

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

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1989

4. Eligibility for financial assistance. No financial assistance for a project may be granted under this section until the Department of Environmental Protection certifies to the bank that the project is eligible for immediate financing under this section and is on the priority list prepared under subsection 3.

5. Establishment of accounts. The bank may establish accounts and subaccounts within the revolving fund as it determines desirable to effectuate the purposes of this section, including, but not limited to, accounts to segregate a portion or portions of the revolving loan fund as security for bonds issued by the bank for deposit in the revolving loan fund and to be invested for the benefit of specified projects receiving financial assistance from the revolving loan fund.

Sec. 28. 30-A MRSA §6007, sub-§1, ¶B, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106, and as amended by PL 1989, c.c. 6 and 9, is further amended to read:

B. Any money which the bank transfers to the general fund from the reserve fund or any capital reserve fund under section 6006, subsection 2;

Sec. 29. 30-A MRSA §6007, sub-§2, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106, and as amended by PL 1989, c.c. 6 and 9, is further amended to read:

2. Use of general fund. Any money in the general fund may, subject to any contracts between the bank and its bondholders or noteholders, be transferred to the reserve fund or any capital reserve fund. If it is not so transferred, the money shall be used to pay the principal of or interest on bonds or notes of the bank when the principal or interest becomes due and payable, whether at maturity or upon redemption, including the payment of any premium upon redemption before maturity.

A. Any money available in the general fund may also be used for:

- (1) The purchase of municipal securities;
- (2) The purchase or redemption of its bonds or notes. Any such bonds purchased for retirement shall be thereupon cancelled; and
- (3) All other purposes of the bank including the payment of its operating expenses.

(a) No amount may be expended for the bank's operating expenses in any year out of the general fund or from any account in that fund established for that purpose, in excess of the amount provided for the bank's operating expenses by the annual budget for that year or any amendment of the annual budget in effect at the time of the payment or expenditure for operating expenses.

B. The bank may create and establish in the general fund any accounts which in the opinion of the bank are necessary, desirable or convenient for the purposes of the bank under this chapter.

- (1) The bank may establish an account in the general fund for the purpose of paying its operating expenses.

Sec. 30. Transition clause. The following provisions apply to the transition from the Maine Revised Statutes, Title 30 to Title 30-A.

1. Personnel. This Act does not affect the term or appointment of any officer, official, employee or other personnel of any county, municipality, plantation, village, quasi-municipal corporation or any state agency, department or board governed by any statute repealed or amended by this Act.

2. Agreements, leases, contracts, authorizations or bonds. All agreements, leases, contracts, authorizations, notes or bonds issued before the effective date of this Act under provisions repealed or amended by this Act shall continue to be valid under the terms of issuance until they expire or are rescinded, amended or revoked.

3. Ordinances, rules and regulations. All ordinances, rules and regulations enacted or adopted by any county, municipality, plantation, village, quasi-municipal corporation or any state agency, department or board under the authority of any provision repealed or amended by this Act shall continue in force until they are repealed, rescinded, amended or revoked.

4. Dedicated revenues. This Act shall not be construed to change the status of any dedicated revenues. All dedicated revenues existing prior to this Act shall not lapse because of this Act, but shall be transferred to the funds of the same name which are created by this Act.

Sec. 31. Effective date. This Act shall be retroactive to February 28, 1989.

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

Effective April 21, 1989.

CHAPTER 49

H.P. 464 - L.D. 629

An Act to Change the Name of the Governor's Committee on Employment of the Handicapped to the Governor's Committee on Employment of People with Disabilities

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

Sec. 1. 3 MRSA §507, sub-§4, ¶B, as amended by PL 1987, c. 887, §1, is further amended to read:

B. Unless continued or modified by law, the following Group B-2 independent agencies shall terminate, not including the grace period, no later than June 30, 1983. The Maine Health Facilities Authority and the Maine State Housing Authority shall not terminate, but shall be reviewed by the Legislature no later than June 30, 1987:

- (1) Board of Chiropractic Examination and Registration;
- (2) Board of Dental Examiners;
- (3) State Board of Licensure of Administrators of Medical Care Facilities other than Hospitals;
- (4) Board of Registration in Medicine;
- (5) State Board of Nursing;
- (6) State Board of Optometry;
- (7) Board of Osteopathic Examination and Registration;
- (8) Board of Commissioners of the Profession of Pharmacy;
- (9) Examiners of Podiatrists;
- (10) Maine Health Facilities Cost Review Board;
- (11) Maine Medical Laboratory Commission;
- (12) State Planning and Advisory Council on Developmental Disabilities;
- (13) Maine Committee on Problems of the Mentally Retarded;
- (14) Governor's Committee on Employment of ~~the Handicapped~~ People with Disabilities;
- (15) Division of Community Services;
- (16) Maine State Housing Authority;
- (17) Maine Health Facilities Authority; and
- (18) Maine Commission on Mental Health.

Sec. 2. 3 MRSA §507-B, sub-§4, ¶B, as amended by PL 1985, c. 441, §1, is further amended to read:

B. Agencies continued as modified by an Act of the Legislature are:

- (1) Board of Chiropractic Examination and Registration;

- (2) Board of Dental Examiners;
- (3) Board of Registration in Medicine;
- (4) State Board of Nursing;
- (5) State Board of Optometry;
- (6) Board of Osteopathic Examination and Registration;
- (7) Board of Commissioners of the Profession of Pharmacy;
- (8) Examiners of Podiatrists;
- (9) Governor's Committee on Employment of ~~the Handicapped~~ People with Disabilities;
- (10) Division of Community Services; and
- (11) Board of the Maine Children's Trust Fund.

