

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
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J.S. McCarthy Company
Augusta, Maine
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

CHAPTER 792**H.P. 1630 - L.D. 2294****An Act to Provide Accountability for Certain Purchased Services Related to Substance Abuse**

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

5 MRSA §20005, sub-§6, as amended by PL 1991, c. 557, §§1 and 2, and c. 601, §§6 and 7, is repealed and the following enacted in its place:

6. Contracts and licensing. Through the director:

A. Administer all contracts with community service providers for the delivery of alcohol and drug abuse services;

B. Establish operating and treatment standards, and inspect and issue certificates of approval for approved treatment facilities, drug abuse treatment facilities or programs, including residential treatment centers, pursuant to section 20024; and

C. Ensure community participation by funding regional alcohol councils to:

(1) Assist in the development of comprehensive state plans, the review of the effectiveness of existing policies and services, and the identification of unmet needs;

(2) Review and comment on proposed grants and contracts;

(3) Increase public awareness and participation;

(4) Supply general reference information; and

(5) Advocate for individuals in need of assistance.

The director shall ensure that councils are funded in a manner that recognizes local differences in cost and travel distances and allows equal provision of services in each geographic area to the extent that funds are available within the office for this purpose.

The director may delegate contract and licensing duties under this subsection to the Department of Human Services, the Department of Corrections or the Department of Mental Health and Mental Retardation as long as that delegation ensures that contracting for alcohol and other drug abuse services provided in community settings are consolidated within the Department of Human Services,

that contracting for alcohol and other drug abuse services delivered within correctional facilities are consolidated within the Department of Corrections and that contracting for alcohol and other drug abuse services delivered within mental health and mental retardation facilities are consolidated within the Department of Mental Health and Mental Retardation.

The director may not delegate contract and licensing duties if that delegation results in increased administrative costs.

The director may not issue requests for proposals for existing contract services until the director has adopted rules in accordance with the Maine Administrative Procedure Act to ensure that the reasons for which existing services are placed out for bid and the performance standards and manner in which compliance is evaluated are specified and that any change in provider is accomplished in a manner that fully protects the consumer of services.

Any new contract must be awarded through a request-for-proposal procedure and 1/3 of the contracts of \$100,000 per year or more that are renewed must be awarded through a request-for-proposal procedure at least every 2 years.

The director shall establish a procedure to obtain assistance and advice from consumers of alcohol and other drug abuse services regarding the selection of contractors when requests for proposals are issued;

See title page for effective date.

CHAPTER 793**H.P. 1644 - L.D. 2307****An Act to Clarify the Definition of Certain Vehicles for Insurance Purposes**

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

Whereas, changes in the motor vehicle insurance laws that were enacted in the First Regular Session of the 115th Legislature impose inappropriately high and burdensome insurance rates on for-hire vehicles doing business exclusively within the State; and

Whereas, immediate action is necessary to prevent some of these for-hire companies from having to go out of business as a result of these rates;

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 §1, sub-§1-I, as enacted by PL 1985, c. 429, §7, is repealed and the following enacted in its place:

1-I. Taxicab. "Taxicab" means a sedan, station wagon or minivan used for hire, with a driver, that has a seating capacity of less than 5 persons behind the driver.

Sec. 2. 29 MRSA §1, sub-§§3-J and 3-K are enacted to read:

3-J. For-hire transportation. "For-hire transportation" means the transportation for compensation of passengers, freight or merchandise not owned by the carrier.

3-K. Limousine. "Limousine" means a vehicle for hire, with a driver, that is used for the transportation of passengers and that has a seating capacity of at least 5 and no more than 14 persons behind the driver.

Sec. 3. 29 MRSA §102-A, sub-§§1 and 2, as enacted by PL 1991, c. 216, §1 and affected by §3, are amended to read:

1. Insurance required. A person may not register a vehicle unless the person satisfies the Secretary of State that the vehicle is ~~insured~~ covered by a liability insurance policy.

2. Method of establishing evidence of insurance. A person establishes insurance by showing the vehicle insurance identification card, as defined by section 781, subsection 1, paragraph A-2, to either the municipal agent or the Division of Motor Vehicles, except that a person registering the vehicle for the first time may establish insurance by presenting a letter from an insurance company or agent showing that the vehicle is ~~insured~~ covered by a liability insurance policy.

Sec. 4. 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 limousines, 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~~ These plates must be of such design and bear such letters or letters and numbers as the Sec-

retary of State prescribes, but there may be no duplication of identification.

