

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

CHAPTER 160**H.P. 694 - L.D. 935****An Act Concerning Suspension of Registrations under the Operating-under-the-influence Laws****Be it enacted by the People of the State of Maine as follows:****Sec. 1. 29 MRSA §2241-H, first ¶,** as amended by PL 1991, c. 436, is further amended to read:

In the case of any conviction or adjudication under former section 1312, subsection 10; section 1312-B; 1312-C; 1314 or for any offense for which the suspension of a license or the right to operate a motor vehicle or the right to apply for or obtain a license is required by law or in any case in which the court suspends a license under section 2305, the court shall inform the defendant of the suspension and the defendant shall acknowledge this notice in writing on a form to be provided by the court. The court shall suspend the right to register a motor vehicle and all registration certificates and plates issued by the Secretary of State to any person convicted for a violation of section 1312-B who has a previous conviction for a violation of former section 1312, subsection 10; former section 1312-B; or section 1312-B within the 6-year period defined by section 1312-B, subsection 2, paragraph F. Notwithstanding this requirement, if a spouse or other family member regularly using a vehicle subject to suspension of registration establishes to the satisfaction of the court that hardship will result from that suspension, the court need not suspend the registration certificates and plates or the right to register that vehicle. The court, as part of its sentence, unless the defendant appeals and a stay of execution of the suspension is granted, shall take any license certificate issued by this State from the person convicted or adjudicated or any license certificate issued by another state, foreign country or province from the person convicted or adjudicated if that person is residing, domiciled or employed in this State. The court, as part of its sentence, unless the defendant appeals and a stay of execution of the suspension is granted, may take from the person convicted or adjudicated any license certificate issued by another state or foreign country or province if the person is not residing, domiciled or employed in this State. At sentencing, the court, upon reasonable cause shown, may stay the suspensions for a period not to exceed 4 hours from the time of sentencing. The court may issue such evidence of that stay as it determines necessary. The court shall forward the license certificate, a copy of the sentence and the acknowledgment of notice by mail to the Secretary of State, and the court shall order the defendant to return the suspended registration certificate and plates to the Secretary of State, unless hardship has been established and suspension is therefore not required. The Secretary of State shall re-

turn the certificate of registration and plates to the defendant when the defendant's license and operating and registration privileges have been restored.

See title page for effective date.

CHAPTER 161**H.P. 44 - L.D. 60****An Act Providing a Limitation on Actions against Land Surveyors****Be it enacted by the People of the State of Maine as follows:****Sec. 1. 14 MRSA §752-D** is enacted to read:**§752-D. Land surveyors**

All civil actions for professional negligence against land surveyors duly licensed or registered under Title 32 must be commenced within 4 years after the negligence is discovered, but an action may not be commenced more than 20 years after the completion of the plan or the completion of the professional services if a plan is not prepared.

Sec. 2. Application. This Act applies to a cause of action arising on or after the effective date of this Act.

See title page for effective date.

CHAPTER 162**S.P. 26 - L.D. 19****An Act Regarding the Holding of Juveniles in the Androscoggin County Jail**

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

Whereas, current law authorizes the detention of juveniles in Androscoggin County Jail, if such detention complies with federal and state requirements; and

Whereas, this authorization will expire on September 30, 1993; and

Whereas, this Act seeks to extend the authority for such detention of juveniles in Androscoggin County Jail; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Con-

stitution 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. 15 MRSA §3203-A, sub-§7, ¶B-2, as enacted by PL 1991, c. 493, §13, is amended to read:

B-2. Notwithstanding any other provision of law, until ~~September 30~~ December 31, 1993 1995, a juvenile may be detained in the Androscoggin County Jail, as long as the juvenile is detained in a separate juvenile section approved by the federal Office of Juvenile Justice and Delinquency Prevention and in compliance with paragraph A of ~~this subsection.~~

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

Effective May 27, 1993.

CHAPTER 163

H.P. 770 - L.D. 1043

An Act Concerning the Definition of Compact Area for Municipalities

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

Sec. 1. 35-A MRSA §2502, sub-§1, ¶¶A and B, as enacted by PL 1987, c. 141, Pt. A, §6, are amended to read:

A. The Department of Transportation, when the public way is a state, ~~state-aid state-aid~~ or ~~federal-aid federal-aid~~ highway, except for state or ~~state-aid~~ state-aid highways in the compact areas of municipalities having a population over 5,000 6,000;

B. The municipal officers or their designees, when the public way is a city street or town way or a state or ~~state-aid state-aid~~ highway in the compact areas of municipalities having a population over 5,000 6,000; and

Sec. 2. 35-A MRSA §2502, sub-§2, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

2. Compact area. "Compact area" means an area within a municipality having a population over 5,000 6,000 where structures on land adjacent to the highway are nearer than 200 feet apart for a distance of 1/4 of a mile.

Sec. 3. 35-A MRSA §2503, sub-§17, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

17. Relocation in certain municipalities. The Department of Transportation has the exclusive rights, powers and duties of municipal officers under section 2517 when state, ~~state-aid state-aid~~ and ~~federal-aid federal-aid~~ highways are affected, except for state and ~~state-aid~~ state-aid highways in the compact areas of municipalities having a population over 5,000 6,000.

See title page for effective date.

CHAPTER 164

H.P. 926 - L.D. 1249

An Act to Change Public Hearing Requirements for Certain Railroad Grade Crossing Projects

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

Sec. 1. 23 MRSA §7221, as enacted by PL 1989, c. 398, §8, is amended to read:

§7221. Automatic signals; expense; definition

The department may require each ~~steam~~ railroad company operating within this State to install, operate and maintain an automatic signal, gates or other protective device or to require a ~~flagman~~ flagger to be stationed at any highway crossing within this State where, after reasonable notice and hearing, the department decides that public safety requires a signal, gates or other protective device or flagman flagger as a proper measure of protection. Notice and hearing are not required for automatic grade crossing protection funded and installed under the federal program. The expense of installing, operating and maintaining any signal, gates or other protective device or of providing the ~~flagman~~ flagger must be borne by the corporation operating the railroad passing over the crossing to be protected, except that at crossings located on state and state aid highways the expense of installing the signal, gates or other protective device ~~shall~~ must be apportioned between the corporation and the State in proportions as the department determines. Wherever the term "signal" or "automatic signal" is used in this chapter, it ~~shall be~~ is construed to be an appliance ~~which that~~ gives warning of the approach of a train and ~~which that~~ is either audible and visible by day and by night, or audible or visible as ~~may be~~ determined by the department. ~~This section shall not apply to railroads of less than standard gauge, nor to the Knox Railroad Company, formerly called Georges Valley Railroad Company.~~

See title page for effective date.