

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

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

CHAPTER 513

S.P. 563 - L.D. 1598

An Act to Protect Cable Television Consumers from Excessive Late Fees**Be it enacted by the People of the State of Maine as follows:****Sec. 1. 30-A MRSA §3010, sub-§6-B**, as enacted by PL 1991, c. 657, §1, is amended to read:

6-B. Late fees. A cable television system operator may not charge a late fee ~~on or other penalty or charge for late payment of~~ any bill for basic tier service, as defined in the federal Cable Communications Policy Act of 1984, 47 United States Code, Section 522, that exceeds 1.5% per month of the maximum amount established under Title 9-A, Part 2 due in the bill. If a late fee is charged on more than one level of service, it must be calculated on the total dollar amount of such services, and may not be calculated separately on each service to which it applies and then cumulated. A payment is not late under this subsection until at least 30 days after those services to which the late fee applies have been received by the consumer.

See title page for effective date.

CHAPTER 514

S.P. 566 - L.D. 1601

An Act to Ensure That State Water Utility Rules Are Consistent with Federal Requirements**Be it enacted by the People of the State of Maine as follows:****Sec. 1. 22 MRSA §2605**, as enacted by PL 1975, c. 751, §4, is amended by adding at the end a new indented paragraph to read:

Except as otherwise specifically provided by law, the commissioner may impose no standard, method or procedure upon any water utility, as defined in Title 35-A, section 102, that is more stringent than required under the federal Safe Drinking Water Act, as amended, or rules promulgated under that Act by the Administrator of the United States Environmental Protection Agency, unless the particular standard, method or procedure has been adopted in a rule adopted according to the Maine Administrative Procedure Act and the rule specifies in detail the scientific basis justifying the more stringent standard, method or procedure and the precise criteria for when

the standard, method or procedure applies to a water utility.

See title page for effective date.

CHAPTER 515

H.P. 1200 - L.D. 1608

An Act to Amend the Motor Vehicle Laws**Be it enacted by the People of the State of Maine as follows:****Sec. 1. 29 MRSA §891, 3rd ¶**, as amended by PL 1987, c. 46, §3, is further amended to read:

The driver of any vehicle, except a snowmobile as defined by Title 12, section 7821, or an all-terrain vehicle defined by Title 12, section 7851, unless the all-terrain vehicle is registered for highway use by the Secretary of State under this Title, involved in an accident resulting in injuries to or death of any person or property damage to the apparent amount of \$500 or more, or some person acting for ~~him~~ the driver, or the owner of the vehicle having knowledge of the accident ~~should~~ if the operator of ~~same~~ be the vehicle is unknown, shall, immediately by the quickest means of communication, give notice of the accident ~~either~~ to a state police officer; ~~or to~~ the nearest state police field office, or to the sheriff's office; ~~or to~~ a deputy sheriff; within the county ~~wherein~~ in which the accident occurred, or to the office of the police department, or ~~to~~ an officer; of the municipality ~~wherein~~ in which the accident occurred. The absence of notice having been given to the nearest state police field office or to the sheriff's office within the county ~~wherein~~ in which the accident occurred or the office of the police department of the municipality ~~wherein~~ in which the accident occurred ~~shall be deemed~~ is considered prima facie evidence of a violation of this section. Any person failing to comply with the requirements of this paragraph ~~shall be~~ is guilty of a misdemeanor. Every ~~such~~ notice received by any ~~such~~ official or department ~~shall~~ must be promptly investigated. If the accident results in serious bodily injury or death of any person, the investigation ~~shall~~ must be conducted by an officer who has met the training standards of a full-time police officer.

Sec. 2. 29 MRSA §891, 7th ¶, as amended by PL 1987, c. 46, §4, is further amended to read:

The driver of any vehicle, except a snowmobile as defined by Title 12, section 7821, or an all-terrain vehicle defined by Title 12, section 7851, unless the all-terrain vehicle is registered for highway use by the Secretary of State under this Title, involved in an

accident resulting in injury to or death of any person or property damage to the apparent amount of \$500 or more, or some person acting for ~~him~~ the driver, shall, within 48 hours after the accident, make a written report of it to the Secretary of State, on forms provided by the Secretary of State. The Secretary of State may require drivers of vehicles involved in any such accident to file supplemental reports whenever the original report is insufficient in the opinion of the Secretary of State.

Sec. 3. 29 MRSA §946-C, sub-§2, ¶C, as amended by PL 1991, c. 694, §2, is further amended by adding a new subparagraph to read:

(6) A vehicle used or provided by a contract security company to assist in traffic control and direction at construction or maintenance sites on a public way may be equipped with auxiliary lights. The auxiliary lights must be amber.

Sec. 4. 29 MRSA §1072, as amended by PL 1993, c. 76, §1, is further amended to read:

§1072. Dimming of lights on approaching vehicles

Whenever the driver of a vehicle equipped with multiple-beam road lighting equipment, during the times when lighted lamps are required and at other times when they are lighted, approaches an oncoming vehicle within 500 feet, or follows a vehicle within 300 feet, the driver shall dim the headlights or switch to a low beam and turn off any fog or auxiliary light allowed by section ~~1367-B~~ 946-C, subsection ~~4~~ 2, paragraph E that exceeds 20,000 candlepower.

Sec. 5. 29 MRSA §1366, 2nd ¶, as amended by PL 1991, c. 21, §2, is further amended to read:

Every headlamp, upon every motor vehicle, including every motorcycle and motor driven cycle, must be located at a height measured from the center of the headlamp of not more than 54 inches nor less than 22 inches above the level surface upon which the vehicle stands. Headlamps on snow plows may be located at a height greater than 54 inches above the level surface. All headlamps must be equipped with lenses or reflectors that emit only a white beam of light. The lamps and lights must conform to and operate in accordance with section 1071 and the rules adopted from time to time by the ~~Commissioner of Public Safety~~ Chief of the State Police.

Sec. 6. 29 MRSA §1366, 3rd ¶, as amended by PL 1971, c. 360, §34, is further amended to read:

Every motor vehicle other than a motorcycle or motor driven cycle, ~~shall~~ must have mounted on the front ~~thereof~~ at least 2 headlamps with at least one on each side. Every motorcycle and every motor driven

cycle ~~shall~~ must have mounted on the front ~~thereof~~ at least one lamp. If any such vehicle is so mechanically constructed, governed or controlled that it ~~cannot~~ can ~~not~~ exceed a speed of 15 miles per hour, it ~~shall~~ must have front lamps capable of furnishing light of sufficient candle power to render any substantial object clearly discernible on a level way at least 50 feet directly ahead and at the same time at least 7 feet to the right of the axis of ~~such that~~ vehicle for a distance of at least 25 feet. If ~~said those~~ vehicles can exceed a speed of 15 miles per hour, then they ~~shall~~ must have front lamps capable of furnishing light of sufficient candle power to render any substantial object clearly discernible on a level way at least 200 feet directly ahead and at the same time at least 7 feet to the right of the axis of such vehicle for a distance of at least 100 feet. ~~No~~ A front lamp capable of furnishing more than 4 candle power light ~~shall~~ may not be used if equipped with a reflector, unless so designed, equipped or mounted that no portion of the beam of light when projected 75 feet or more ahead of the lamps ~~shall rise~~ rises above a plane of 42 inches higher than and parallel with the level surface on which the vehicle stands. At no time ~~shall~~ may the top of any main beam of light be higher than the headlight centers. ~~No~~ An electric bulb or other lighting device of a greater capacity than 32 candle power ~~shall~~ may not be used, no matter how ~~the same~~ it may be shaded, covered or obscured, except the seal beam unit, so called, which is standard headlight equipment for motor vehicles. For the purpose of enforcing this section, it ~~shall be deemed to be~~ is a violation if a front light or front lights of a motor vehicle ~~projects~~ project the top of any main beam, at a distance of 25 feet ahead of the motor vehicle, on an approximately level stretch of highway, onto the body of a person or on a motor vehicle or any object, at a height greater than the distance of the centers of the front lights from the highway.

