree angle. The lighting shall be in use only on a public way when the vehicle is entering the public way in the course of plowing private driveways and other off-highway locations.

The use of those auxiliary lights does not relieve the owner or operator of an emergency vehicle from conforming to section 1366.

Sec. 9. 29 MRSA §1368, as amended by PL 1981, c. 98, §10, is repealed.

Effective August 4, 1988.

CHAPTER 645

H.P. 1524 — L.D. 2077

AN ACT to Implement Uniform Federal Lien Registration.

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

Whereas, the recent enactment of federal lien authority concerning environmental and pension matters and the absence of a centralized and uniform system for the filing of federal liens may seriously impair proper and adequate notice to affected real and personal property transferees; 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. 5 MRSA §86, as amended by PL 1979, c. 572, §1, is further amended by adding at the end a new paragraph to read:

For filing and recording a federal tax lien or other federal liens, notices of which under any Act of Congress or any federal regulation are required or permitted to be filed, \$5.

Sec. 2. 33 MRSA §664, as amended by PL 1981, c. 279, §22, is repealed.

Sec. 3. 33 MRSA §751, sub-§8, as amended by PL 1981, c. 279, §27, is repealed and the following enacted in its place:

8. Federal liens. Recording and indexing notices and discharges of federal tax liens and other federal liens, notices of which under any Act of Congress or any federal regulation are required or permitted to be filed, \$5;

Sec. 4. 33 MRSA c. 37 is enacted to read:

CHAPTER 37