

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

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NON-EMERGENCY LAWS IS
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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

AS PASSED AT THE
FIRST REGULAR SESSION
of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE
1989

CHAPTER 515

H.P. 123 - L.D. 160

**An Act to Make Supplemental Allocations
from the Highway Fund for the Fiscal Years
Ending June 30, 1990, and June 30, 1991, and to
Make Other Changes in the Law Necessary for
the Proper Operation of State Government**

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses will become due and payable on or immediately after July 1, 1989; 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. 29 MRSA §1, sub-§1-J is enacted to read:

1-J. Altered vehicle. "Altered vehicle" means a motor vehicle with a gross vehicle weight rating of 10,000 pounds or less which is modified so that the distance from the ground to the lowermost point on any part of the frame or body is different from the manufacturer's specifications, unless that difference is caused by the use of tires which are no more than 2 sizes larger than the manufacturer's recommended size, the installation of a heavy duty suspension including shock absorbers and overload springs or normal wear of the suspension system which does not affect control of the vehicle.

Sec. 2. 29 MRSA §119 is enacted to read:

§119. Altered vehicle

1. Registration. The registration of an altered vehicle shall be upon a form prescribed by the Secretary of State. Any person registering an altered vehicle shall furnish and carry in the vehicle proof that the vehicle meets the inspection standards established by the Chief of State Police under section 2502, subsection 4.

2. Registration plates. The Secretary of State shall design and issue registration plates for altered vehicles. These plates shall bear the inscriptions "Altered Vehicle" and "Maine." The fee for registration of an altered vehicle shall be \$27.

3. Temporary permits. Any officer of the State Police and any designated employee of the Division of Motor

Vehicles may issue a temporary 3-day permit allowing the operation of an unregistered altered vehicle only for the purpose of having the vehicle inspected prior to registration.

The officer of the State Police who performs the inspection pursuant to section 2502 may issue a permit allowing the operation of an unregistered altered vehicle for a single trip to the owner's residence or to an office of the Division of Motor Vehicles for the sole purpose of registering that vehicle.

Any permit issued under this subsection shall contain such information as the Chief of State Police requires.

4. Inspection standards. The Chief of State Police shall adopt rules to establish standards for vehicles to qualify for registration as altered vehicles. These standards shall include the equipment and condition of the equipment and the specifications for permissible modifications. Those specifications shall require that their installation be inspected and verified by the State Police.

5. Violation. Any person who operates or causes the operation on any public way of an altered vehicle which is not registered as required by this section shall be guilty of a Class E crime.

Sec. 3. 29 MRSA §246-A, sub-§7, as enacted by PL 1981, c. 689, §1, is amended to read:

7. Enforcement. Every state police officer or any member of the Department of Public Safety designated by the Commissioner of Public Safety is authorized and directed to enforce the provisions of this section.

Any owner or operator stopped for a violation of this section and against whom enforcement action has been taken, shall not be guilty of a subsequent violation of this section involving the same vehicle until after the close of business on the next business day following the date of the violation.

Any owner or operator in noncompliance with the laws regarding reporting and payments of the gasoline road taxes or the fuel use taxes under Title 36 may be required to come into full compliance with those statutes and rules before being allowed to proceed.

A violation of this section is a Class E crime, except that any operator or owner who displays, causes or permits to be displayed, a fictitious decal or permit or a decal or permit issued to another firm, corporation or person shall be guilty of a Class D crime.

Notwithstanding the provisions of Title 17-A, a person who fails to obtain and display a fuel use identification decal or trip permit as required by this section shall be subject to a fine of not less than \$250, which may not be waived.

All fees, fines and forfeitures under this section shall accrue to the Highway Fund.

Sec. 4. 29 MRSA §258, as amended by PL 1971, c. 593, §22, is further amended to read:

§258. Disposal of fees; certain towns in Hancock, Knox and Waldo Counties

Seventy-five per cent of all fees received by the State from the inhabitants of the Towns of Cranberry Isles, Frenchboro and Swan's Island in Hancock County, of the Towns of Isle au Haut, North Haven and Vinalhaven in Knox County and of the Town of Islesboro in Waldo County for the registration of motor vehicles shall be spent in said towns under the supervision of the Department of Transportation on the roads in said towns, in each town according to the proportion the amount paid by its inhabitants bears to the amount paid by the inhabitants of all the towns mentioned in this section.

