

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

in connection with application for and issuance of registration certificates and for notification of termination of contracts pursuant to section 1885.

B. The application for registration must include the name and address of the insurer with whom the agent has an appointment pursuant to section 1533 and with whom the agent has a written contract pursuant to section 1884, a statement of the duties that the agent is expected to perform on behalf of the insurer, the lines of insurance for which the agent is to be authorized to act; and any other information the superintendent may request.

C. If the superintendent finds that the application is complete, the superintendent shall promptly issue a certificate of registration to the agent; otherwise, the superintendent shall refuse to issue the registration and promptly notify the agent and the insurer of the refusal, stating the grounds for refusal. The agent may request a hearing on the superintendent's denial pursuant to section 229.

Sec. 30. 24-A MRSA §6098, sub-§1, as enacted by PL 1987, c. 481, §3, is amended to read:

1. Notice. A purchasing group which that intends to do business in this State shall, prior to doing business, pay the appropriate fee at the rate specified in section 601 and furnish notice to the superintendent who shall to:

- A. Identify the state in which the group is domiciled;
- B. Specify the lines and classifications of liability insurance which that the purchasing group intends to purchase;
- C. Identify the insurance company from which the group intends to purchase its insurance and the domicile of that company;
- D. Specify the method by which, and the person or persons, if any, through whom insurance will be offered to its members whose risks are resident or located in this State;
- E. Identify the principal place of business of the group; and
- F. Provide such other information as may be required by the superintendent to verify that the purchasing group is qualified under section 6093, subsection 11.

See title page for effective date.

CHAPTER 222

H.P. 855 - L.D. 1160

An Act Pertaining to the Appointment of Code Enforcement Officers

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

Sec. 1. 30-A MRSA §2601-A is enacted to read:

§2601-A. Appointment of code enforcement officers

Municipal officers may appoint code enforcement officers trained and certified in accordance with section 4451 to serve for fixed terms of one year or more, and may remove those code enforcement officers only for cause after notice and hearing. Compensation for code enforcement officers is determined by the municipal officers and paid by the respective municipalities.

Code enforcement officers need not be residents of the municipality for which they are appointed.

See title page for effective date.

CHAPTER 223

H.P. 941 - L.D. 1270

An Act to Amend the State Contribution to Pollution Abatement and Overboard Discharge Replacement Laws

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

Sec. 1. 38 MRSA §411, first ¶, as amended by PL 1991, c. 824, Pt. A, §83, is further amended to read:

The commissioner may pay an amount not to exceed 80% of the expense of a municipal or quasi-municipal pollution abatement construction program or a pollution abatement construction program in an unorganized township or plantation authorized by the county commissioners. The commissioner may make payments to the Maine Municipal Bond Bank to supply the State's share of the revolving loan fund established by Title 30-A, section 6006-A. The commissioner may pay up to 90% of the expense of a municipal or quasi-municipal pollution abatement construction program or a pollution abatement construction program in an unorganized township or plantation authorized by the county commissioners in which the construction cost of the project does not exceed \$100,000 as long as total expenditures for the small projects do not exceed \$1,000,000 in any fiscal year and

not more than one grant is made to any applicant each year, except that the commissioner may pay up to 50% of the expense of individual projects serving commercial establishments or up to 25% of the expense of individual projects serving seasonal dwellings. An applicant who is the owner of a single-family dwelling or commercial establishment served by a pollution abatement construction program under this paragraph is not eligible for a grant if: for a single-family dwelling, the sum of the adjusted gross income of all ~~persons listed on the deed of record~~ the owners exceeded \$30,000 in the previous taxable year; or for a commercial establishment, the gross profit ~~earnings~~ exceeded \$30,000 in the previous taxable year. To determine eligibility, the commissioner may require an applicant to submit a copy of the ~~deed of record and a copy of the~~ relevant federal income tax return of the owner or owners. In addition to any penalty adjudged under section 349, a person who knowingly makes any false statement, representation or certification in the application for a grant under this paragraph and who receives such a grant shall, upon conviction, make restitution to the department in an amount equal to the amount of the grant plus interest and reasonable recovery cost incurred by the department.

Sec. 2. 38 MRSA §411-A, sub-§2, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §25, is further amended to read:

2. Cost-share. The commissioner shall determine the portion of project expenses eligible for grants under this section as follows.

- A. The commissioner shall pay 90% of the costs of a project that results in the removal of a year-round residential overboard discharge.
- B. The commissioner shall pay 50% of the costs of a project that results in the removal of a commercial overboard discharge.
- C. The commissioner shall pay 25% of the costs of a project that results in the removal of a seasonal residential overboard discharge.

For the purposes of this section and section 414-A, ~~seasonal~~ "year-round residential overboard discharge" means an overboard discharge from a human habitation occupied for ~~less~~ more than 6 months in any calendar year and is the legal residence of the owner for federal and state income tax purposes.

Sec. 3. 38 MRSA §414-A, sub-§1-B, ¶B, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §30, is further amended to read:

- B. For the purposes of this subsection, the department may not require the installation or use of wastewater holding tanks as a "technologically

proven alternative method of wastewater disposal" except in the following cases:

- (1) Seasonal residential overboard discharges that are located on the mainland or on any island connected to the mainland by vehicle bridge or by scheduled car ferry service; ~~and~~
- (2) All overboard discharges located within the boundaries of a sanitary or sewer district when the district has agreed to service and maintain the holding tank at an annual fee that does not exceed those fees charged to other similar users of the district's services who are physically connected to the sewers of the district; ~~and~~
- (3) All overboard discharges located within the municipality when the municipality has agreed to service and maintain the holding tank at an annual fee that does not exceed those fees charged to other similar users of the municipality's services who are physically connected to the sewers of the municipality.

See title page for effective date.

CHAPTER 224

S.P. 341 - L.D. 1038

An Act Clarifying Certain Traffic Infraction Provisions of the Motor Vehicle Laws

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

Sec. 1. 29 MRSA §1, sub-§17-C, as amended by PL 1991, c. 549, §10 and affected by §17, is further amended to read:

17-C. Traffic infraction. "Traffic infraction" means any violation of any provision of this Title, or of any rules established under this Title, not expressly defined as a felony, misdemeanor or crime, and otherwise not punishable by incarceration or, unless specifically authorized, by a fine of more than \$500. A traffic infraction includes any offense referred to in this Title as a civil violation and is not a crime, but is a civil violation and the penalty therefor may not be deemed for any purpose a penal or criminal punishment. There is no right to trial by jury for a traffic infraction. The exclusive penalty for a traffic infraction violation of any public or private law of this State, or of any rule adopted pursuant to any law of this State, is a fine and suspension of license, permit, the right to operate a motor vehicle in this State and the right to apply for or obtain a license or permit, or both. The exclusive penalty for a traffic infraction violation of