Sec. 7. 29 MRSA §1366, 6th ¶, as amended by PL 1971, c. 360, §39, is further amended to read:

All lights, reflectors and signal lamps required by law to be displayed on the rear of all vehicles of 7 feet or over in width ~~shall~~ must be at least within 12 inches of the extreme extension of the rear of ~~such that~~ vehicle, except for trailers if the lights, reflectors and signal lamps are installed by the commercial trailer manufacturer and except that on flat-body dump trucks of 7 feet or over in width such those lights and signal lamps may be displayed on the rear of the frame of the vehicle.

Sec. 8. 29 MRSA §2503, sub-§3, as enacted by PL 1983, c. 370, §6, is amended to read:

3. Fenders. Except as provided by section 1404 and for street rods, every motor vehicle ~~shall~~ must be

equipped with fenders or fenders and extentions. Whenever a wheel and tire are installed on a motor vehicle that permits the tire tread to extend beyond the natural fender configuration, those fenders ~~shall~~ must be modified or extended to provide coverage of the exposed tire tread.

Sec. 9. 29 MRSA §2510, sub-§1, as amended by PL 1991, c. 837, Pt. A, §75, is further amended to read:

1. Temporary permits. The Chief of the State Police, the sheriff of each county or the sheriff's deputy, a State Police officer, employees of the Bureau of Motor Vehicles designated by the Deputy Secretary of State and any municipal police officer may issue a permit to an owner of a ~~motor~~ vehicle that is not inspected to enable the owner to operate the vehicle to an inspection station for the purpose of complying with this law. This section does not apply to reconstructable motor vehicles as defined in Title 10, section 1471.

Sec. 10. 29 MRSA §2512, first ¶, as enacted by PL 1979, c. 464, §5, is amended to read:

The Chief of the State Police may license fleet inspection stations to inspect 10 or more ~~motor~~ vehicles registered in the name of a single owner. In order to qualify as an official fleet inspection station, the fleet station ~~shall~~ must meet the standards in this section. A certified inspector may inspect fleets of vehicles as defined in this section at the fleet station, provided the proper inspection equipment is available.

Sec. 11. 29 MRSA §2513, sub-§4 is enacted to read:

4. Testing in parking area. Notwithstanding section 530, a certified inspection mechanic who has a valid operator's license of any class may operate a motor vehicle in a parking area adjacent to an official inspection station for the purpose of testing equipment as required by the rules adopted pursuant to this chapter.

See title page for effective date.

CHAPTER 516

H.P. 1205 - L.D. 1613

An Act Concerning Business Directional Signs on Certain Controlled Access Highways

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

Sec. 1. 23 MRSA §1903, sub-§§1-A and 1-B are enacted to read:

1-A. Controlled access highway. "Controlled access highway" means a highway to which, in the interest of safety and efficiency of operation, abutting property owners have no right of direct access and on which the type and location of all access connections are determined and controlled by the department.

1-B. Controlled access bypass. "Controlled access bypass" means a highway designed to bypass an existing business district and meeting the definition of a controlled access highway.

Sec. 2. 23 MRSA §1912-A is enacted to read:

§1912-A. Official business directional signs on controlled access highways

1. Interstate highway. Official business directional signs are not permitted within the right-of-way of the interstate highway.

2. Permitted on certain controlled access bypasses. Official business directional signs are not permitted within the right-of-way of controlled access highways except as provided in this subsection. Official business directional signs are permitted within the right-of-way of a controlled access bypass when the controlled access bypass is part of a route, as designated by its route number, that is not a controlled access highway throughout its length.

See title page for effective date.

CHAPTER 517

H.P. 1213 - L.D. 1632

An Act to Amend the Community Correction Law

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

Sec. 1. 34-A MRSA §1210, sub-§6-A, as corrected by RR 1991, c. 2, §127, is amended to read:

6-A. Funds to be used for community corrections programs. Thirty percent of all funds claimed by each county for reimbursement under this section must be retained by the department until the county demonstrates that the retained funds will be used for community corrections programs, as described in subsection 1, paragraph B, that are developed as part of a comprehensive local plan approved by the commissioner. One half of the retained funds must be retained until the county demonstrates that the funds