

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**SECOND SPECIAL SESSION**

December 12, 1991 to January 7, 1992

**SECOND REGULAR SESSION**

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR  
SECOND REGULAR SESSION  
NON-EMERGENCY LAWS IS  
JUNE 30, 1992

PUBLISHED BY THE REVISOR OF STATUTES  
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TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1992

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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**12 MRSA §6301, sub-§1**, as enacted by PL 1977, c. 661, §5, is amended to read:

**1. Resident license.** Any individual who has been domiciled in Maine for the 6 months preceding the date of his application is eligible for a resident license. A corporation ~~shall be~~ is eligible for a resident license if it has been created and exists under the laws of Maine; and it has existed in Maine during the 6 months preceding the date of application. A firm or partnership ~~shall be~~ is eligible if all of its officers or partners have been domiciled in Maine for the 6 months preceding the date of application.

For the purposes of this chapter, a resident is a person who:

A. If registered to vote, is registered in Maine;

B. If licensed to drive a motor vehicle, has made application for a Maine motor vehicle operator's license;

C. If the owner of one or more motor vehicles located within the State, has registered at least one of the motor vehicles in Maine; and

D. If required to file a Maine income tax return on the previous April 15th, filed a Maine income tax return.

See title page for effective date.

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## CHAPTER 693

H.P. 1455 - L.D. 2067

### An Act to Simplify and Reduce the Cost of State Mapping Efforts

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

**Sec. 1. 38 MRSA §480-B, sub-§10**, as enacted by PL 1987, c. 809, §2, is amended to read:

**10. Significant wildlife habitat.** "Significant wildlife habitat" means the following areas to the extent that they have been mapped by the Department of Inland Fisheries and Wildlife or entered into the state geographic information system pursuant to section 546-B: Habitat habitat for species appearing on the official state or federal lists of endangered or threatened species; high and moderate value deer wintering areas and travel corridors as defined by the Department of Inland Fisheries and Wildlife; high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas as defined by the Department of Inland Fisheries and Wildlife; critical spawning and nursery areas for Atlantic sea

run salmon as defined by the Atlantic Sea Run Salmon Commission; and shorebird nesting, feeding and staging areas and seabird nesting islands as defined by the Department of Inland Fisheries and Wildlife.

**Sec. 2. 38 MRSA §480-I, sub-§1**, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §76, is further amended to read:

**1. Identification by maps.** The commissioner shall map areas meeting the definition of freshwater wetlands and fragile mountain areas set forth in this article and shall periodically review and revise the maps identifying these areas. The data developed under section 546-B may be used for mapping significant wildlife habitat. Maps of significant wildlife habitats must be adopted by rule pursuant to the Maine Administrative Procedure Act, ~~Title 5, chapter 375~~, to the extent that those habitats are identified by the Department of Inland Fisheries and Wildlife.

See title page for effective date.

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## CHAPTER 694

H.P. 1526 - L.D. 2155

### An Act to Amend the Motor Vehicle Laws

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

**Sec. 1. 29 MRSA §1, sub-§13-B** is enacted to read:

**13-B. Solid waste.** "Solid waste" means useless, unwanted or discarded solid material with insufficient liquid content to be free-flowing, including, but not limited to, rubbish, garbage, refuse-derived fuel, scrap materials, junk, refuse, inert fill material and landscape refuse, but not including hazardous waste, biomedical waste, septic tank sludge or agricultural wastes. The fact that a solid waste or constituent of the waste may have value or other use or may be sold or exchanged does not exclude it from this definition.

**Sec. 2. 29 MRSA §946-C, sub-§2, ¶C**, as enacted by PL 1991, c. 444, §5, is amended by amending sub-¶¶(3) and (4) to read:

(3) A vehicle engaged in snow removal or sanding operations on a public way must be equipped with and display at least 2 auxiliary lights mounted on the highest practical point on the vehicle, ~~one showing to the front and one to the rear of the vehicle~~ and provide visible light coverage over a 360° range. The lights must emit an amber beam of light, be at least 6 inches in diameter and be

equipped with blinking attachments. In lieu of the lights specified, a vehicle may be equipped with at least one auxiliary rotating flashing light having 4-inch sealed beams and showing amber beams of light over a 360° range or an amber strobe, or combination of strobes, that emits at a minimum a beam of 1,000,000 candlepower and provides visible light coverage over a 360° range. When the left wing of a plow is in operation and extends over the center of the road, an auxiliary light must show the extreme end of the left wing. That light may be attached to the vehicle so that the beam of light points at the left wing. The light illuminating the left wing may be controlled by a separate switch or by the regular lighting system and must be in operation at all times when the vehicle is used for plowing snow on public ways.

(4) A vehicle equipped and used for plowing snow on other than public ways may be equipped with an auxiliary rotary flashing light that must be mounted on top of the vehicle in such a manner as to emit an amber beam of light over a 360° angle, or an amber strobe, or combination of strobes, that emits as at a minimum a beam of 1,000,000 candlepower and that provides visible light coverage over a 360° range. The lighting light may only be in use on a public way only when the vehicle is entering the public way in the course of plowing private driveways and other off-highway locations.

**Sec. 3. 29 MRSA §1655, first ¶,** as amended by PL 1989, c. 866, Pt. B, §12 and affected by §26, is further amended to read:

The operation on the highways of any vehicle loaded entirely with building materials that absorb moisture during delivery originating and terminating within the State, bark, sawdust, firewood, sawed lumber, dimension lumber, pulpwood, wood chips, logs, soils, unconsolidated rock materials including limestone, bolts, farm produce, road salt, manufacturer's concrete products, solid waste, ~~building materials and~~ or incinerator ash ~~that absorb moisture during delivery originating and terminating within the State;~~ or dump trucks, tractor dump trucks or transit-mix concrete trucks carrying highway construction materials; or any vehicle loaded with a majority of products requiring refrigeration, whether by ice or mechanical equipment, and on those vehicles when inspected by the State Police, the number of the seal must be recorded and the number of the new seal must be recorded by the State Police, and the operation on the highways of any vehicle loaded with raw ore from mine or quarry to place of processing ~~may is not be determined to be~~ in violation if the gross weight of that vehicle does not exceed 110% of the maximum gross

weight permitted for that vehicle by section 1652; and provided that the maximum axle loads ~~for these vehicles do load does~~ not exceed 24,200 pounds for a single axle unit, 46,000 pounds for a tandem axle unit and 54,000 pounds for a tri-axle unit, except that 64,000 pounds ~~must be is~~ permitted on the tri-axle unit of a 4-axle motor vehicle hauling forest products provided that a special commodity permit is obtained. When any of the tolerances in this section are exceeded, the difference between the actual weights and the respective limits established in section 1652 must be used as the basis for determining the percentage of overload on which the penalty in section 1654 ~~must be is~~ assessed.

See title page for effective date.

## CHAPTER 695

### H.P. 1565 - L.D. 2203

#### An Act to Amend the Laws Concerning Continuity of Health Insurance

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

**Sec. 1. 24 MRSA §2346, sub-§1-A** is enacted to read:

**1-A. Evidence of individual insurability.** "Evidence of individual insurability" means medical information or other information that indicates health status, such as whether the individual is actively at work, used to determine whether coverage of an individual within the group is to be limited or excluded.

**Sec. 2. 24 MRSA §2347, sub-§1,** as enacted by PL 1989, c. 867, §1 and affected by §10, is amended to read:

**1. Contracts subject to this section.** Notwithstanding any other provision of law, this section applies to all group contracts, except group long-term care policies as defined in Title 24-A, section 5051, issued by nonprofit hospital or medical service organizations to contract holders who are obtaining coverage for a group or subgroup to replace coverage under a different contract or policy issued by any insurer, health maintenance organization or nonprofit hospital or medical service organization. For purposes of this section, the group contract issued to replace the prior contract or policy is the "replacement contract." The group contract or policy being replaced is the "replaced contract or policy."

**Sec. 3. 24 MRSA §2347, sub-§3, ¶A,** as enacted by PL 1989, c. 867, §1 and affected by §10, is amended to read: