

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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. 2. 20-A MRSA §7201, sub-§5 is enacted to read:

5. Blind students; Braille instruction. All students may receive instruction in Braille reading and writing as part of their individualized education plans. A student may not be denied the opportunity of instruction in Braille reading and writing solely because the student has some remaining vision. If Braille is not provided to a child who is blind, the reason for not incorporating Braille in the individualized education plan must be documented in the individualized education plan.

See title page for effective date.

CHAPTER 293

H.P. 71 - L.D. 99

An Act to Amend the Penalties for Habitual Offenders and Operating After Suspension

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

Sec. 1. 29 MRSA §7 is enacted to read:

§7. Prior convictions

For the purposes of this Title, a prior conviction has occurred within the period of time specified if the date of the new conduct or failure to act that is penalized or for which the penalty is or may be enhanced is within the stated period from the date of a docket entry of judgment of conviction.

Sec. 2. 29 MRSA §2184, sub-§1, as amended by PL 1989, c. 822, §2; c. 866, Pt. B, §16 and affected by §26 and amended by c. 891, Pt. A, §10, is repealed and the following enacted in its place:

1. Offense; penalty. A person may not operate a motor vehicle on any public way or parking area in this State at a time when that person's license or permit to operate, right to operate or right to apply for or obtain a license or permit has been suspended or revoked 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 the suspension or revocation;

D. Is a person to whom written notice was sent in accordance with section 2241, subsection 4; or

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

This section does not apply to a person whose license or permit to operate, right to operate or right to apply for or obtain a license or permit has been revoked as an habitual offender under chapter 18-A or former chapter 18.

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 E crime.

Sec. 3. 29 MRSA §2241, sub-§4, as enacted by PL 1989, c. 866, Pt. B, §19 and affected by §26, is amended to read:

4. Notice of suspension or revocation. Notice of any suspension or revocation ordered or issued under this Title must be sent by regular mail or served in hand. Written notice is sufficient if sent by regular mail to the last known name and address provided by the person, as required by section 546, to the Secretary of State or, in the case of a person who has not applied for or who has not been issued a Maine operator's license, to the last address shown by the records maintained by the Secretary of State. The notice must also state that the license will not be reinstated and the person may not operate a motor vehicle before payment of the reinstatement fee as required under section 2241-D.

Sec. 4. 29 MRSA §2298, sub-§1, as amended by PL 1989, c. 866, Pt. B, §22 and affected by §26, is further amended to read:

1. Prohibition; notice. It is unlawful for any person to operate any motor vehicle on a public way, as defined in Title 17-A, section 505, subsection 2, in this State while the revocation prohibiting its operation remains in effect. Any person found to be an habitual offender under this chapter, or former chapter 18, who is thereafter convicted of operating a motor vehicle in this State while the revocation prohibiting operation is in effect ~~shall have committed~~ commits a ~~Class C~~ Class E crime as defined in subsection 2. ~~No~~ A person found to be an habitual offender under this chapter or former chapter 18, may not operate a motor vehicle on a public way as defined in Title 17-A, section 505, subsection 2, when that person's license, permit or privilege to operate a motor vehicle has been revoked under this chapter, when that person:

A. Has received written notice of the revocation from the Secretary of State;

B. Has been orally informed of the 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 the revocation; or

D. Is a person to whom written notice was sent in accordance with section 2241, subsection 4.

Sec. 5. 29 MRSA §2298, sub-§2, as enacted by PL 1987, c. 591, is repealed and the following enacted in its place:

2. Offense; penalty. Violation of this section is:

A. A Class D crime if:

(1) The person has no previous convictions for operating after revocation within the previous 5 years; and

(2) The person has no previous convictions for violating section 1312-B within the previous 5 years; and

B. A Class C crime if:

(1) The person has one or more previous convictions for operating after revocation within the previous 5 years; or

(2) The person has one or more previous convictions for violating section 1312-B within the previous 5 years.

The Secretary of State may not grant relief from habitual offender status under section 2296 until at least 3 years after the original date scheduled for eligibility to apply for relief of that status.

See title page for effective date.

CHAPTER 294

H.P. 299 - L.D. 420

An Act Concerning Overboard Discharge Inspection Fees

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

Sec. 1. 38 MRSA §414, sub-§3-A, as repealed and replaced by PL 1991, c. 66, Pt. A, §6, is repealed and the following enacted in its place:

3-A. Inspection of overboard discharges. Except as provided in subsection 3-B, the department shall inspect all licensed overboard discharges. At least twice each calendar year, the department shall inspect all licensed overboard discharges operated on a year-round basis. At least once each calendar year, the department shall inspect all licensed overboard discharges operated no more than 6 months of a calendar year. The department shall assess the costs of inspection as an annual license fee payable by the license holder based on the adjusted gross income of the license holder on the most recent tax return under the federal Internal Revenue Code of 1986, as amended, according to the following schedule:

A. For residential overboard discharges:

(1) License holders with an adjusted gross income equal to or greater than \$30,000 annually - \$100;

(2) License holders with an adjusted gross income equal to or greater than \$15,000 and less than \$30,000 annually - \$75;

(3) License holders with an adjusted gross income equal to or greater than \$7,500 and less than \$15,000 annually - \$50; and

(4) License holders with an adjusted gross income less than \$7,500 - no fee; and

B. For commercial overboard discharge license holders at all income levels - \$100.

Sec. 2. 38 MRSA §414, sub-§3-B is enacted to read:

3-B. Waiver of inspection; reduced fees. Upon receipt of an annual assessment under subsection 3-A, a license holder may apply to the department for a waiver of the requirement of subsection 3-A. With the request for a waiver of the assessment, the license holder must file a copy of a private maintenance contract for the licensed overboard discharge, in effect for the assessment period, that provides for inspection of the discharge at least as frequently as required in subsection 3-A. The commissioner shall grant a waiver of the requirements of subsection 3-A with the following conditions:

A. The license holder shall file a copy of the results of each inspection with the department within 30 days after each inspection; and

B. The license holder shall pay an annual waiver fee of \$30.