

# 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.

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Twin City Printery  
Lewiston, Maine  
1988

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**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

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Sec. 3. 39 MRSA §2, sub-§4-A is enacted to read:

4-A. Design professional. "Design professional" means:

A. An architect, professional engineer, landscape architect, land surveyor, geologist or soil scientist licensed to practice that profession in the State in accordance with Title 32; or

B. Any corporation or partnership, professional or general, which employs one or more of any of the professionals described in paragraph A and whose sole purpose is the rendering of professional services practiced by any professional described in paragraph A.

Sec. 4. 39 MRSA §4, as amended by PL 1985, c. 737, Pt. A, §117, is further amended by adding at the end a new paragraph to read:

A design professional acting within the course and scope of providing professional services during the construction, erection or installation of any project or a design professional's employee who is acting within the course and scope of assisting or representing the design professional in the performance of design professional services on or adjacent to the site of the project's construction, erection or installation is immune from liability for any personal injury or death, occurring at or adjacent to such a site, if compensation is paid to the injured person or decedent's representative for the injury or death under this Act, and the design professional has no duty under a written contract to assume responsibility for construction site safety. The immunity provided by this section to any design professional shall not apply to the negligent preparation of design plans and technical specifications. Except as provided by this section, any waiver, oral or written, express or implied, of the design professional's immunity granted by this section shall be void and unenforceable as a matter of law.

Sec. 5. Application. This Act applies to causes of action that accrue on or after the effective date of this Act.

Effective August 4, 1988.

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## CHAPTER 683

S.P. 978 — L.D. 2599

### AN ACT to Require Motor Vehicles to Stay in the Right Lane Except for Passing.

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

29 MRSA §992, as amended by PL 1983, c. 818, §12, is further amended by adding at the end a new paragraph to read:

The operator of a vehicle driving on any portion of a limited-access roadway where the speed limit is 65 miles per hour shall be restricted in ordinary operation to the right-hand lane and may use the adjacent lane or lanes for overtaking and passing another vehicle, but shall return to the right-hand lane at the earliest opportunity. This requirement shall not apply to authorized emergency vehicles, nor to any vehicle when otherwise directed by posted signs, by a law enforcement officer or by a highway maintenance crew.

Effective August 4, 1988.

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## CHAPTER 684

H.P. 1895 — L.D. 2590

### AN ACT to Extend the Coyote Night Hunting Season.

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

Sec. 1. 12 MRSA §7108, sub-§1, as reenacted by PL 1985, c. 819, Pt. B, §5, is amended to read:

1. Eligibility. Any person who possesses a valid hunting license is eligible to obtain a permit from the commissioner to hunt coyotes at night, except that no permit may be issued to any person who has been convicted of a violation of section 7406, subsection 5, within 5 years of the date of application for the permit. A coyote night hunting permit may not be renewed unless the applicant has returned a completed coyote hunting questionnaire from the previous year.

Sec. 2. 12 MRSA §7108, sub-§3, as reenacted by PL 1985, c. 819, Pt. B, §5, is amended to read:

3. Open season. Notwithstanding section 7406, subsection 5, there shall be an open season for hunting coyotes at night in all counties of the State from January 1st to ~~March 31st~~ April 30th in 1989 and 1990 and January 1st to March 31st thereafter. The commissioner may terminate this open season at any time in any area if, in his opinion, an immediate emergency action is necessary due to adverse weather conditions or illegal hunting activity.

Sec. 3. 12 MRSA §7108, sub-§4, ¶A, as reenacted by PL 1985, c. 819, Pt. B, §5, is amended to read:

A. All hunting shall be limited to the hours between 1/2 hour after sunset ~~and 9 p.m. and to the hours between 4 a.m. and 1/2 hour before sunrise, and shall cease at midnight each Saturday and may resume at 12:01 a.m. each Monday.~~

Sec. 4. Effective date. Section 1 of this Act shall take effect May 1, 1989.

Effective August 4, 1988, except as otherwise indicated.