

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

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subsequent offense is a license suspension for a period of one year or license revocation.

Pursuant to Title 5, chapter 375, the Chief of the State Police or the chief's designee shall schedule a hearing, if requested by the owner of an official inspection station, an employee of that station or the inspection mechanic, to review the suspension or revocation. The suspension or revocation remains in effect pending the final agency decision and during any appeal of that decision.

See title page for effective date.

CHAPTER 389

H.P. 816 - L.D. 1170

An Act to Make Emergency Changes to the Motor Vehicle Laws

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

Whereas, current laws on window tinting of motor vehicles have been preempted by federal law and should, therefore, be repealed to decrease confusion for motor vehicle dealers and buyers; and

Whereas, laws involving altered vehicles become effective March 1, 1991, unless repealed prior to that date; and

Whereas, the laws involving altered vehicles are no longer needed and implementation of those laws would cause unnecessary inconvenience to the owners of the altered vehicles; 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 §119-A, as enacted by PL 1989, c. 754, Pt. D, §1 and affected by §4, is repealed.

Sec. 2. 29 MRSA §1369-A, sub-§2, ¶A, as enacted by PL 1989, c. 481, Pt. A, §24, is amended to read:

A. The provisions of subsection 1 do not apply to:

(1) A certificate or other paper required or allowed to be displayed by ~~statute~~ law;

(2) The label attached to a window showing the price, estimated mileage and other federally mandated information commonly known as the manufacturer's suggested retail price label; or

(3) Sun-screening or window tinting material along a 4-inch strip at the top of the windshield in conformity with the rules adopted under subsection 9-; or

(4) Motor vehicles for which the Chief of the State Police has granted an exception because the health of the owner or a person who usually occupies the vehicle is adversely affected by sunlight. The Chief of the State Police may, upon proper application, provide the owner of a motor vehicle with a certificate of exemption that must be displayed upon the request of a law enforcement officer.

Sec. 3. 29 MRSA §1369-A, sub-§2, ¶C is enacted to read:

C. The provisions of subsection 1, paragraphs C and D, do not apply to side windows behind the operator's seat or the rear window of a motor vehicle that is equipped with original installation windows or original replacement windows, originally installed or replaced in conformance with Federal Motor Vehicle Standard 205, except that any such window with a light transmittance of less than 70% may not be covered by or treated with any material that further reduces the light transmittance.

Sec. 4. 29 MRSA §1369-A, sub-§3, as repealed and replaced by PL 1989, c. 754, Pt. C, §3, is amended to read:

3. Light transmittance certificate. The owner or operator of any motor vehicle with tinted replacement windows that are not replaced in accordance with Federal Motor Vehicle Safety Standard 205 or windows covered by or treated with tinting material shall acquire a light transmittance certificate and shall show the certificate to the inspection mechanic at the time of inspection to prove compliance with section 2503, subsection 2, and this section. The certificate must be on a form approved by the Bureau of State Police. Any person who, for compensation, installs tinted replacement windows or window tinting materials may issue a certificate for any motor vehicle that complies with the light transmittance standards of subsections 1 and 2, and shall ensure compliance and issue a certificate for any vehicle on which that person has installed the tinted window or tinting material.

Sec. 5. 29 MRSA §1369-A, sub-§§4 and 8, as enacted by PL 1989, c. 481, Pt. A, §24, are repealed.

Sec. 6. 29 MRSA §2502, sub-§4-A, as enacted by PL 1989, c. 754, Pt. D, §2 and affected by §4, is repealed.

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

Effective June 20, 1991.

CHAPTER 390

S.P. 510 - L.D. 1359

An Act to Make Revisions in the Marine Resource Laws

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

Sec. 1. 12 MRSA §6071, sub-§3, as enacted by PL 1989, c. 205, §1, is amended to read:

3. Products embargoed and condemned. The commissioner or the commissioner's agent may indefinitely embargo, condemn or order to be destroyed any marine species organisms or marine species organism product either indigenous or imported and introduced to coastal waters in violation of this section whenever it is determined that the product is of unsound quality; contains any filthy, decomposed or putrid substance; may be poisonous or deleterious to health; or is otherwise unsafe. The commissioner shall cooperate with those state and federal agencies having similar responsibility in the protection of public health and in enforcing the order to embargo, condemn or destroy.

If any marine species organisms or marine species organism product is embargoed, condemned or ordered destroyed, the commissioner or the commissioner's agent shall, as soon as practical, notify the owner in writing of the amount and kind of marine species organisms or marine species organism product embargoed, condemned or destroyed.

Sec. 2. 12 MRSA §6172, as amended by PL 1989, c. 205, §3, is further amended to read:

§6172. Contaminated or polluted flats

1. Commissioner's powers. The commissioner may examine the coastal waters and the intertidal zone and adopt rules to close coastal waters or intertidal zone areas if the commissioner determines that any marine species organisms are or may become contaminated or polluted. The commissioner may adopt or amend rules as the commissioner determines necessary, setting forth standards for closure of contaminated or polluted areas, giving consideration to established state water quality standards, the most recently adopted federal sanitation

standards, or other state or federal public health standards, the most recent generally accepted research data and known sources of pollution in any area, in a manner to protect the public health and safety while allowing reasonable use of the State's marine species organisms.

2. Emergency rules. The commissioner may adopt or amend rules under the emergency procedures, if immediate action is necessary to prevent the taking of polluted or contaminated marine species organisms.

3. Repeal. The commissioner shall repeal a rule closing an area or waters when the marine species organisms are no longer contaminated or polluted or when the waters meet the sanitary standards set forth in any department rules. The commissioner may use emergency regulatory procedures to open areas or waters that have been closed under emergency procedures of this section.

4. Procedure. The procedures of subchapter II shall be used in adopting or amending rules authorized by this section.

Sec. 3. 12 MRSA §6352, sub-§2, as enacted by PL 1977, c. 661, §5, is amended to read:

2. Nature of notice. The notice ~~shall~~ must contain a statement of the conviction, the suspension and any opportunity for a hearing, and ~~shall~~ must be personally served or mailed to the holder at the address provided in ~~his~~ the application for the license or certificate. The notice of suspension must be sent by certified mail to the person at the last known address on record at the department. Any suspension imposed is effective on a specified date not less than 10 days after the mailing of the notification of suspension by the department.

Sec. 4. 12 MRSA §6353, sub-§3, as enacted by PL 1977, c. 661, §5, is amended to read:

3. Decisions. Decisions of the commissioner ~~shall~~ must be in writing. The commissioner may reinstate the license or certificate or reduce the suspension period if ~~he~~ the commissioner is satisfied that to do so would be in the best interests of justice, except that the commissioner may not reduce suspensions set by statute.

Sec. 5. 12 MRSA §6671, sub-§4, as amended by PL 1979, c. 608, §2, is repealed and the following enacted in its place:

4. Adoption requirements. Shellfish conservation ordinances may be adopted under this section by municipalities or unorganized townships.

A. Prior to adopting an ordinance, a municipality or unorganized township shall raise or appropriate money for a shellfish conservation program within the 2 previous years.