Sec. 5. 29 MRSA §902, first ¶, as amended by PL 1985, c. 550, is further amended to read:

The Department of Transportation, county commissioners and municipal officers are authorized to promulgate ~~adopt~~ such reasonable rules as in their judgment may be necessary to insure the proper use and to prevent abuse of all highways under their maintenance or supervision by motor driven and animal drawn vehicles whenever those highways require special protection. These rules shall be kept on file. The Department of Transportation shall designate state and state aid highways and improved 3rd-class highways and bridges, or sections thereof, over which, during such periods of each year as may be determined by the department, it shall be unlawful for any motor truck or other vehicle or team to pass having a registered gross weight, with or without load, exceeding that prescribed by said the department and traveling with a load other than tools or equipment necessary for operation of the vehicle; or to pass except according to restrictions as to gross weight, speed, operation and equipment prescribed by the department and pursuant to its permit or notice.

Sec. 6. 29 MRSA §902, as amended by PL 1985, c. 550, is further amended by adding at the end a new paragraph to read:

A violation of this section shall be a traffic infraction which is punishable by a fine, which may not be suspended, of not less than \$250.

Sec. 7. 29 MRSA §2502, sub-§2, as amended by PL 1983, c. 370, §4, is further amended to read:

2. Inspection fee. The inspection fee is \$5 ~~\$6~~ for each inspection and is payable whether the vehicle passes inspection or not.

Sec. 8. 29 MRSA §2502, sub-§4 is enacted to read:

4. Altered vehicles. In addition to any other inspection required by this chapter, any altered vehicle registered in this State shall be subject to an annual inspection conducted by the State Police. Altered vehicles which satisfy the

inspection requirements shall be issued an altered vehicle certificate of inspection which expires on the last day of the month one year from the day of issuance. The fee for each inspection of an altered vehicle shall be \$15, which is payable whether the vehicle passes inspection or not.

Sec. 9. 29 MRSA §2518, sub-§1, as amended by PL 1985, c. 14, §1, is further amended to read:

1. Disposition of stickers. All inspection stickers and materials issued to inspection stations by the Chief of the State Police shall remain the property of the State. Each official inspection station shall stock a sufficient number of stickers to meet their demands at all times. These shall be furnished by the Chief of the State Police at ~~50¢~~ **\$1** each. The stickers shall be made of such material and quality of adhesive as prescribed by the Chief of the State Police.

Sec. 10. 29 MRSA §2713, sub-§3, ¶A, as repealed and replaced by PL 1987, c. 769, Pt. A, §116, is amended to read:

A. There shall be allocated to the Department of Public Safety for the State Police up to ~~\$1,200,000 annually~~ \$2,400,000 in fiscal year 1989-90 and \$2,200,000 in fiscal year 1990-91 from the fund to carry out the duties of the bureau imposed by this chapter and Title 35-A and for related activities.

Sec. 11. 29 MRSA §2713, sub-§3, ¶B-1 is enacted to read:

B-1. There shall be allocated to the Department of the Secretary of State for the Division of Motor Vehicles up to \$240,000 annually from the fund to carry out the duties of the commercial driver license laws.

Sec. 12. Supplemental allocations of Highway Fund. Income to the Highway Fund for the fiscal years from July 1, 1989 to June 30, 1990 and from July 1, 1990 to June 30, 1991 shall be segregated, apportioned and disbursed as designated in the following schedule:

	1989-90	1990-91
PUBLIC SAFETY, DEPARTMENT OF		
Bureau of State Police		
Personal Services	\$50,927	
All Other	25,105	
Capital Expenditures	47,635	
TOTAL		\$123,667
Provides funds for 5 State Troopers. Represents 50% Highway Fund share of total cost.		
Bureau of State Police		
Personal Services	\$19,638	\$28,417
All Other	198,098	193,618
TOTAL	\$217,736	\$222,035

Provides funds for the implementation of departmental long-range Automated Systems Plan and for one Systems Analyst position and one Computer Operator position. Represents 50% Highway Fund share of the total cost.

Bureau of State Police			
Personal Services	\$70,902	\$72,487	
All Other	2,500	2,750	
Capital Expenditures	2,510		
TOTAL	<u>\$75,912</u>	<u>\$75,237</u>	

Provides funds for essential civilian support services for the State Police: 3 Clerk Stenographer II positions; 2 Clerk Stenographer III positions; and one Clerk Typist II. Represents 50% Highway Fund share of total cost.

Bureau of State Police

Capital Expenditures	\$12,500		
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Provides funds for analysis equipment and related accessories for characterization of blood and body fluids. Represents 50% of Highway Fund share of total cost.

Bureau of State Police

Capital Expenditures	\$5,950		
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Provides funds for Omni Chrome LP-1000 Portable Argon Laser for forensic, criminalistics and fingerprint detection and examination. Represents 50% Highway Fund share of total cost.

Bureau of State Police

All Other	\$25,000		
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Provides funds for protective clothing, soft body armor for State Police personnel.

Motor Carrier Safety

Positions	(-9)	(-9)	
Personal Services	(\$413,800)	(\$417,769)	
All Other	(35,340)	(36,605)	
TOTAL	<u>(\$449,140)</u>	<u>(\$454,374)</u>	

Provides for a transfer to the Transportation Safety Fund which would be accomplished in companion legislation.

Motor Vehicle Inspection

Personal Services	\$11,250	\$45,000	
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Provides funds for anticipated overtime expenses incurred as a result of the annual inspection of altered vehicles.

DEPARTMENT OF PUBLIC SAFETY TOTAL	<u>(\$100,792)</u>	<u>\$11,565</u>
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SECRETARY OF STATE, DEPARTMENT OF THE

Administration - Motor Vehicles

All Other	\$135,311	\$176,439
Capital Expenditures	200,000	
TOTAL	<u>\$335,311</u>	<u>\$176,439</u>

Provides funds for replacement and upgrade of IBM Series I minicomputers.

Administration - Motor Vehicles

Personal Services	\$60,000	\$60,000
All Other	297,553	329,713
TOTAL	<u>\$357,553</u>	<u>\$389,713</u>

Provides additional operating expenses as originally budgeted.

Administration - Motor Vehicles

Capital Expenditures	\$300,000	
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Provides funds for the replacement and upgrade of IBM Series I equipment.

Administration - Motor Vehicles

Positions	(2)	(2)
Personal Services	\$54,947	\$57,695
All Other	9,763	10,251
Capital Expenditures	20,848	
TOTAL	<u>\$85,558</u>	<u>\$67,946</u>

Provides funds for 2 Municipal Coordinator II positions.

Administration - Motor Vehicles

Positions	(3)	(3)
Personal Services	\$61,987	\$65,086
All Other	14,072	14,775
Capital Expenditures	10,185	
TOTAL	<u>\$86,244</u>	<u>\$79,861</u>

Provides funds for 3 Data Entry Specialist positions to enter and maintain current registration information and prevent unmanageable backlogs.

Administration - Motor Vehicles

Positions	(2)	(2)
Personal Services	\$44,858	\$47,101
All Other	9,480	9,954
Capital Expenditures	6,400	
TOTAL	<u>\$60,738</u>	<u>\$57,055</u>

Provides funds for 2 window clerk positions.

Administration - Motor Vehicles

Personal Services	\$11,116	\$11,672
All Other	311	327
TOTAL	\$11,427	\$11,999

Provides funds to increase a Staff Development Coordinator's work week and to reclassify a Clerk Stenographer III to an Administrative Secretary.

Administration - Motor Vehicles

Capital Expenditures	\$413,329
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Provides funding for the Motor Vehicle Division Computer System hardware that was utilized to fund the preliminary construction-related items for the Division of Motor Vehicles' building as authorized by Public Law 1987, chapter 793, Part C, section 2.

Administration - Motor Vehicles

Positions	(1)	(1)
Personal Services	\$45,063	\$47,182
All Other	3,852	2,400
Capital Expenditures	400	
TOTAL	\$49,315	\$49,582

Provides funding for a liaison between the Legislature and the Division of Motor Vehicles and to assist with the development of the Division of Motor Vehicles' building. This is an unclassified position under the Maine Revised Statutes, Title 29, section 52. Personal Services includes approximately 22% for state benefits.

Motor Vehicle Contingency Account

All Other	\$1,000,000
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Provides contingency funding for the Division of Motor Vehicles' building to ensure that sufficient funds are available to meet the estimated costs. Acquisition of land has far exceeded the timetable allocated, which delayed the breaking of ground until the year 1990. Due to the delay, costs may escalate.

