

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

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NON-EMERGENCY LAWS IS
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PUBLISHED BY THE REVISOR OF STATUTES
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TITLE 3, SECTION 163-A, SUBSECTION 4.

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Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
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1989

ments prescribed by the Board of Commercial Driver Education.

Sec. 4. 29 MRSA §583, first ¶, as amended by PL 1985, c. 797, §64, are further amended to read:

No operator's license, except to operate a moped only, may be issued to any person under 17 years of age unless ~~such that person shall present~~ presents a certificate of successful completion of a driver education course and examination given by a public secondary school ~~or an approved private secondary school~~, a private secondary school approved for attendance purposes by the Commissioner of Educational and Cultural Services, a vocational center or a vocational region; or certificate of successful completion of a driver education course and examination given by some person or persons licensed by the Department of Business, Occupational and Professional and Financial Regulation, Board of Commercial Driver Education. No license may be required of certified teachers conducting a driver education course in a public secondary school ~~or an approved private secondary school~~, a private secondary school approved for attendance purposes by the Commissioner of Educational and Cultural Services, a vocational center or a vocational region. All licenses expire on December 31st of the year of issue.

Successful course completion certificates may be issued to any person permitted by law to have a license provided such course, given by a public secondary school ~~or an approved private secondary school~~, a private secondary school approved for attendance purposes by the Commissioner of Educational and Cultural Services, a vocational center or a vocational region, meets teacher qualification, course content and standards adopted by the ~~Department~~ Commissioner of Educational and Cultural Services. Successful course completion certificates shall not be issued to any person who was not at least 15 years of age at the commencement of the driver education course.

Sec. 5. 29 MRSA §583-A, 2nd ¶, as amended by PL 1987, c. 415, §21, is further amended to read:

Any person between the ages of 16 and 21 years, who satisfies the Secretary of State that no readily available means of transportation exists to and from ~~an approved secondary school or academy~~ a public secondary school, a private secondary school approved for attendance purposes by the Commissioner of Educational and Cultural Services, a vocational center or a vocational region which ~~he~~ that person is attending, may be issued, upon passing the motorcycle or motor driven cycle driver's examination as provided in section 581, a special motorcycle or motor driven cycle permit authorizing that person to drive to and from the school.

Sec. 6. 29 MRSA §583-B, 2nd ¶, as enacted by PL 1987, c. 415, §22, is amended to read:

An approved motorcycle driver education program may be offered by a public secondary school ~~or adult education program or an approved private school~~, a private secondary school approved for attendance purposes by the Commissioner of Educational and Cultural Services, a voca-

tional center or a vocational region and adult education program conducted pursuant to Title 20-A, chapter 315, as a component of a driver education course approved pursuant to Title 20-A, chapter 316. Any motorcycle program offered independently of an approved driver education course may not be offered for credit toward a high school diploma.

Sec. 7. 32 MRSA §9502, sub-§2, as enacted by PL 1981, c. 456, Pt. A, §113, is amended to read:

2. Commercial driver education. "Commercial driver education" means any type of instruction or tutoring given any person in the driving of a motor vehicle or in the preparing of any person for a driver examination in exchange for remuneration, except instruction or tutoring in a public secondary school, a private secondary school approved for attendance purposes by the Commissioner of Educational and Cultural Services, a vocational center, a vocational region, an adult education program conducted pursuant to Title 20-A, chapter 315, or a vocational-technical institute.

Sec. 8. 32 MRSA §9502, sub-§3, as amended by PL 1985, c. 797, §68, is further amended to read:

3. Commercial driver education school. "Commercial driver education school" means any person or persons engaged in teaching driver education for remuneration, except a public or private school secondary school, a private secondary school approved for attendance purposes approved by the Commissioner of Educational and Cultural Services, a vocational center, a vocational region, an adult education program conducted pursuant to Title 20-A, chapter 315, or a vocational-technical institute.

Sec. 9. 32 MRSA §9602, sub-§5 is enacted to read:

5. School contracts. Commercial driver education schools shall remain subject to the requirements of this chapter while providing driver education services pursuant to Title 20-A, chapter 316, on a contract basis to a public secondary school, a private secondary school approved for attendance purposes by the Commissioner of Educational and Cultural Services, a vocational center, a vocational region, an adult education program conducted pursuant to Title 20-A, chapter 315, or a vocational-technical institute.

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

Effective May 26, 1989.

CHAPTER 180

H.P. 353 - L.D. 472

An Act Concerning Service of Civil Process by Full-time Law Enforcement Officers

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

Sec. 1. 30-A MRSA §386, sub-§1, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

1. **Full-time deputies.** Full-time deputies shall be compensated at a rate of at least \$21 per day, based on a 7-day work week, or at a rate of at least \$23 per day, based on a 7-day work week, if the deputy has:

A. An associate degree in criminal justice, with an emphasis on law enforcement from an accredited college or university; or

B. Successfully completed the basic training course at the Maine Criminal Justice Academy or its equivalent, as determined by the board of trustees of the academy and has served at least 3 years as a full-time law enforcement officer in the preceding 4 years.

The minimum compensation rate does not apply to any deputy sheriff who is in a probationary period or who is undergoing disciplinary action.

The respective county commissioners shall establish the compensation of full-time deputies for their county. The respective county treasurers shall pay the compensation, together with those incidental expenses which are necessary for the proper enforcement of the laws.

All fees received by full-time deputies for the service of civil process while on duty are deemed fees for the use of the county and shall be paid to the county treasurer for the use and benefit of the county.

Sec. 2. 30-A MRSA §421, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended by adding at the end a new paragraph to read:

A full-time deputy, whether or not paid a salary, shall receive the fees listed in this section for the service of civil process if made while not on duty.

See title page for effective date.

CHAPTER 181

H.P. 323 - L.D. 439

An Act to Eliminate the Barrel as the Unit Measure of Buyers and Sellers of Potatoes

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

7 MRSA §1008-I is enacted to read:

§1008-I. Barrel replaced by hundredweight as a measure

Buyers and sellers of potatoes may not use a barrel as a unit of measure for potatoes. All measures of potatoes must be in pounds.

See title page for effective date.

CHAPTER 182

S.P. 175 - L.D. 332

An Act Concerning Amendments to the Community Industrial Buildings Programs

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

Whereas, there are municipalities which currently cannot compete for financing for a community industrial building because a community industrial building remains unoccupied in the labor market areas of which these municipalities are a part; and

Whereas, one of these buildings has been unoccupied for 7 years; and

Whereas, the municipalities which are ineligible under current law would like to apply immediately for community industrial building funding; 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 §13083, sub-§1, ¶¶B and C, as enacted by PL 1987, c. 534, Pt. A, §§17 and 19, are amended to read:

B. Within the separate rural and urban accounts, preference shall be given to projects in economically deprived areas within labor market ~~districts~~ areas declared to be in need of economic development assistance by the Department of Labor.

C. Not more than one unoccupied community industrial building project may be financed in a labor market area at any one time, except as provided in paragraph D.

Sec. 2. 5 MRSA §13083, sub-§1, ¶¶D and E are enacted to read: