

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

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
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

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ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

Sec. 2. Effective date. This Act takes effect on January 1, 1992.

Effective January 1, 1992.

CHAPTER 18

H.P. 44 - L.D. 63

An Act Concerning Capital Improvements and Impact Fees

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

Sec. 1. 30-A MRSA §4301, sub-§6-A is enacted to read:

6-A. Impact fee. “Impact fee” means a charge or assessment imposed by a municipality against a new development to fund or recoup the cost of new, expanded or replacement infrastructure facilities necessitated by and attributable to the new development.

Sec. 2. 30-A MRSA §4354, first ¶, as amended by PL 1989, c. 562, §16, is further amended to read:

A municipality may enact an ordinance under its home rule authority requiring the construction of off-site capital improvements or the payment of impact fees instead of the construction. Notwithstanding section 3442, an impact fee may be imposed that results in a developer or developers paying the entire cost of an infrastructure improvement. A municipality may impose an impact fee either before or after completing the infrastructure improvement. No later than 2 years after the applicable deadlines established under section 4343, subsection 1, any impact fee ordinance must have been adopted as part of a certified local growth management program.

Sec. 3. 30-A MRSA §4354, sub-§2, ¶A, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

A. The amount of the fee must be reasonably related to the development’s share of the cost of infrastructure improvements made necessary by the development or, if the improvements were constructed at municipal expense prior to the development, the fee must be reasonably related to the portion or percentage of the infrastructure used by the development.

See title page for effective date.

CHAPTER 19

H.P. 78 - L.D. 106

An Act Regarding Possession of Certain Weapons, Implements or Aids

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

12 MRSA §7406, sub-§17, ¶¶A to E, as enacted by PL 1979, c. 420, §1, are amended to read:

- A. Uses for hunting or possesses for hunting any automatic firearm;
- B. Uses for hunting or possesses for hunting any auto-loading firearm having a magazine capacity of more than 5 cartridges. All auto-loading firearms having a magazine capacity in excess of 5 cartridges ~~shall~~ must have the magazine permanently altered to contain not more than 5 cartridges before it may be used in this State for hunting;
- C. ~~Sells, offers~~ Uses for sale, uses hunting or possesses for hunting any firearm fitted or contrived with any device for deadening the sound of explosion;
- D. Uses for hunting cartridges containing tracer bullets;
- E. Uses for hunting cartridges containing explosive bullets;

See title page for effective date.

CHAPTER 20

H.P. 173 - L.D. 258

An Act to Provide for a Student Member of the Board of Trustees of the Maine Technical College System

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

Whereas, addition of a student member to the Board of Trustees of the Maine Technical College System is a priority; and

Whereas, failure to enact this legislation as an emergency will deny student representation on the Board of Trustees of the Maine Technical College System until at least February, 1992; 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. 20-A MRSA §12705, sub-§1, as amended by PL 1989, c. 700, Pt. A, §67, is further amended to read:

1. Membership. The board of trustees ~~shall consist~~ consists of 9 ~~10~~ appointed voting members and 2 ~~3~~ ex officio, voting members as follows:

- A. One from the State Board of Education;
- B. One from the Board of Trustees of the University of Maine System;
- C. Seven from the field of business and industry, the field of labor, the field of education and the general public;
- D. The Commissioner of Education, or the commissioner's successor, who shall serve ex officio;
- E. The Commissioner of Economic and Community Development, or the commissioner's successor, who shall serve ex officio; ~~and~~
- F. The Commissioner of Labor, or the commissioner's successor, who shall serve ex officio: ; and

G. One member who is from the student body of one of the technical college campuses at the time of appointment and who is a permanent resident of the State. To be eligible for appointment as a student member, a student must be enrolled for a minimum of 12 credit hours per semester.

The student member is a full voting member of the board of trustees and shall serve for a 2-year term and until a successor is qualified. By January 1st of every 2nd year, the president of the system shall solicit a list of 5 eligible students from the student governments from 5 of the campuses within the Maine Technical College System; the 6th campus being excluded in accordance with this subsection. The Governor shall then nominate a student trustee chosen from the list within 30 days of receiving the list of names. The nomination is subject to review by the joint standing committee of the Legislature having jurisdiction over education matters and to confirmation by the Legislature. The student trustee may not come from the same campus in any 2 consecutive terms. In the event that the student trustee transfers from one campus to another during the student's term of appointment, the student's original campus of enrollment is the campus excluded when the next student trustee is appointed.

Sec. 2. Transition. The following provision governs the transition to the appointment of a student member of the Board of Trustees of the Maine Technical College System under this Act.

1. First student trustee. Each student government of the Maine Technical College System shall select one eligible student for nomination to the board of trustees

within 30 days of the approval of this Act. The President of the Maine Technical College System shall forward the names to the Governor within 5 working days and the Governor shall then nominate a student member chosen from the list within 30 days. The first student selected will serve an abbreviated term ending when a successor is selected in accordance with the Maine Revised Statutes, Title 20-A, section 12705, subsection 1, paragraph G in 1993.

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

Effective April 9, 1991.

CHAPTER 21

H.P. 14 - L.D. 17

An Act Concerning the Use of Headlights in Inclement Weather

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

Sec. 1. 29 MRSA §1071, first ¶, as amended by PL 1969, c. 138, §4, is repealed and the following enacted in its place:

A vehicle located on a way must be equipped with lights as described in section 1366. The lights must be illuminated during the period 1/2 hour after sunset to 1/2 hour before sunrise and at any time when, due to insufficient light or unfavorable atmospheric conditions, including, but not limited to, rain, freezing rain, fog or snow, persons or vehicles on the way are not discernible for a distance of 1,000 feet ahead. This section does not apply to a vehicle that is parked or standing off the main traveled portion of the way. "Sunrise" and "sunset" are the times given in the Maine Farmers' Almanac.

Sec. 2. 29 MRSA §1366, 2nd ¶, as amended by PL 1981, c. 98, §9, is further amended to read:

Every headlamp, upon every motor vehicle, including every motorcycle and motor driven cycle, ~~shall~~ must be located at a height measured from the center of the headlamp of not more than 54 inches nor less than 22 inches above the level surface upon which ~~said~~ the vehicle stands. Headlamps on snow plows may be located at a height greater than 54 inches above ~~said~~ the level surface. All ~~such~~ headlamps ~~shall~~ must be equipped with lenses or reflectors that emit only a white beam of light. The lamps and lights ~~shall~~ must conform to and operate in accordance with section 1071 and the rules ~~and regulations promulgated~~ adopted from time to time by the Commissioner of Public Safety ~~and shall be lighted during the period from 1/2 hour after sunset to 1/2 hour before sunrise, and at any time when, due to insufficient light or~~