Sec. 5. 29 MRSA §192, next to last ¶, as amended by PL 1991, c. 597, §8, is further amended to read:

Applications for registration plates as prescribed above, pertaining to owners of passenger vehicles or motor vehicles of the station wagon type, taxicabs, limousines, pickup trucks, motorcycles or motor homes who are residents of this State and who own an unrevoked and unexpired official amateur radio station license issued by the Federal Communications Commission, except those licensed as novices by the Federal Communications Commission, must be accompanied by a notarized proof of ownership of such amateur radio station license. Registration plates issued under this paragraph must be inscribed with the official amateur radio call letters of such applicant as assigned by the Federal Communications Commission.

Sec. 6. 29 MRSA §242, sub-§1, ¶A, as repealed and replaced by PL 1989, c. 481, Pt. B, §1, is amended to read:

A. Motor ~~The fee for motor vehicles used for the conveyance of passengers shall pay a fee of is \$22. Motor The fee for motor vehicles which are used interchangeably for the conveyance of passengers or property shall pay a fee of is \$22. These vehicles shall must be designated as "combinations" and may be issued a special plate with the word "Combination" in lieu of "Vacationland." Passenger vehicles used under contract with the State, a municipality or a school district to transport students must be designated as "combinations." Vehicles owned or operated by parents or legal guardians are exempt from this provision. Commercial plates shall may not be issued to or displayed on automobiles.~~

Motor vehicles used for the conveyance of passengers ~~which are~~ operated exclusively on islands having no roads maintained or supported by the State ~~shall must~~ be registered for a fee of \$2 and the municipality collecting excise tax for these vehicles may collect an additional fee of \$4 to defray the cost of removing abandoned vehicles.

For the purpose of registration only, a pickup truck may be registered as provided for automobiles, provided that at no time may the gross weight of a pickup truck so registered exceed 6,000 pounds when used as a motor truck or truck tractor. The owner of such a pickup truck desiring a gross weight of the truck in excess of 6,000 pounds ~~shall must~~ register the truck as provided in section 246.

~~The registration fee for an electrically powered passenger vehicle with a gross vehicle weight of 6,000~~

pounds or less shall be \$10 greater than the registration fee for a similar vehicle powered by an internal combustion engine.

Sec. 7. 29 MRSA §831, as amended by PL 1991, c. 486, §§1 and 2 and c. 597, §21, is repealed.

Sec. 8. 29 MRSA §831-A, as amended by PL 1991, c. 597, §22, is repealed.

Sec. 9. 29 MRSA §2241, sub-§1, as amended by PL 1989, c. 866, Pt. B, §17 and affected by §26, is further amended by amending the first paragraph to read:

1. Suspension or revocation. The Secretary of State or any deputy secretary of state may suspend or revoke any certificate of registration, certificate of title or any license or commercial driver's license issued to any person to operate a motor vehicle or right to operate a motor vehicle or right to obtain an operator's license after hearing for any cause ~~deemed~~ determined sufficient. The Secretary of State or any deputy secretary of state is also authorized to suspend or revoke any certificate of registration, certificate of title, any license or commercial driver's license, operating authority permit, right to operate or any fuel use decal issued to any person without preliminary hearing upon showing by the Secretary of State records or other sufficient evidence that the person:

Sec. 10. 29 MRSA §2708, as repealed and replaced by PL 1989, c. 866, Pt. B, §24, is repealed.

Sec. 11. 29 MRSA §2708-A is enacted to read:

§2708-A. Insurance, bond or self-insurance required

1. Insurance, bond or self-insurance required. The Secretary of State may not register any motor vehicle for rent, lease, hire or livery and a person may not operate or cause to be operated on any public highway in the State such a motor vehicle until the owner or owners of that vehicle procure insurance or a bond covering the operation of that vehicle by:

A. Presenting a valid and sufficient insurance policy from:

- (1) An insurance company authorized by the Superintendent of Insurance to transact business in this State; or
- (2) With the approval of the Secretary of State, an insurance company authorized to transact business in any state that provides an indemnity bond bonding the insurance company in an amount the Secretary of State prescribes and having as surety a surety company authorized by the Superintendent of Insurance to transact business in this State;

B. Presenting a good and sufficient indemnity bond, approved by the Secretary of State, bonding the applicant in an amount the Secretary of State prescribes and having as surety 2 responsible individuals or a surety company authorized to transact business in this State; or

C. Presenting a declaratory judgment issued by the Interstate Commerce Commission authorizing the owner to self-insure.

2. Minimum insurance requirements. The minimum insurance requirements are as follows.

A. There is a \$350,000 combined single limit for rental vehicles, emergency vehicles and for-hire transportation vehicles for transporting freight or merchandise but not passengers.

