

# 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  
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TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1993

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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the commission's recommendation regarding whether the demonstration program should continue, along with necessary implementing legislation.

**Sec. 2. 22 MRSA §395-A, sub-§3, ¶¶C and D,** as enacted by PL 1989, c. 565, §11, are amended to read:

C. Cardiac angiography; ~~and~~

D. Cardiac catheterization services; ~~and~~

**Sec. 3. 22 MRSA §395-A, sub-§3, ¶E** is enacted to read:

E. Thallium scanning.

See title page for effective date.

## CHAPTER 122

H.P. 679 - L.D. 921

### An Act to Authorize the Operation of Articulated Buses on Maine Highways

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

**Sec. 1. 29 MRSA §1, sub-§24** is enacted to read:

**24. Articulated bus.** "Articulated bus" means a bus consisting of 2 passenger-carrying sections in which the rear body section is flexibly but permanently connected to the front section in a manner that allows the vehicle to bend without having an interior barrier to movement between sections of the vehicle.

**Sec. 2. 29 MRSA §244, sub-§4, ¶F** is enacted to read:

F. Notwithstanding any other provisions of this subsection, articulated buses may be operated or caused to be operated as long as the following conditions are met:

(1) The total length of the vehicle does not exceed 61 feet, excluding bumpers;

(2) The rearmost axle of the vehicle is self-steering;

(3) The vehicle is equipped with an interlock device to prevent the vehicle from jackknifing while backing up;

(4) The vehicle is equipped with an audible or visible signal that indicates to the driver

who overrides the interlock device when the vehicle is nearing the jackknife position; and

(5) The turntable floor is properly aligned to maintain a level surface while the vehicle is in operation.

See title page for effective date.

## CHAPTER 123

H.P. 723 - L.D. 982

### An Act to Increase Reimbursement to the State Police for Services Provided to Federal Agencies

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

**Sec. 1. 25 MRSA §1502, 4th ¶,** as enacted by PL 1989, c. 757, is amended to read:

The State Police may provide assistance to federal agencies ~~for presidential security~~. The Chief of the State Police may charge the various federal agencies for these services. Revenues received from these agencies ~~shall~~ must be allocated for the purpose of funding the cost of providing the services.

See title page for effective date.

## CHAPTER 124

H.P. 386 - L.D. 499

### An Act to Clarify the Process of Resolving Nuisance Complaints Involving Agriculture and to Protect Farm Operations

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

**Whereas,** this legislation proposes improvements in the laws related to agricultural activities that will be in full operation before this legislation would otherwise become effective; 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. 17 MRSA §2701-A**, as repealed and replaced by PL 1987, c. 479, is repealed.

**Sec. 2. 17 MRSA §2701-B**, as amended by PL 1991, c. 548, Pt. A, §§6 and 7, is further amended to read:

**§2701-B. Action against improper manure handling**

The Commissioner of Agriculture, Food and Rural Resources shall investigate complaints of improper manure handling, including, but not limited to, complaints of improper storage or spreading of manure. ~~The commissioner may investigate or take other action under this section only after notice and hearing and utilizing the requirements of Title 5, chapter 375, subchapter IV.~~ If the commissioner is able to identify the source or sources of the manure and has reason to believe that the manure is a nuisance and the nuisance is caused by the use of other than generally accepted best management practices for manure handling practices, the commissioner shall:

**1. Findings.** Determine the changes needed in manure handling to comply with generally accepted best management practices for manure handling practices;

**2. Conformance.** Require the person responsible to abide by the necessary changes determined in subsection 1 and determine if the changes have been made; and

**3. Report.** Give the written findings of the initial investigation and any determination of compliance to the complainant and the person responsible; ~~and.~~

If the person responsible does not adopt generally accepted best management practices for manure handling practices, the commissioner shall send a copy of the written report to the Department of Environmental Protection and refer the matter in writing to the Attorney General. The Attorney General may institute an action to abate a nuisance and the court may order the abatement with costs as provided under this chapter. If the commissioner, upon investigation, finds that the person responsible for the manure is following generally accepted best management practices for manure handling practices, the commissioner shall advise the complainant and the person responsible in writing.

The commissioner shall adopt rules in accordance with the Maine Administrative Procedure Act, ~~Title 5, chapter 375,~~ for the interpretation and implementation of this section, including a definition of "generally accepted best management practices for manure handling practices."

If the commissioner finds that improper manure handling may have affected water quality and the person responsible does not adopt generally accepted best management practices for manure handling practices, the commissioner shall advise the Commissioner of Environmen-

tal Protection that a potential water quality violation exists and the Commissioner of Environmental Protection may respond as appropriate.

**Sec. 3. 17 MRSA §2805, sub-§3-A** is enacted to read:

**3-A. Violation of municipal ordinances.** A method of operation used by a farm or farm operation located in an area where agricultural activities are permitted may not be considered a violation of a municipal ordinance if the method of operation constitutes a best management practice as determined by the Department of Agriculture, Food and Rural Resources.

**Sec. 4. 17 MRSA §2805, sub-§§5 and 6**, as enacted by PL 1991, c. 395, §3, are amended to read:

**5. Complaint resolution.** The commissioner shall investigate all complaints involving a farm or farm operation, including, but not limited to, complaints involving the use of waste products, ground and surface water pollution and insect infestations. In cases of insect infestations not arising from agricultural activities, when the State Entomologist believes that the infestation is a public nuisance and is able to identify the source or sources of the infestation, the commissioner shall refer the matter to the Department of the Attorney General. If the commissioner finds upon investigation that the person responsible for the farm or farm operation is using best management practices, the commissioner shall notify that person and the complainant of this finding in writing. If the commissioner identifies the source or sources of the problem, has reason to believe that the source is a nuisance and finds that the nuisance is caused by the use of other than best management practices, the commissioner shall:

A. Determine the changes needed in the farm or farm operation to comply with best management practices;

B. Advise the person responsible for the farm or farm operation of the changes, as determined in paragraph A, that are necessary to conform with best management practices and determine subsequently if those changes are implemented; and

C. Give the findings of the initial investigation and subsequent investigations and any determination of compliance to the complainant and person responsible.

**6. Failure to adopt best management practices.** If the person responsible for the farm or farm operation does not adopt best management practices, the commissioner shall send a written report to an appropriate agency if a federal or state law has been violated and ~~may refer the matter~~ to the Attorney General. The Attorney General may institute an action to abate a nuisance and the

court may order the abatement with costs as provided under section 2702.

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

Effective May 18, 1993.

## CHAPTER 125

S.P. 175 - L.D. 589

### An Act to Continue Certain Provisions of the Seed Certification Laws That Encourage the Development of New Varieties

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

**Sec. 1.** 7 MRSA §2103-A, sub-§6, as enacted by PL 1987, c. 336, is amended to read:

**6. Repeal.** Subsection 4 is repealed January 1, 1994; subsection 7 is repealed July 1, 1988; and subsection 8 is repealed July 1, 1990.

See title page for effective date.

## CHAPTER 126

H.P. 470 - L.D. 607

### An Act to Clarify the Laws Related to Debt Collectors and Repossession Companies

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

**Sec. 1.** 32 MRSA §11002, sub-§6, as enacted by PL 1985, c. 702, §2, is amended to read:

**6. Debt collector.** "Debt collector" means any person conducting business in this State, the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another. The term includes persons who furnish collection systems carrying a name ~~which~~ that simulates the name of a debt collector and who supply forms or form letters to be used by the creditor even though the forms direct the debtor to make payments directly to the creditor. Notwithstanding the exclusion provided by section 11004, subsection 7, the term includes any creditor who, in the process of collecting ~~his~~ the creditor's own debts, uses any name other than ~~his own~~ which the creditor's ~~that~~ would indicate that a 3rd person is collecting or attempting to collect these debts. For purposes of

subchapter II, the term includes any attorney-at-law whose principal activities include collecting debts as an attorney on behalf of and in the name of clients. The term also includes any person in any business the principal purpose of which is regularly engaged in the enforcement of security interests securing debts. The term does not include any person who retrieves collateral when a consumer has voluntarily surrendered possession. A person is regularly engaged in the enforcement of security interests if that person enforced security interests more than 5 times in the previous calendar year. If a person does not meet these numerical standards for the previous calendar year, the numerical standards must be applied to the current calendar year.

**Sec. 2.** 32 MRSA §11003, sub-§6, as enacted by PL 1985, c. 702, §2, is repealed.

**Sec. 3.** 32 MRSA §11017 is enacted to read:

#### §11017. Repossession activity

**1. Right to take possession after default.** A debt collector acting on behalf of a creditor may take possession of collateral only if possession can be taken without entry into a dwelling, unless that entry has been authorized after default and without the use of force or other breach of the peace.

**2. Return of private property.** A debt collector shall inventory any unsecured property taken with repossessed collateral and immediately notify the consumer that the property will be made available in a manner convenient to the consumer.

See title page for effective date.

## CHAPTER 127

H.P. 485 - L.D. 643

### An Act to Restrict the Taking of Turtles and Snakes from the Wild for Export, Sale or Commercial Purposes

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

**Sec. 1.** 12 MRSA §7471 is enacted to read:

#### §7471. Taking of snakes and turtles from the wild for commercial purposes

The taking and possession of snakes and turtles from the wild for export, sale or commercial purposes, except snapping turtles taken in accordance with section 7470, are prohibited.

See title page for effective date.