

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

Whereas, Public Law 1991, chapter 780 provides that merit increases may not be awarded to employees of the Maine Technical College System for fiscal year 1992-93; and

Whereas, the contract of the faculty employees of the Maine Technical College System expired on June 30, 1991; and

Whereas, in a negotiated collective bargaining agreement, the Maine Technical College System agreed to set aside money previously allocated for step increases for fiscal year 1992-93 for members of the faculty unit; and

Whereas, if the merit pay freeze for employees of the Maine Technical College System is repealed, the system will agree to pay members step increases for which they would otherwise have been eligible; and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. PL 1991, c. 780, Pt. V, §1 is amended to read:

Sec. V-1. Merit increases. Notwithstanding the Maine Revised Statutes, Title 26, section 979-D and any other provisions of law, any merit increase, regardless of funding source, scheduled to be awarded between July 1, 1992 and June 30, 1993 to any person employed by the State, including probationary employees, employees of the Legislature, Judicial Department and independent agencies and employees of the University of Maine System, ~~the Maine Technical College System~~ and Maine Maritime Academy, may not be awarded, authorized or implemented. Any savings realized by the University of Maine System, ~~the Maine Technical College System~~ and Maine Maritime Academy must be used to offset any proposed or implemented tuition increases.

Sec. 2. Retroactivity. This Act is retroactive to June 30, 1992.

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

Effective March 29, 1993.

CHAPTER 18

S.P. 71 - L.D. 133

An Act Related to Private Facilities in the Public Way

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

Sec. 1. 35-A MRSA §2305, sub-§3, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

3. Duplication of or interference with electric facilities. The commission has found that the line ~~will not constitute~~ neither constitutes a duplication of electric facilities nor interferes physically with the adequate and safe delivery of electricity to others. A commission finding is not required under this subsection if the only nonutility facility in the public way is a facility providing service from the person's abutting property or abutting easement to a utility facility in the public way and that utility facility is within 30 feet of the person's property line or easement.

Sec. 2. 35-A MRSA §2305, as amended by PL 1991, c. 834, §§1 and 2, is further amended by adding at the end a new paragraph to read:

An electric utility may not provide electricity for any line in, upon, along or under roads, streets and public ways maintained by a municipality if the lines or poles were constructed by a person other than an electric utility, unless the electric utility is provided with certified copies of the findings by the applicable licensing authority of compliance with subsections 1 and 2 and the commission's findings pursuant to subsection 3.

See title page for effective date.

CHAPTER 19

H.P. 102 - L.D. 144

An Act to Amend the Laws Governing the Publication of Municipal Annual Reports

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

Sec. 1. 30-A MRSA §2801, sub-§4, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

4. Copies for distribution. Copies of the report ~~shall~~ must be deposited in the municipal office or a con-

venient place of business for distribution to the voters at least 3 days before the annual meeting or the annual business meeting.

See title page for effective date.

CHAPTER 20

H.P. 320 - L.D. 408

An Act to Amend the Law Pertaining to Abandoned Vehicles

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

Sec. 1. 29 MRSA §2610, sub-§1, as repealed and replaced by PL 1991, c. 458, §1, is amended to read:

1. Application. This section applies to a vehicle that is:

- A. Towed at the request of the owner or driver;
- B. Towed pursuant to section 1111;
- C. Towed after being left on property without permission;
- D. Left on property without the permission of the property owner or person in charge of the property or premises where the vehicle is located; or
- E. Left at a place of business after being repaired pursuant to a written work order signed by the person requesting the repair work.

If a person abandons a vehicle described by this subsection, the owner of the premises or property where the vehicle is located may obtain a letter of ownership or a certificate of title by complying with this section. A vehicle is abandoned if the owner or lienholder does not retrieve it and pay all reasonable charges for towing, storing and authorized repair of the vehicle within 14 days of publication as required by subsection 2 or within 14 days of receipt of the notice required by subsection 3. Daily storage charges must be reasonable and total storage charges may not exceed the equivalent of \$600 for a 30-day time period. A vehicle towed for snow removal purposes is exempt from this section for 48 hours immediately following completion of the tow.

Sec. 2. 29 MRSA §2610, sub-§2, as amended by PL 1991, c. 458, §2, is further amended to read:

2. Owner or lienholder unknown. If the owner or lienholder of a vehicle described in subsection 1 is unknown, the owner of the premises or property where the vehicle is located shall inquire of the Secretary of State

in writing whether the Secretary of State's records contain information as to the owner and lienholder, if any, of the vehicle. If the lienholder only is unknown, the inquiry required by this section may be made by telephone and need only be confirmed in writing with the Secretary of State. That inquiry must include the vehicle's make, model, year, body type, vehicle identification number and any registration and plates on the vehicle. Upon receipt of the inquiry, the Secretary of State shall provide the holder of the vehicle with the name and address of the vehicle's owner and lienholder or shall state that no record of the vehicle is on file.

A. If the Secretary of State provides the name of the owner or lienholder, the holder of the vehicle shall comply with subsection 3.

B. If the Secretary of State finds no record of the vehicle, the owner of the premises or property where the vehicle is located shall publish, at least twice in a newspaper of general circulation in the county where the premises or property is located, a notice that clearly describes the vehicle and states that if the owner of the vehicle or lienholder has not properly retrieved it and paid all reasonable charges for its towing and storage within 14 days from the date of last publication, ownership of the vehicle will pass to the owner of the property or premises where the vehicle is located. The notice must clearly state how the owner of the premises or property may be contacted.

See title page for effective date.

CHAPTER 21

H.P. 728 - L.D. 987

An Act Relating to Compulsory Insurance Limits for Hired Vehicles Used to Transport Passengers

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 Second Regular Session of the 115th Legislature impose inappropriately high and burdensome insurance premium costs upon the taxicab industry and threaten the ability of the providers of taxi service throughout the State to continue providing service to the communities they serve; and

Whereas, in this State, taxis serve primarily the poor, the elderly and the physically challenged; and

Whereas, immediate action is necessary to prevent a curtailment or cessation of service in the State's communities; and