

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

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

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~~

~~unfavorable atmospheric condition, caused by fog or otherwise, persons in vehicles on the highway are not clearly discernible for a distance of 500 feet ahead, except as provided in section 1755.~~

See title page for effective date.

CHAPTER 22

S.P. 28 - L.D. 38

An Act to Permit Certain Retailers to Conduct Games of Chance

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

17 MRSA §2304, as enacted by PL 1969, c. 416, §2, is repealed.

See title page for effective date.

CHAPTER 23

S.P. 24 - L.D. 34

An Act to Amend the Retirement Laws

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

Sec. 1. 5 MRSA §18311, sub-§2, ¶A, as amended by PL 1989, c. 710, §17, is further amended to read:

A. If the member qualifies under section 18360, subsection 2, ~~paragraph D~~, contributions ~~shall be~~ are calculated at the percentage rate required of active members during the period of time covered by the service in the armed forces applied to the member's earnable compensation during the first year as an employee subsequent to service in the armed forces under the following terms and conditions:

- (1) If 2 or more percentage rates were in effect during the period of service in the armed forces, the highest percentage rate ~~shall be~~ is used;
- (2) The minimum rate ~~shall be~~ is 5%; and
- (3) Interest at a rate set by the board not to exceed regular interest by 2 or more percentage points ~~shall be~~ is paid on the unpaid balance beginning January 1, 1976, or the date of attaining 15 years of creditable service, if later, to the date payment is made.

Sec. 2. 5 MRSA §18311, sub-§2, ¶B, as enacted by PL 1985, c. 801, §§5 and 7, is repealed.

Sec. 3. 5 MRSA §18360, sub-§2, ¶E, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

E. A member who served in the armed forces ~~at any time from August 5, 1964 to May 7, 1975~~ during any federally recognized period of conflict, as defined in Title 37-B, section 504, subsection 4, paragraph A-1, subparagraph (3), is entitled to service credit under this subsection if he begins membership before January 1, 1988.

See title page for effective date.

CHAPTER 24

S.P. 106 - L.D. 203

An Act Relating to Medicare Supplement Insurance

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

Sec. 1. 24-A MRSA §5002, sub-§1-A is enacted to read:

1-A. Standardization. The superintendent may adopt rules specifying the minimum Medicare supplement contract benefits required in the State and the optional benefits available for sale in the State. All other benefits or options are prohibited in a Medicare supplement contract subject to this chapter.

Sec. 2. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

1991-92

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Bureau of Insurance

All Other	\$1,600
Provides funds to allow the promulgation of rules establishing standard insurance policy options for Medicare recipients.	

See title page for effective date.

CHAPTER 25

H.P. 427 - L.D. 610

An Act to Amend Maine's Commercial Lines Cancellation Laws