

# 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

**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.

---

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**

---

---

must be submitted to the Legislature for approval 30 days prior to the convening of each regular session.

**Sec. 6. 5 MRSA §12004-G, sub-§33-B** is enacted to read:

<u>33-B.</u> <u>Taxation</u>	<u>Board of Trustees,</u> <u>Mining Excise</u> <u>Tax Trust Fund</u>	<u>Not Authorized</u>	<u>5 MRSA §453-A</u>
---------------------------------	--	-----------------------	----------------------

See title page for effective date.

## CHAPTER 800

### H.P. 1723 - L.D. 2412

#### An Act to Implement the Recommendations of the Motorcycle Driver Education Study Committee

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

**Whereas,** the motorcycle riding season will begin prior to 90 days after the Legislature will adjourn; and

**Whereas,** a committee to study motorcycle driver education has recommended steps to improve motorcycle safety on highways of the State; and

**Whereas,** the recommended improvements will not begin until a significant number of permits for the 1992 motorcycle riding season have been issued by the Secretary of State; 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 §532, 4th ¶,** as amended by PL 1981, c. 696, §§6 and 7, is further amended to read:

The motorcycle, motor driven cycle or moped learner's permit, when issued, will be valid for a period of one year. Failure to complete the driving test within one year from issue date of permit will require reexamination ~~shall~~ may be accepted until 60 days after expiration of ~~said~~ the permit. In the case of a motorcycle or motor driven cycle learner's permit, failure to complete the driving test within one year from issue date of permit

requires another completion of the motorcycle driver education course required by section 583-A before a subsequent permit is issued.

**Sec. 2. 29 MRSA §583-A,** as amended by PL 1991, c. 522, §1, is further amended to read:

#### §583-A. Motorcycle driver education

~~Effective March 1, 1987, notwithstanding~~ Notwithstanding any other provisions of law, no motorcycle or motor driven cycle learner's permit or permission or restriction to operate a motorcycle or motor driven cycle may be issued to any person ~~under 21 years of age,~~ unless that person presents a certificate of successful completion of a prescribed motorcycle driver education program and examination approved by the Secretary of State and given by a certified instructor; ~~the person must demonstrate ability to safely operate a motorcycle in the examination.~~

~~Any person between the ages of 16 and 21 years,~~ who satisfies the Secretary of State that no readily available means of transportation exists to and from a public secondary school, a private secondary school approved for attendance purposes by the Commissioner of Education, a vocational center or a vocational region ~~which~~ that person is attending, may be issued, upon passing the motorcycle or motor driven cycle driver's examination as provided in section 581, a special motorcycle or motor driven cycle permit authorizing that person to drive to and from the school.

**Sec. 3. 29 MRSA §583-B, first ¶,** as amended by PL 1987, c. 415, §22, is further amended to read:

A motorcycle driver education program ~~shall~~ must consist of at least an 8-hour block of instruction directly related to the actual operation of motorcycles and motor driven cycles, emphasizing safety measures designed to ~~insure~~ ensure greater awareness of careful and skillful operation of cycles. A program may also include instruction and riding experience on a motorcycle driving range. The Secretary of State may ~~promulgate~~ adopt rules to prescribe the instructional program and shall approve all the programs.

**Sec. 4. 29 MRSA §583-C,** as amended by PL 1987, c. 415, §23, is further amended to read:

#### §583-C. Instructors

~~No~~ A person may ~~not~~ conduct a motorcycle driver education program unless that person has been certified by the Secretary of State as a qualified instructor.

The Secretary of State ~~shall be~~ is responsible for conducting certification courses for instructors of motorcycle driver education. By rule, the Secretary of State shall establish reasonable qualification standards and re-

quirements for certification of instructors of motorcycle driver education. The requirements must include a provision to demonstrate proficiency in operating a motorcycle.

A person may conduct or sponsor a motorcycle driver education program for remuneration without the commercial driver education school or instructor license required by Title 32, chapter 95, as long as the program and the instructors are certified by the Secretary of State.

**Sec. 5. 29 MRSA §583-G** is enacted to read:

**§583-G. Fees**

The annual fee for instructor certification is \$100. The annual fee for inspection of a motorcycle education classroom is \$50. The fee for inspection of a motorcycle driving range is \$50.

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

Effective April 3, 1992.

---

## CHAPTER 801

### H.P. 1734 - L.D. 2422

#### An Act to Extend the Appraisal License Effective Date

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

**Whereas,** in order to comply with a federal mandate, the Legislature enacted an appraisal licensing and certification law, which took effect December 31, 1991; and

**Whereas,** federal law has extended the required effective date to December 31, 1992; and

**Whereas,** the State does not have as many licensed and certified appraisers as are needed; and

**Whereas,** the demand for appraisers at this time is enormous because of low interest rates, which are causing consumers to want to refinance existing homes or buy new homes, and because of the large number of bank-owned properties that need to be appraised; and

**Whereas,** it is vitally necessary in order to stimulate Maine's economy that Maine's citizens be able to take advantage of the low interest rates in an expedient and timely manner; 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. 3 MRSA §927, sub-§11, ¶B,** as amended by PL 1991, c. 263, §1, is further amended to read:

B. Independent agencies:

- (1) State Civil Service Appeals Board;
- (2) Maine Labor Relations Board;
- (3) Workers' Compensation Commission;
- (4) Board of Accountancy;
- (5) State Board of Social Worker Licensure;
- (6) Electricians' Examining Board;
- (7) Maine Occupational Information Coordinating Committee;
- (8) State Employee Health Commission; and
- (9) Board of Counseling Professionals Licensure; and
- (10) Board of Real Estate Appraisers.

**Sec. 2. 32 MRSA §13964,** as affected by PL 1991, c. 509, §51, is amended by adding at the end a new paragraph to read:

This section takes effect December 31, 1992.

**Sec. 3. 32 MRSA §13970, sub-§3,** as amended by PL 1991, c. 2, §3, is further amended to read:

**3. Evidence of study.** Any licensee who is initially licensed under this section must, in addition to the continuing education requirement for a first renewal, submit evidence of satisfactory completion of a minimum of 50 75 classroom hours in courses of study approved by the board that relate to real estate appraisal. The required 50 75 classroom hours must include no fewer than 35 60 classroom hours of study relating to the basic principles of real estate appraising and no fewer than 15 classroom hours of study specifically relating to the Uniform Standards of Professional Appraisal Practice.

**Sec. 4. 32 MRSA §13972, sub-§6,** as amended by PL 1991, c. 2, §4, is further amended to read: