

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

4. Examinations. After January 1, 1994, a person must successfully complete a written examination administered by the commission in order to:

A. Initially register as a pump installer or as a journeyman or master well driller;

B. Upgrade from an apprentice to a journeyman well driller; and

C. Upgrade from a journeyman to a master well driller.

A person licensed under chapter 49 as a master plumber is not required to complete an examination to perform the work of a pump installer.

Sec. 12. 32 MRSA §4700-J, as enacted by PL 1991, c. 455, Pt. B, §1, is repealed and the following enacted in its place:

§4700-J. Registration; well drillers and pump installers

Effective January 1, 1994, a person may not engage in the business of constructing water wells within the State or engage in the initial installation of a pump in a water well unless registered with the commission. An applicant for registration must complete a registration form supplied by the commission, successfully complete any examination required by this chapter and pay an annual registration fee established by the commission. The person so registered shall display on each side of the drilling rig or the pump installer vehicle a seal issued by the commission indicating that person's registration number and the current year of registration. A person licensed under chapter 49 as a master plumber is not required to register with the commission to perform the work of a pump installer.

Sec. 13. 32 MRSA §4700-M is enacted to read:

§4700-M. Reciprocity

The commission may issue a registration without examination, in a comparable classification, to any person who holds a registration or license in any state, territory or possession of the United States or any country, if the commission determines that the requirements for registration of well drillers or pump installers under which the person's registration was issued do not conflict with this chapter or the code of performance adopted by the commission under this chapter.

Sec. 14. Grandfather clause; transition. A person who meets the requirements set forth in the Maine Revised Statutes, Title 32, section 4700-I and applies for registration to the Maine Water Well Drilling Commission on or before January 1, 1994 must be registered by the commission at the appropriate registration level and is not required to take a written examination. Thereaf-

ter, a person applying for a new registration or an upgrade of a registration level must successfully complete a written examination pursuant to Title 32, section 4700-I, subsection 4.

Sec. 15. Effective date. Those sections of this Act that amend the Maine Revised Statutes, Title 32, sections 4700-E, 4700-K and 4700-I take effect January 1, 1994.

See title page for effective date, unless otherwise indicated.

CHAPTER 26

H.P. 20 - L.D. 22

An Act to Permit the Use of All-terrain Vehicles by Law Enforcement Officers

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

Sec. 1. 12 MRSA §7857, sub-§24, ¶D, as amended by PL 1985, c. 762, §20, is further amended to read:

D. Notwithstanding the provisions of subsection 5:

(1) Properly registered ATV's may operate on a public way only the distance necessary, but in no case to exceed 300 yards, on the extreme right of the traveled way for the purpose of crossing, as directly as possible, a public way, sidewalk or culvert;

(2) Properly registered ATV's may operate on a public way only the distance necessary, but in no case to exceed 500 yards, on the extreme right of the traveled way for the sole purpose of crossing, as directly as possible, a bridge, overpass or underpass, provided that that operation can be made in safety and that it does not interfere with traffic approaching from either direction on the public way;

(3) ATV's may operate on any portion of a public ~~ways~~ way when the public way has been closed in accordance with Title 23, section 2953;

(4) ATV's may operate on a public way ~~which that~~ is not maintained or utilized for the operation of conventional motor vehicles, except that operation on the left side of the way ~~shall be~~ is prohibited during the hours from sunset to sunrise;

(5) ATV's may be operated on streets and public ways during a period of emergency when the emergency has been so declared by a police agency having jurisdiction and when travel by conventional motor vehicles is not practicable; ~~and~~

(6) ATV's may be operated on streets and public ways in special events of limited duration conducted according to a prearranged schedule, under a permit from the governmental unit having jurisdiction; and

(7) An ATV may be operated on a public way on the extreme right of the traveled way by a law enforcement officer for the sole purpose of traveling between the place where the ATV is usually stored and an area to be patrolled by the law enforcement officer.

See title page for effective date.

CHAPTER 27

H.P. 198 - L.D. 260

An Act to Require the Use of Standardized Evidence Kits for Cases of Gross Sexual Assault

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

Sec. 1. 30-A MRSA §287, sub-§4 is enacted to read:

4. Standardized kit for evidence collection in cases of gross sexual assault. The Department of Public Safety shall determine by rule what constitutes a standardized kit for evidence collection in cases of gross sexual assault. A physician or other health care professional who conducts a physical examination of an alleged victim of gross sexual assault shall use a standardized evidence collection kit that meets the requirements established by rule of the Department of Public Safety.

Evidence collection results may not be excluded as evidence in any proceeding before any court of this State as a result of the failure to use the standardized evidence collection kit required by this subsection.

See title page for effective date.

CHAPTER 28

H.P. 303 - L.D. 391

An Act to Repeal the Statutory Provisions Formerly Governing Unfunded State Mandates

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

Sec. 1. 30-A MRSA §5684, as amended by PL 1991, c. 847, §4, is repealed.

See title page for effective date.

CHAPTER 29

S.P. 63 - L.D. 125

An Act to Prohibit the Board of Land Surveyors from Enacting Continuing Education Rules

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

Sec. 1. 32 MRSA §13903, sub-§2, as enacted by PL 1989, c. 346, §3, is amended to read:

2. Rules. The board may, in accordance with procedures established by the Maine Administrative Procedure Act, Title 5, chapter 375, adopt rules ~~as may be reasonably~~ necessary for the proper performance of its duties and the administration of this chapter. The board may not adopt rules requiring a specific program of continuing education to qualify for relicensure.

Sec. 2. Study.

1. Definitions. As used in this section, the following terms have the following meanings.

A. "Board" means the Board of Licensure for Professional Land Surveyors.

B. "Commissioner" means the Commissioner of Professional and Financial Regulation.

C. "Committee" means the Committee to Study Continuing Education for Land Surveyors.

D. "Department" means the Department of Professional and Financial Regulation.

2. Committee appointed. The commissioner shall, within 15 days of the effective date of this Act, appoint the Committee to Study Continuing Education for Land Surveyors to consist of 6 licensed professional land surveyors and the commissioner or the commissioner's designated representative who, if not a member of the department, must be a public member as defined in the Maine Revised Statutes, Title 5, section 12004-A. The 6 licensed members must include 2 persons who favor the current board rule regarding continuing education, 2 who favor no continuing education requirement and 2 who favor a continuing education requirement other than that in board rules. Prior to making these appointments, the