Sec. 3. 5 MRSA §12004-J, sub-§1, as enacted by PL 1987, c. 786, §5, is further amended to read:

1. Employment: Disabled	Governor's Committee on Employment of the <u>Handicapped People</u> <u>with Disabilities</u>	Expenses Only	26 MRSA §801
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Sec. 4. 26 MRSA §799, as amended by PL 1985, c. 295, §38, is further amended to read:

§799. Committee

As authorized by Title 5, chapter 379, the Governor's Committee on Employment of ~~the Handicapped~~ People with Disabilities is created and shall consist of 18 members appointed by the Governor.

Sec. 5. 26 MRSA §801, as enacted by PL 1983, c. 176, Pt. A, §9, is amended to read:

§801. Powers and duties

The powers and duties of the Governor's Committee on Employment of ~~the Handicapped~~ People with Disabilities are as follows:

1. Advise, consult and assist. Advise, consult and assist the executive and legislative branches of State Government on activities of State Government which affect the employment of disabled people. The committee shall be solely advisory in nature. The committee may advise regarding state and federal plans, proposed budgetary, legislative or policy actions affecting disabled persons;

2. Advocate. Serve as an advocate on behalf of disabled citizens promoting and assisting activities designed to further equal opportunity for people with disabilities;

3. **Information and education.** Conduct such educational programs as committee members consider necessary to promote public understanding of the needs and abilities of disabled citizens of this State;

4. **Employment.** Provide information, training and technical assistance to promote greater employer acceptance of disabled workers; and advise and assist employers and other organizations interested in developing employment opportunities for disabled people; and

5. **Architectural barriers.** Inform the public of the benefits of making buildings accessible to and ~~useable~~ usable by persons with disabilities; monitor the enforcement of state and federal laws regarding architectural accessibility; and advise and assist building owners by disseminating information about accessibility and by making technical assistance available when appropriate.

A. A wheelchair symbol shall be appropriately displayed to identify buildings with facilities which are accessible to ~~handicapped~~ disabled and elderly persons, accessibility to be determined by the Governor's Committee on Employment of ~~the Handicapped~~ People with Disabilities.

B. The symbol shall be that adopted by the Rehabilitation International's World Congress in 1969.

C. Application for display of the wheelchair symbol shall be made by the Governor's Committee on Employment of ~~the Handicapped~~ People with Disabilities, who shall obtain and keep on file a supply of symbols.

See title page for effective date.

CHAPTER 50

H.P. 445 - L.D. 610

An Act to Require the Use of Flashing Amber Lights on Vehicles During Sanding and Snow Removal Operations

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

29 MRSA §1462, as amended by PL 1971, c. 360, §§41 and 42, is repealed and the following enacted in its place:

§1462. Snow removal or sanding equipment

1. **Amber lights required on vehicles.** All vehicles, while being used for the express purpose of plowing snow or sanding on public ways shall be equipped with at least 2 auxiliary lights to be mounted on the highest practical point on the vehicle, one showing to the front and one to the rear of the vehicle. The lights shall emit an amber beam of light and shall be at least 6 inches in diameter and shall be

equipped with blinker attachments. In lieu of the lights specified, vehicles may be equipped with at least one auxiliary rotary flashing light having 4-inch sealed beams and showing amber beams of light over a 360° range. When the left wing of the plow is in operation and extends over the center of the road, an auxiliary light shall show the extreme end of the left wing. This light may be attached to the vehicle with the beam of light pointed at the left wing. These lights may be controlled by a separate switch or may be controlled by the regular lighting system and shall be in operation whenever the vehicles are used for plowing snow and sanding on public ways in either the nighttime or daytime. The use of these auxiliary lights shall not relieve the owner or operator from conforming to section 1366.

2. **Display required during operations.** Any vehicle, while engaged in snow removal or sanding operations on a public way, shall display the flashing or rotating amber lights required by subsection 1 or authorized by section 1367-B, subsection 5.

See title page for effective date.

CHAPTER 51

S.P. 208 - L.D. 486

An Act to Require Pricing Disclosures on Vans and Pickup Trucks

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

10 MRSA c. 204-A is enacted to read:

CHAPTER 204-A

PRICING DISCLOSURES ON CERTAIN MOTOR VEHICLES

§1191. Definitions

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

1. **Dealer.** "Dealer" means an individual, partnership, corporation, business trust or any other legal entity that is engaged in the business of selling or leasing, offering for sale or lease or negotiating the sale or lease of new motor vehicles, except auctioneers licensed by the Secretary of State.

2. **Motor vehicle.** "Motor vehicle" means any self-propelled vehicle designed primarily to transport not more than 14 individuals, except motorcycles, snowmobiles, all-terrain vehicles, customized vans and any vehicle operated exclusively on a rail or rails. This definition is intended to include motor trucks that have a gross weight of not more than 8,600 pounds as certified by the vehicle manufacturer or franchise representative pursuant to Title 29, section 1652.