These funds, if not expended, will carry to June 30, 1991, at which time they will lapse to the Highway Fund; also, these funds shall only be expended for the purposes cited above.

Administration - Motor Vehicles

Capital Expenditures	\$19,000
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Provides funds for the acquisition of a truck to pick up and deliver license plates to the

main and branch offices of the Division of Motor Vehicles.

Administration - Motor Vehicles

All Other	\$4,000
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Provides funds for a required die and general operative expenses to establish and issue an altered vehicle registration plate.

DEPARTMENT OF THE SECRETARY OF STATE

TOTAL	\$2,722,475	\$832,595
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TRANSPORTATION, DEPARTMENT OF

Highway and Bridge Improvement

Capital Expenditures	(\$1,000,000)
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Provides for the deallocation of funds not required in fiscal year 1989-90 in order to provide contingency funding for the Division of Motor Vehicles' building to ensure sufficient funds are available to meet the estimated costs.

Island Town Refund

All Other	\$18,748	\$18,748
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Provides funds to allow Islesboro and Frenchboro to participate in the Island Town refund program pursuant to the Maine Revised Statutes, Title 29, section 258.

Highway and Bridge Improvement

Positions	(8)	(8)
Personal Services	\$202,177	\$220,551

Provides funds for a Clerk Stenographer III, a Clerk Typist II, 2 Environmental Specialist II positions, an Environmental Specialist III, an Environmental Specialist IV, a Landscape Architect II and a Landscape Architect III in order to meet the department's expanded environmental services requirements.

Administration and Planning

Positions	(2)	(2)
Personal Services	\$39,403	\$42,758

Provides funds for an Account Clerk II and an Accountant II to meet increasing department needs in the financial accounting area.

Administration and Planning

Positions	(2)	(2)
Personal Services	\$46,165	\$50,050

Provides funds for 2 additional Paralegal positions to meet the

increased title demands of the Supplemental Highway Program.			Provides funds for the reclassification of 3 Communication Technicians.		
Traffic Service			Bridge Maintenance		
Positions	(1)	(1)	Personal Services	\$5,182	\$5,182
Personal Services	\$19,489	\$20,526	Provides funds for the reclassification of an Engineering Technician II to an Engineering Technician III.		
Provides funds for an Engineering Technician I to meet the increased demand for traffic data information.			Bridge Maintenance		
Highway Maintenance			Unallocated	(\$450,478)	
Positions	(1)	(1)	Provides for the deallocation of funds not required in fiscal year 1989-90 in order to fund highway programs with a higher priority.		
Personal Services	\$32,374	\$35,410	Bridge Maintenance		
Provides funds for a Civil Engineer II to monitor the salt and sand building program.			Positions	(2)	(2)
Highway and Bridge Improvement			Personal Services	\$51,543	\$56,042
Positions	(16.5)	(16.5)	Provides funds for a Civil Engineer I and an Engineering Technician III to meet the increased requirement in the Bridge Inspection Program.		
Personal Services	\$384,838	\$420,253	Traffic Service		
Provides funds for 5 Engineering Aide I positions, 5 Engineering Technician I positions, 3 Engineering Technician V positions, one Management Analyst II, one Right-of-way Appraiser III and 2 part-time Civil Engineer II positions to meet the increased highway and bridge improvement program during fiscal year 1989-90 and fiscal year 1990-91.			All Other	\$150,000	\$150,000
Administration and Planning			Provides funds to support a change in department policy which will provide for maintenance of approximately 60 traffic signals suspended over state-maintained highways outside compact zones.		
Positions	(2)	(2)	Traffic Service		
Personal Services	\$48,882	\$53,030	All Other	\$72,000	\$75,000
Provides funds for 2 Personnel Specialists and to meet expanded administrative requirements in the Personnel and Human Resource area.			Provides funds for implementation of Phases 2 and 3 of the Advisory Speed Reduction Program. This will provide for the installation of advisory flashing warning signs on Interstate Highway 295/95 between Portland and Freeport and on Interstate Highway 95 in the Bangor area during fiscal year 1989-90 and warning signs on Interstate Highway 95 between Augusta and Newport in fiscal year 1990-91.		
Administration and Planning			Highway Maintenance		
All Other	\$75,000		All Other		\$2,500,000
Capital Expenditures	171,000	\$113,000	Provides funds for the first amortization payment required in fiscal year 1990-91 for the department's 2nd Vehicle Replacement Program.		
TOTAL	<u>\$246,000</u>	<u>\$113,000</u>	Highway Maintenance		
Provides funds for computer equipment, automated traffic counters and computer-aided mapping work station to permit continued department office automation.			Unallocated	(\$1,403,446)	
Radio Operations - Highway					
Capital Expenditures	\$37,500	\$39,500			
Provides funds for the purchase of new VHF test equipment, radios for graders used in winter snow removal and land radio tower.					
Radio Operations - Highway					
Personal Services	\$7,998	\$7,401			

Provides for the deallocation of funds not required in fiscal year 1989-90 in order to fund highway programs with a higher priority.

Highway and Bridge Improvement

Personal Services	\$1,412	\$1,412
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Provides funds for the reclassification of an Engineering Technician II to a Management Analyst II position.

Highway and Bridge Improvement

All Other	(\$654,081)	(\$712,792)
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Provides funds for the reduction in the All Other category in order to fund required Personal Services to meet the environmental and engineering demands of the Highway and Bridge Improvement Program.

Highway and Bridge Improvement

Capital Expenditures	(\$500,000)	(\$500,000)
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Provides funds for the reduction in the Capital Expenditures category to reflect the department's decision not to move forward with the Railroad Bridge Programs in fiscal years 1989-90 and 1990-91.

DEPARTMENT OF TRANSPORTATION TOTAL	<u>(\$2,644,294)</u>	<u>\$2,596,071</u>
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TOTAL ALLOCATIONS SECTION 1	<u>(\$22,611)</u>	<u>\$3,440,231</u>
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Sec. 13. Allocations; Highway Fund. There are allocated from the Highway Fund the following sums to the following departments for the fiscal years ending June 30, 1990, and June 30, 1991, in order to provide funding for approved reclassifications and salary range changes.

	1989-90	1990-91
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PUBLIC SAFETY, DEPARTMENT OF

State Police

Personal Services	\$26,129	\$24,511
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DEPARTMENT OF PUBLIC SAFETY TOTAL	<u>\$26,129</u>	<u>\$24,511</u>
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SECRETARY OF STATE,
DEPARTMENT OF THE

Administration - Motor Vehicles

Personal Services	\$40,743	\$35,631
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DEPARTMENT OF THE SECRETARY OF STATE TOTAL	<u>\$40,743</u>	<u>\$35,631</u>
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TRANSPORTATION, DEPARTMENT OF

Administration and Planning

Personal Services	\$24,972	\$12,441
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Highway and Bridge Improvement

Personal Services	\$16,272	\$7,801
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Traffic Service

Personal Services	\$4,643	\$4,643
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DEPARTMENT OF TRANSPORTATION TOTAL	<u>\$45,887</u>	<u>\$24,885</u>
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TOTAL ALLOCATIONS, SECTION 2	<u>\$112,759</u>	<u>\$85,027</u>
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Sec. 14. Carrying clause. Any unencumbered balance in the Department of the Secretary of State, Division of Motor Vehicles, Account #05062.1, that was allocated for the purpose of purchasing computer hardware and related software as well as for funding approved in fiscal year 1988-89 for a Division of Motor Vehicles' building shall not lapse but shall carry forward until June 30, 1990.

Sec. 15. Encumbered balances at year end. At the end of each fiscal year, all encumbered balances shall not be carried forward more than once.

Sec. 16. Effective date. Sections 1, 2 and 11 of this Act shall take effect March 1, 1990. Sections 8 and 10 shall take effect 90 days after adjournment.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect on July 1, 1989.

Effective July 1, 1989.

CHAPTER 516

S.P. 50 - L.D. 23

An Act to Amend the Local Road Assistance Distribution Formula

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

Whereas, the current distribution formula for the Local Road Assistance Program is inequitable and changes are immediately necessary to correct this inequity; and

Whereas, the changes to the distribution formula must take effect prior to the next biennial apportionment of funds from the Local Road Assistance Fund; and

Whereas, that next biennial apportionment will occur prior to the expiration of the 90-day period; 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