B. For vehicles used exclusively to transport passengers for hire between points within the State, including motor vehicles under contract with the State, a municipality or a school district for the transportation of students, but not vehicles defined as school buses in section 2011, there is a combined single limit of:

- (1) Three hundred thousand dollars for vehicles with 7 or fewer passengers;
- (2) Seven hundred fifty thousand dollars for vehicles with 8 to 15 passengers;
- (3) One million five hundred thousand dollars for vehicles with 16 to 30 passengers; and
- (4) Two million dollars for vehicles with 31 or more passengers.

C. For vehicles used to transport passengers for hire between points within the State and points outside the State, but not vehicles defined as school buses in section 2011, or vehicles under contract with the State, municipality or school district for the transportation of students, there is a combined single limit of:

- (1) One million five hundred thousand dollars for vehicles with 15 or fewer passengers; and
- (2) Five million dollars for vehicles with 16 or more passengers.

The Secretary of State shall mark or stamp for-hire vehicle registrations not in compliance with this paragraph as "intrastate only." Car pools or van pools as defined in section 2709 and taxicabs are exempt from the provisions of this paragraph but are subject to the provisions of paragraph B.

D. For school buses as defined in section 2011 there is a combined single limit of:

(1) Five hundred thousand dollars for school buses with up to 30 passengers; and

(2) One million dollars for school buses with 31 or more passengers.

3. Maintenance of insurance. The owner or owners of any vehicle subject to this section shall maintain at all times the required amount of insurance or bond during the term of the vehicle's registration. For vehicles registered in this State, the Secretary of State shall immediately suspend or revoke, pursuant to chapter 17, the registration certificate and registration plates of any vehicle for which the insurance or bond in the amounts required is not maintained. Any person whose registration certificate, registration plates and operating authority permit have been suspended or revoked pursuant to this section shall immediately return the registration certificate, registration plates and the operating authority permit to the Secretary of State. For vehicles not required to be registered in this State, the Secretary of State shall suspend the person's operating authority permit or right to operate in this State.

4. Additional requirements. In addition to this section, those for-hire carriers not exempted under section 2709 must comply as required pursuant to sections 2703 and 2704.

5. Coverage of insurance or bond. The required insurance policy or bond must adequately provide liability insurance for the collection of damages for which the holder of a permit or the owner of a motor vehicle or vehicles may be liable by reason of the operation of a motor vehicle or vehicles subject to this chapter.

6. Exemption. All vehicles owned by a municipality or school district are exempt from the insurance requirements established in this section.

Sec. 12. 29 MRSA §2709, sub-§1-A, ¶Q, as amended by PL 1989, c. 866, Pt. B, §25 and affected by §26, is further amended by repealing and replacing subparagraph (1) to read:

(1) The operation of a motor vehicle under contract with the State, a municipality or a school district used in transporting students;

Sec. 13. Effective date. Sections 1 and 2, 4 to 10 and 12 take effect on January 1, 1993. The provisions of section 11 that enact the Maine Revised Statutes, Title 29, section 2708-A, subsection 1, subsection 2, paragraphs A, C and D and section 2708-A, subsections 3 to 6 take effect January 1, 1993. The provisions of section 11 that enact Title 29, section 2708-A, subsection 2, paragraph B take effect on the effective date of this Act.

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

Effective April 3, 1992, unless otherwise indicated.

CHAPTER 794

S.P. 897 - L.D. 2311

An Act to Amend Various Provisions of the Laws Governing Solid Waste Disposal Facilities

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

Whereas, municipalities need a greater voice in the site selection process for solid waste disposal facilities; and

Whereas, the siting criteria used by the Facility Siting Board needs to be amended before these important siting decisions are made; 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. 38 MRSA §1310-S, sub-§4, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §249, is further amended to read:

4. Financial assistance. The commissioner shall reimburse or make assistance grants for the direct expenses of intervention of any party granted intervenor status under subsection 3, not to exceed \$50,000. The board shall adopt rules governing the award and management of intervenor assistance grants and reimbursement of expenses to ensure that the funds are used in support of direct, substantive participation in the proceedings before the department. Allowable expenses include, without limitation, hydrogeological studies, waste generation and recycling studies, traffic analyses, the retention of expert witnesses and attorneys and other related items. Expenses not used in support of direct, substantive participation in the proceedings before the department, including attorney's fees related to court appeals, are not eligible for reimbursement under this subsection. Expenses otherwise eligible under this section that are incurred by the municipality after notification pursuant to subsection 1, are eligible for reimbursement under this subsection only if a completed application is accepted by the department. The board shall also establish rules governing: