

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

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

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

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
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

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January 3, 1990 to April 14, 1990

feet of litter for a commercial purpose, in violation of Title 17, section 2264, is subject to a civil penalty, payable to the State, of not less than \$100 nor more than \$10,000 for each day of that violation or, if the violation relates to hazardous waste, of not more than \$25,000 for each day of the violation.

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

Effective April 10, 1990.

CHAPTER 821

S.P. 958 - L.D. 2422

An Act to Allow Certain School Secretaries to Elect Not to Be Members of the Maine State Retirement System

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

PL 1989, c. 550, §3 is amended by adding at the end a new paragraph to read:

Notwithstanding other provisions of this section, employees of public schools on June 30, 1989, who were employed as school secretaries and who, due to error or oversight, were not members of the Maine State Retirement System on June 30, 1989, or for any period of time prior to that date, may elect not to be members by giving written notice to the Executive Director of the Maine State Retirement System on or before January 1, 1991. This election is irrevocable.

See title page for effective date.

CHAPTER 822

H.P. 1645 - L.D. 2278

An Act to Amend the Definition of Public Way

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

Sec. 1. 29 MRSA §530, sub-§1, ¶A, as enacted by PL 1977, c. 692, §3, is amended to read:

A. ~~No~~ A resident of the State ~~shall~~ may not operate a motor vehicle on any way or parking area unless licensed by the State to operate that motor vehicle. ~~No~~ A license ~~shall~~ may not be issued until the Secretary of State is satisfied that the applicant is a proper person to receive it. For the purposes of this section, the term "parking area" means any area designed for use as access or parking for patrons and customers of establishments to which the public is invited.

Sec. 2. 29 MRSA §2184, sub-§1, as amended by PL 1987, c. 791, §25, is further amended to read:

1. **Offense; penalty.** ~~No~~ A person may not operate a motor vehicle on any public way or parking area in this State at a time when ~~his~~ that person's license or permit to operate, ~~his~~ right to operate or ~~his~~ right to apply for or obtain a license or permit has been suspended or revoked, except for a revocation as an habitual offender under chapter 18-A or former chapter 18, when that person:

A. Has received written notice of a suspension or revocation pursuant to section 1312-D, subsection 1, or section 2241-H or other written notice from the Secretary of State;

B. Has been orally informed of the suspension or revocation by a law enforcement officer who is aware of the information as a result of records maintained by the Secretary of State, including those obtainable by telecommunications;

C. Has actual knowledge of ~~his~~ the suspension or revocation;

D. Is a person to whom written notice was sent by ordinary mail at the last known address shown by the records maintained by the Secretary of State; or

E. Has failed to appear in court pursuant to any notice or order specified in section 2301-A.

For the purposes of this section, the term "parking area" means any area designed for use as access or parking for patrons and customers of establishments to which the public is invited.

Violation of this section is a Class D crime, provided that, notwithstanding Title 17-A, section 1301, the maximum fine ~~shall be~~ is \$2,500.

See title page for effective date.

CHAPTER 823

S.P. 886 - L.D. 2262

An Act Relating to Pharmacy Services to Nursing Home Residents

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

22 MRSA §1829 is enacted to read:

§1829. Pharmaceutical services in nursing homes

1. Notice. Each nursing home must post a notice in a place within the nursing home where notices for residents are ordinarily posted stating that each resident

has the right to obtain medication from a pharmacy of the resident's choice as provided in section 1826, subsection 1.

See title page for effective date.

CHAPTER 824

S.P. 849 - L.D. 2178

An Act to Extend the Sunset and to Evaluate the Motor Vehicle Insurance Laws

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

Whereas, the present law will sunset January 1, 1991; and

Whereas, the motor vehicle insurance laws of the State are of great concern to the citizens of Maine; and

Whereas, there are a number of unresolved issues as to the future of these laws; and

Whereas, time is needed to review these issues and to evaluate various aspects of motor vehicle insurance laws; 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. 1 MRSA §2501, sub-§29 is enacted to read:

29. Title 29.

A. Title 29, section 780, is repealed January 1, 1992.

Sec. 2. 24-A MRSA §2412, sub-§6, as enacted by PL 1987, c. 341, §§1 and 7, is amended to read:

6. Motor vehicle insurance identification cards. Pursuant to this section, the superintendent, with the advice of the Secretary of State, shall prescribe a uniform motor vehicle insurance identification card form. The superintendent shall require all insurance companies transacting business within this State to provide with each motor vehicle liability insurance policy an insurance identification card for each vehicle, describing the vehicle covered. When an insured has 5 or more motor vehicles registered in this State, the insurer may use the designation "all owned vehicles" on each card in lieu of a specific description. This ~~section~~ subsection is repealed on January 1, ~~1991~~ 1992.

Sec. 3. 29 MRSA §779, as enacted by PL 1987, c. 341, §§3 and 7, is amended to read:

§779. Purpose

The Legislature finds that the economic damage inflicted by uninsured motorists goes uncompensated in many cases due to the failure of motorists to maintain liability insurance or other means to insure just compensation for victims of accidents. The present law condones the financial irresponsibility of these motorists until they have already inflicted injuries or damage for which they may be unable to provide compensation. The purpose of this subchapter is to reduce the likelihood that financially irresponsible motorists will operate on the State's highways by instituting a requirement that motorists provide evidence of financial responsibility pursuant to this subchapter. This section is repealed on January 1, ~~1991~~ 1992.

Sec. 4. 29 MRSA §780, sub-§8, as enacted by PL 1987, c. 341, §§3 and 7, is amended to read:

8. Sunset provision. This section is repealed on January 1, ~~1991~~ 1992. The legislative committee having jurisdiction over the review provided in Title 1, section 2502, is the joint standing committee of the Legislature having jurisdiction over insurance matters.

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

Effective April 10, 1990.

CHAPTER 825

S.P. 937 - L.D. 2372

An Act Concerning the Licensing of and Use of Funds Raised by Organizations Operating Games of Chance or Beano

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

Whereas, unless this legislation is enacted as an emergency measure, persons who are members, auxiliary members, officers or employees of organizations operating games of chance or beano who are in grave need of financial assistance due to serious illness or injury or casualty loss must be denied such assistance by those organizations; 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: