

# 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  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
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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subdivision of this State or is incorporated, organized, created or otherwise located in this State.

**2. Property governed by other laws.** Subsection 1 does not apply to property that is or may be presumed abandoned and subject to the custody of this State pursuant to any other laws, including, but not limited to, sections 1804 to 1810, that contain a dormancy period different than the one established in subsection 1.

**3. Application.** This section applies to property held on the date of or after enactment, regardless of when the property became or becomes presumptively abandoned.

See title page for effective date.

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## CHAPTER 757

H.P. 1691 - L.D. 2371

### An Act to Broaden Reporting of Persons Operating Vehicles under the Influence of Intoxicating Liquor or Drugs

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

**Sec. 1. 29 MRSA §1312-E**, as amended by PL 1985, c. 530, §2, is further amended to read:

**§1312-E. Optional reporting of operators operating under the influence of intoxicating liquor or drugs**

The following provisions shall govern the optional reporting of drivers operators suspected of operating under the influence of intoxicating liquor or drugs.

**1. Persons who may report.** If, while acting in his a professional capacity, a medical or osteopathic physician, resident, intern, emergency medical ~~services~~ services person, medical examiner, physician's assistant, dentist, dental hygienist, dental assistant or registered or licensed practical nurse knows or has reasonable cause to suspect that a person has been operating a motor vehicle, snowmobile, all-terrain vehicle or watercraft while under the influence of intoxicating liquor or drugs or a combination of liquor and drugs within the meaning of this subchapter, and that motor vehicle, snowmobile, all-terrain vehicle or watercraft has been involved in an accident, ~~he~~ the person may immediately report or cause a report to be made to a law enforcement official.

**2. Immunity from liability.** A person participating in good faith in reporting under this section, or in participating in a related proceeding, is immune from any criminal or civil liability for the act of reporting or participating in the proceeding. Nothing in this section may be construed to bar criminal or civil action regarding

perjury. In a proceeding regarding immunity from liability, there ~~shall be~~ is a rebuttable presumption of good faith.

**3. Privileged or confidential communications.** The physician-patient privileges under the Maine Rules of Evidence and the confidential quality of communication under Title 24-A, section 4224; and Title 32, section 1092-A; are abrogated in relation to required reporting or other proceeding.

See title page for effective date.

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## CHAPTER 758

H.P. 1477 - L.D. 2089

### An Act to Amend Certain Motor Vehicle Laws

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

**Sec. 1. 29 MRSA §191, sub-§1**, as amended by PL 1987, c. 31, is further amended to read:

**1. Plate issue year.** The Secretary of State shall reserve until July 1st the same registration number for the succeeding registration year for persons who notify the Secretary of State prior to May 1st in writing of their desire to retain their registration number. The fee for retention of the same registration number is \$5.

If a person wishes to retain ~~his~~ that person's registration number and does not have a vehicle to register on July 1st, ~~he~~ the person may hold ~~his~~ that registration number for a maximum of 2 registration years by depositing with the Secretary of State the sum of \$10 for each year; except that the registered owner of an antique vehicle may reserve the antique registration assigned to that person for 4 years by depositing the sum of \$12 for each registration year. These fees are not refundable and ~~shall~~ may not be applied as part payment of the registration fee.

All numbers other than those reserved ~~shall~~ must be released and issued in rotation after July 1st, except that a person wishing to select a number out of rotation may do so by paying ~~his~~ the registration fee and a reserved number fee of \$5.

Holders of initial plates shall pay the sum of \$15 which ~~shall~~ must be credited toward renewal of the initial plates reserved.

**Sec. 2. 29 MRSA §191, sub-§2**, as repealed and replaced by PL 1985, c. 725, Pt. H, §2, is amended to read:

**2. Nonplate issue year.** When a person fails to reregister during a nonplate issue year and the registra-

tion remains expired for 6 consecutive months, ~~his~~ the person's reservation of the same number may cease and the number becomes available for reissuance or reassignment, or both.

For a maximum of 2 registration years, a person may reserve the registration number assigned to that person by depositing with the Secretary of State the sum of \$10 for each year; except that the registered owner of an antique motor vehicle may reserve the antique registration assigned to that person for 4 years by depositing with the Secretary of State the sum of \$12 for each year.

**Sec. 3. 29 MRSA §192, first ¶**, as amended by PL 1991, c. 597, §8, is further amended to read:

The Secretary of State is authorized to design and to issue, under such regulations as the secretary determines appropriate, initial type registration plates or combination of initials and numeric type registration plates to be used on passenger motor vehicles or motor vehicles of the station wagon type or taxicabs, or pickup trucks or motorcycles or motor homes or trailers not to exceed 2,000 pounds, whether semitrailers or 4-wheeled type or camp trailers, as defined in section 1, subsection 1-G, in lieu of other numeric type registration plates. Such plates must be of such design and bear such letters or letters and numbers as the Secretary of State prescribes, but may not exceed 7 characters and there may be no duplication of identification.

**Sec. 4. 29 MRSA §241, first ¶**, as amended by PL 1975, c. 589, §6, is further amended to read:

Replacement number plates ~~shall~~ must be furnished to replace lost or mutilated plates ~~for \$5 each or plates assigned to the registrant that have not been expired for more than 8 months. The fee for each plate is \$5.~~

**Sec. 5. 29 MRSA §252-H**, as enacted by PL 1991, c. 7, §1, is amended by adding at the end a new paragraph to read:

After March 30, 1992, the Secretary of State may authorize the sale of existing supplies of the United States flag plate until it is no longer available. The plate may be purchased for purposes other than for display on a vehicle. The fee for the plate is \$2.

**Sec. 6. 29 MRSA §256, sub-§1, ¶A**, as enacted by PL 1977, c. 142, is repealed and the following enacted in its place:

A. An unmarked motor vehicle used primarily for law enforcement purposes, when authorized by the Secretary of State and upon approval from the appropriate requesting authority, is exempt from displaying a special registration plate. Records for all unmarked vehicles must be designated and held confidential.

Upon receipt of a written request by an appropriate criminal justice official and showing cause that it is in the best interest of public safety, the Secretary of State may determine that records of a nongovernment vehicle may be held confidential for a specific period of time, which may not exceed the expiration of the current registration.

**Sec. 7. 29 MRSA §361**, as amended by PL 1985, c. 401, §15, is further amended by adding after the first paragraph a new paragraph to read:

A new car dealer holding special initial registration plates issued pursuant to section 194 may apply for special loaner plates bearing the same combination of letters and numbers as appear on the initial registration plates. Special loaner plates may not be used to supplement existing loaner registration numbers assigned. The Secretary of State shall charge an additional \$30 fee per special loaner registration plate.

**Sec. 8. 29 MRSA §363**, as amended by PL 1989, c. 81, is further amended by adding after the 3rd paragraph a new paragraph to read:

A person issued temporary registration plates may not attach a plate to a vehicle that the person did not sell, lease or transfer and may not provide the plates to another person other than by attachment to a vehicle as authorized by this section. A person issued temporary registration plates by the Secretary of State shall maintain a written record of the use or disposal of every plate. The record must be available for inspection by the Secretary of State at the person's place of business. A person who fails to comply with this paragraph commits a civil violation.

**Sec. 9. 29 MRSA §530, sub-§3**, as amended by PL 1989, c. 514, §§7 and 25, is further amended to read:

**3. Need for immediate examination.** Any applicant who has made application for a "Class A" or "Class B" license and provides the Secretary of State with satisfactory evidence that an immediate examination is needed for employment purposes shall be examined as provided in this section within 7 ~~10~~ days of such notification.

**Sec. 10. 29 MRSA §540, first ¶**, as amended by PL 1989, c. 514, §§11 and 25, is further amended to read:

Each license ~~shall~~ must state the name, date of birth; and place of residence, or mailing address if different from the residence, of the licensee; and permanent number assigned the licensee, and may contain such other information as the Secretary of State ~~deems~~ considers necessary. The license ~~shall~~ must also bear a full-face color photograph of the licensee for the purpose of identification except that those persons who renew their licenses on or after their 65th birthday, persons in active military service stationed outside the State and tempo-

rary licenses issued under section 533 may be exempt from the photograph requirement. A license ~~which that~~ does not contain a photograph of the licensee may be issued as the Secretary of State ~~deems determines necessary, except that the holder of a commercial driver's license shall not be exempt from the color photograph requirement.~~

**Sec. 11. 29 MRSA §547, sub-§3**, as amended by PL 1989, c. 481, Pt. A, §21, is further amended to read:

**3. Nonliability.** Members of the board or other persons making examinations who report their opinions, recommendations and advice to the office of the Secretary of State in good faith ~~shall~~ have immunity for any damages claimed as a result of so doing. Any physician or other person who becomes aware of a physical, mental or emotional impairment ~~which that~~ appears to present an imminent threat to driving safety and reports this information to the office of the Secretary of State through its agents in good faith ~~shall have~~ has immunity for any damages claimed as a result of so doing. The immunity for damages applies only to the extent this immunity is not in conflict with federal law or regulation.

**Sec. 12. 29 MRSA §2181, sub-§3** is enacted to read:

**3. Aggravated misstatement of fact.** A person commits aggravated misstatement of fact if that person:

A. Uses documents of another person without the other person's consent in committing a violation of subsection 1 or 2;

B. Obtains a document, decal or placard in a fictitious name;

C. Obtains a document, decal or placard in another person's name and, as a result of use of the material, the other person receives one or more summonses or is arrested, indicted or convicted of an offense not committed by the other person;

D. Obtains an operator's license through violation of subsection 1 or 2 when the person's operating privileges have been revoked pursuant to chapter 18-A or have been suspended pursuant to this Title or an order of a court; or

E. Uses material obtained through violation of subsection 1 or 2 in the commission of a crime or a civil violation.

Aggravated misstatement of fact is a Class D crime.

**Sec. 13. 29 MRSA §2241-D, sub-§1**, as repealed and replaced by PL 1985, c. 481, Pt. A, §52, is amended to read:

**1. Fee.** ~~Notwithstanding any other provisions of this Title, before a mandatory suspension, a mandatory or revocation or a suspension ordered by the Secretary of State or a court of a person's driving privilege may be is terminated or reinstated, there shall be paid to the Secretary of State a fee of \$25 which shall be in addition to the regular registration or license fee must be paid to the Secretary of State.~~

All reinstatement fees paid for court-ordered suspensions under sections 2301 and 2301-A ~~shall~~ must be deposited equally between the Highway Fund and the General Fund.

**Sec. 14. Costs not funded.** Notwithstanding the Maine Revised Statutes, Title 30-A, section 5684, any requirements of this Act that result in additional costs to local or county government are not state mandated subject to that section and the State is not required to fund those costs.

**Sec. 15. Allocation.** The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

1992-93

**SECRETARY OF STATE,  
DEPARTMENT OF THE**

**Administration - Motor Vehicles**

All Other , \$44,000

Provides funds for retooling, data processing expenses and new materials to produce the 7-digit vanity plates.

**DEPARTMENT OF THE  
SECRETARY OF STATE  
TOTAL**

\$44,000

**Sec. 16. Effective date.** The section of this Act that amends the Maine Revised Statutes, Title 29, section 192, takes effect January 1, 1993.

See title page for effective date, unless otherwise indicated.

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**CHAPTER 759**

**H.P. 1622 - L.D. 2285**

**An Act Concerning Landfill Operation on Certain Islands and to Correct an Error in the Landfill Operation Laws**

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