

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

(1) The distance between the extreme axles, excluding the steering axle, shall not be less than 36 feet as measured to the nearest foot;

(2) The minimum distance between the steering axle and the first axle of the tandem axle group shall be at least 10 feet as measured to the nearest foot;

(3) The maximum weight on the tandem axle shall not exceed 41,000 pounds and maximum weight on the tri-axle shall not exceed 50,000 pounds;

(4) For all vehicles manufactured in model year 1989 and after, all liftable axles shall be prohibited;

(5) All brakes, axles and suspensions shall be certified with respect to weight capacity by a final stage manufacturer. The certification shall be presented before the permit is issued. The certification shall be affixed to or carried in the vehicle and presented upon request by any law enforcement officer;

(6) Nothing in this paragraph may be construed to permit a gross or axle weight on the Interstate Highway System, as defined in the United States Highway Act of 1956, in excess of those limits established for that system in this section;

(7) A general commodity permit authorizing the operation has been obtained. The permit shall be carried in the vehicle at all times. The fee for an annual permit is \$360. The fee for a 3-month permit is \$100. A permit may be issued for a registration period of 4 months or more on a monthly prorated basis.

Permits may be transferred to another vehicle for an additional fee of \$2. Any balance for the permit fee in paragraph E may be applied toward this permit fee, provided that the original permit was issued for the same vehicle or was duly transferred. The permit may be obtained upon furnishing proof of certification and payment of the required fee from any branch office of the Secretary of State, Division of Motor Vehicles, or from any agent of the Secretary of State who has been appointed by the Secretary of State. Municipal agents may charge the applicant for a permit \$1 over the required permit fee and may retain that \$1 for performing this function.

All revenue generated by the permit fee authorized under this subparagraph shall be expended towards the enforcement of truck weight regulations;

(8) The vehicle is registered for 80,000 or more pounds;

(9) A vehicle for which a permit has been obtained under this paragraph may be operated under the provisions of section 1655 without the payment of any additional fee; and

(10) A vehicle with a general commodity permit under this paragraph may carry those special commodities specified in section 1655 under the conditions of that section, except that no additional permit is required.

Sec. 2. 29 MRSA §1654, as amended by PL 1987, c. 199, §3, is further amended by adding at the end a new paragraph to read:

Notwithstanding this section, with respect to vehicles operated under the provision of section 1652, subsection 1, paragraph F, gross weight violations shall be calculated from the basis of 80,000 pounds.

Sec. 3. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

	1988-89
<u>PUBLIC SAFETY, DEPARTMENT OF</u>	
Motor Carrier Safety	
Positions	(2)
Personal Services	\$ 76,447
All Other	40,686
Capital Expenditures	32,868
Total	<u>\$150,000</u>
Provides funds for 2 law enforcement officers and general operating expenses to perform truck weight enforcement. Any unexpended balance shall not lapse, but shall remain a continuing carrying account until the purpose of this Act has been accomplished.	

Effective August 4, 1988.

CHAPTER 733

S.P. 858 — L.D. 2246

AN ACT to Require State-Leased Buildings to Meet Certain Air Quality Standards.

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

Sec. 1. 5 MRSA §1742, sub-§22, as amended by PL 1987, c. 407, §2, is further amended to read:

22. Drug-related seized property. To review and comment on all records provided by the Commissioner of Public Safety relating to the disposition of drug-related seized property pursuant to Title 22, section 2387, subsection 5; and

Sec. 2. 5 MRSA §1742, sub-§23, as enacted by PL 1987, c. 407, §3, is amended to read:

23. Inventory of land. To periodically inventory all land owned by any state agency and, together with other state agencies, determine land that is needed by state agencies for other uses and land that is surplus. Prior to offering any land for sale, the commissioner shall review with the Maine State Housing Authority and other state agencies the information derived from the inventory.

A. By February 1, 1988, the commissioner shall provide an initial report on the status of the land inventory to the joint standing committees of the Legislature having jurisdiction over economic development; state and local government; and appropriations and financial affairs.

B. Notwithstanding any other provision of law, the procedure for the distribution of surplus state property for the purpose of this subsection shall take priority over any other procedure for the disbursement of surplus state land.

C. Nothing in this subsection shall be construed to pertain to public reserved lands which are exempt from this subsection; and

Sec. 3. 5 MRSA §1742, sub-§24, is enacted to read:

24. Application of minimum air ventilation standards. Beginning September 1, 1988, to apply the ANSA-ASHARE Indoor Air Quality and Ventilation Standards contained in the proposed revision, 1981 R, July 15, 1986, as prepared by the American Society of Heating, Refrigeration and Air Conditioning Engineers, Inc. or more stringent standards to buildings occupied by state employees during normal working hours. These standards shall be applied to buildings which are constructed or substantially renovated by the State after September 1, 1988, and to buildings for which the State enters into new leases or renews leases following the date in this subsection. For the purpose of this subsection, "substantial renovation" means any renovation for which the cost exceeds 50% of the buildings' value.

A. The bureau, in cooperation with a labor-management committee established to look at this issue, shall develop a plan by which priorities are established for improving indoor air quality and ventilation standards in buildings occupied by state employees. This plan shall include data gathering and analysis of air quality in a sample number of buildings by which reasonable projections and estimates concerning air quality can be established. The bureau shall report its findings to the joint standing committee of the Legislature having jurisdiction over state and local government no later than January 16, 1989. This report, at a minimum, shall contain the following:

(1) A description of the extent of the problem, if any, with respect to air quality and ventilation in buildings occupied by state employees;

(2) Priorities of locations for which the improvement of air quality is necessary. These locations shall be areas occupied by state employees during normal working hours;

(3) A timetable by which these priorities could be addressed;

(4) A description of what may be necessary to address these priorities, including feasible alternatives;

(5) The costs of addressing these priorities; and

(6) If possible, locations leased by the State which may not meet the air quality standards defined in this subsection.

Nothing in this paragraph may be construed to require the bureau to conduct an in depth analysis for each building or to present technical data for each building occupied by state employees.

B. The indoor air quality and ventilation standards applied by the bureau shall remain in effect until the Board of Occupational Safety and Health adopts air quality and ventilation standards.

Sec. 4. 5 MRSA §1877, sub-§10 is enacted to read:

10. Indoor air quality and ventilation improvements. The commissioner shall develop priorities for improving indoor air quality and ventilation in preparing budget requests for the repair and capital improvement of state buildings.

Sec. 5. 26 MRSA §42, as amended by PL 1977, c. 615, is further amended to read:

§42. Powers and duties

The bureau shall collect, assort and arrange statistical details relating to all departments of labor and industrial pursuits in the State; to trade unions and other labor organizations and their effect upon labor and capital; to the number and character of industrial accidents and their effect upon the injured, their dependent relatives and upon the general public; to other matters relating to the commercial, industrial, social, educational, moral and sanitary conditions prevailing within the State, including the names of firms, companies or corporations, where located, the kind of goods produced or manufactured, the time operated each year, the number of employees classified according to age and sex and the daily and average wages paid each employee; and the exploitation of such other subjects as will tend to promote the permanent prosperity of the industries of the State. The director is authorized and empowered, subject to the approval of the Governor, to accept from any other agency of government, individual, group or corporation such funds as may be available in carrying out this section, and meet such requirements with respect to the administration of such funds, not inconsistent with this section,

as are required as conditions precedent to receiving such funds. An accounting of such funds and a report of the use to which they were put shall be included in the biennial report to the Governor. Each agency of government shall cooperate fully with the bureau's efforts to compile labor and industrial statistics. The director shall cause to be enforced all laws regulating the employment of minors and women; all laws established for the protection of health, lives and limbs of operators in workshops and factories, on railroads and in other places; all laws regulating the payment of wages, and all laws enacted for the protection of the working classes. He shall, on or before the first day of July, biennially, report to the Governor, and may make such suggestions and recommendations as he may deem necessary for the information of the Legislature. He may from time to time cause to be printed and distributed bulletins upon any subject that shall be of public interest and benefit to the State; and may conduct a program of research, education and promotion to reduce industrial accidents. The bureau shall be responsible for the enforcement of indoor air quality and ventilation standards with respect to state-owned buildings and buildings leased by the State. The bureau shall enforce air quality standards in a manner to ensure that corrections to problems found in buildings be made over a reasonable period of time, using consent agreements and other approaches as necessary and reasonable.

Sec. 6. 26 MRSA §565-A is enacted to read:

§565-A. Air quality and ventilation; evaluation of buildings; standards

1. Advise and propose standards. The board shall work with the Bureau of Public Improvements with respect to evaluation of indoor air quality and ventilation in buildings occupied by state employees and the preparation of the report pursuant to Title 5, section 1742, subsection 24, paragraph A.

A. The board may advise the Bureau of Public Improvements and propose for consideration by the bureau air quality and ventilation standards that are more stringent than the minimum standards as defined in Title 5, section 1742, subsection 24.

Effective August 4, 1988.

CHAPTER 734

H.P. 642 — L.D. 865

AN ACT Relating to the Maine Uniform Transfers to Minors Act.

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

Sec. 1. 33 MRSA c. 19, as amended, is repealed.

Sec. 2. 33 MRSA c. 32, is enacted to read:

CHAPTER 32

MAINE UNIFORM TRANSFERS TO MINORS ACT

§1651. Short title

This chapter shall be known and may be cited as the "Maine Uniform Transfers to Minors Act."

§1652. Definitions

As used in this Act, unless the context otherwise indicates, the following terms have the following meanings.

1. Adult. "Adult" means an individual who has attained 21 years of age.

2. Benefit plan. "Benefit plan" means an employer's plan for the benefit of an employee or partner.

3. Broker. "Broker" means a person lawfully engaged in the business of effecting transactions in securities or commodities for the person's own account or for the account of others.

4. Conservator. "Conservator" means a person appointed or qualified by a court to act as general, limited or temporary guardian of a minor's property or a person legally authorized to perform substantially the same functions.

5. Court. "Court" means the Probate Court.

6. Custodial property. "Custodial property" means any interest in property transferred to a custodian under this Act and the income from and proceeds of that interest in property.

7. Custodian. "Custodian" means a person so designated under section 1660 or a successor or substitute custodian designated under section 1669.

8. Financial institution. "Financial institution" means a bank, trust company, savings institution or credit union, chartered and supervised under state or federal law.

9. Legal representative. "Legal representative" means an individual's personal representative or conservator.

10. Member of the minor's family. "Member of the minor's family" means the minor's parent, step-parent, spouse, grandparent, brother, sister, uncle or aunt whether of whole or 1/2 blood or by adoption.

11. Minor. "Minor" means an individual who has not attained 18 years of age.

12. Person. "Person" means an individual, corporation, organization or other legal entity.