

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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
1995

This paragraph is repealed October 1, ~~1995~~
1997.

See title page for effective date.

CHAPTER 63

H.P. 381 - L.D. 516

An Act Concerning the Liability of Corporate Clerks

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

Sec. 1. 13-A MRSA §714, sub-§1, as
enacted by PL 1971, c. 439, §1, is amended to read:

1. The officers of a corporation ~~shall~~ consist of a
president, a treasurer, ~~a clerk~~ and, if the bylaws so
provide, one or more vice-presidents; and ~~such~~ other
officers ~~as are~~ selected pursuant to subsection 5. The
clerk of a corporation is not an officer, but performs
the functions provided in this Act.

Sec. 2. 13-A MRSA §714, sub-§11, ¶F, as
enacted by PL 1971, c. 439, §1, is repealed.

Sec. 3. 13-A MRSA §714, sub-§11-A is
enacted to read:

11-A. The duties of the clerk are ministerial
only and the clerk is not liable in that capacity for any
liabilities of the corporation, including, without
limitation, debts, claims, taxes, fines or penalties.

See title page for effective date.

CHAPTER 64

S.P. 219 - L.D. 561

An Act to Allow County Commissioners to Perform Routine Road Maintenance without Permission from the Maine Land Use Regulation Commission

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

Sec. 1. 12 MRSA §685-A, sub-§5, as
amended by PL 1985, c. 70, §1, is further amended to
read:

5. **Considerations, application and exemp-
tions.** ~~No~~ A land use standard ~~shall~~ may not deprive
any an owner or lessee or subsequent owner or lessee
of any interest in real estate of the use to which it is

lawfully devoted at the time of adoption of ~~said~~ that
standard. Year-round and seasonal single residences
and operating farms in existence and use as of
September 23, 1971, while so used, and new accessory
buildings or structures or renovations of ~~such~~ the
buildings or structures ~~which~~ that are or may be
necessary to the satisfactory and comfortable con-
tinuation of these residential and farm uses ~~shall be~~ are
exempt from the requirements of section 685-B,
subsection 1.

Land use standards adopted pursuant to this chapter
for management districts ~~shall~~ may in no way limit the
right, method or manner of cutting or removing timber
or crops, the construction and maintenance of hauling
roads, the operation of machinery or the erection of
buildings and other structures used primarily for
agricultural or commercial forest product purposes,
including tree farms. Notwithstanding this subsection,
a permit from the commission ~~shall be~~ is required for
roads covering a ground area of 3 acres or more
constructed in management districts, unless those
roads are constructed and maintained in accordance
with the guidelines of the commission's Land Use
Handbook, Section 6, "Erosion Control on Logging
Jobs," or as revised. The commission may require a
person constructing a road to notify the commission of
the location of the road within 21 days.

In adopting district boundaries and land use standards,
the commission shall give consideration to public and
private planning reports and other data available to it,
and shall give weight to existing uses of land and to
any reasonable plan of its owner as to its future use.

A permit from the commission is not required for the
repair or maintenance of county-owned roads, bridges
or culverts as long as the repair or maintenance is
conducted in accordance with commission standards
that pertain to these activities.

See title page for effective date.

CHAPTER 65

H.P. 183 - L.D. 231

An Act to Correct Errors and Inconsistencies Related to the Recodification of the Maine Revised Statutes, Title 29

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

Whereas, in Public Law 1993, chapter 683 the
Legislature enacted a recodification of the Maine
Revised Statutes, Title 29, which takes effect January
1, 1995; and

Whereas, the provisions of this Act correct certain errors and inconsistencies related to the recodification; 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:

PART A

Sec. A-1. 4 MRSA §116, first ¶, as amended by PL 1987, c. 339, §1, is further amended to read:

All revenue received by the Supreme Judicial or Superior Court from fines, forfeitures, penalties, fees and costs ~~shall accrue~~ accrues to the State, except as otherwise provided under section 1057, Title 12, sections 3055 and 4508, Title 23, section 1653 and Title ~~29 29-A~~, section ~~2302 2602~~.

Sec. A-2. 4 MRSA §152, 2nd to last ¶, as repealed and replaced by PL 1983, c. 796, §1, is amended to read:

The District Court ~~shall possess~~ possesses the criminal jurisdiction exercised by all trial justices and municipal courts in the State on September 16, 1961, except as provided in Title ~~29 29-A~~, section ~~2302 2602~~.

Sec. A-3. 4 MRSA §163, sub-§1, as corrected by RR 1991, c. 2, §4, is amended to read:

1. District Court funds. Except as otherwise provided by law, all fines, forfeitures, surcharges, assessments and fees collected in any division of the District Court or by the violations bureau must be paid to the clerk of that District Court, who shall deposit them in a special account in a timely manner. Once each month, the clerk shall remit the sums to the Treasurer of State, who shall credit them to the General Fund. At the same time, the clerk shall remit the sums that have been collected in accordance with section 1057; Title 5, chapter 316-A; and Title ~~29 29-A~~, section ~~1312-B 2411~~, subsection ~~5 7~~. Funds received by the clerk as bail in criminal cases must be deposited daily in a special account. The clerk shall deposit the funds in an interest-bearing account unless the clerk determines that it is not cost effective to do so. Interest accrued in the account is the property of and accrues to the State. The forfeiture and setoff of bail is governed as otherwise provided by law.

The court shall file a monthly report with the State Auditor itemizing the amount of fines, surcharges and assessments imposed and to whom each is payable.

Sec. A-4. 4 MRSA §165, as amended by PL 1991, c. 484, §2, is further amended to read:

§165. Criminal jurisdiction; fines, penalties and costs paid over

The District Court has jurisdiction, and, except as provided in Title ~~29 29-A~~, section ~~2302 2602~~, concurrent jurisdiction with the Superior Court, of all crimes and offenses including violations of any statute or bylaw of a town, village corporation or local health officer, or breaches of the peace, not punishable by imprisonment in the State Prison, to issue process with respect to any violation over which the Passamaquoddy Tribe or the Penobscot Nation exercises exclusive jurisdiction under Title 30, section 6209 and over complaints for desertion and nonsupport or nonsupport of dependents where either the spouse, dependent or the respondent resides and may for such crimes and offenses impose any of the fines or sentences provided by law to be imposed therefor. All fines, penalties and costs imposed by such courts paid to the jailer after commitment of a respondent must be paid over by the respondent monthly.

Sec. A-5. 4 MRSA §807, sub-§3, ¶C, as repealed and replaced by PL 1989, c. 755, is amended to read:

C. An officer or authorized employee of a corporation, partnership, sole proprietorship or governmental entity, who is not an attorney, but is appearing for that organization:

- (1) In an action cognizable as a small claim under Title 14, chapter 738; or
- (2) For the purposes of entering a plea or answer and paying the fine or penalty for a violation by that organization of Title 23, chapter 24 or Title ~~29 29-A~~;

Sec. A-6. 4 MRSA §1151, sub-§2, as corrected by RR 1993, c. 1, §3, is amended to read:

2. Licensing jurisdiction. Except as provided in Title 5, section 10004; Title 8, section 279-B; Title 10, section 8003, subsection 5; Title 20-A, sections 10712 and 10713; Title ~~29 29-A~~; Title 32, chapters 105 and 114; and Title 35-A, section 3132, the Administrative Court has exclusive jurisdiction upon complaint of an agency or, if the licensing agency fails or refuses to act within a reasonable time, upon complaint of the Attorney General, to revoke or suspend licenses issued by the agency and has original jurisdiction upon complaint of a licensing agency to determine whether renewal or reissuance of a license

of that agency may be refused. The Administrative Court has original concurrent jurisdiction to grant equitable relief in proceedings initiated by an agency or the Department of the Attorney General alleging any violation of a license or licensing laws or rules.

Notwithstanding any other provisions of law, a licensing agency may not reinstate or otherwise affect a license suspended, revoked or modified by the Administrative Court pursuant to a complaint filed by the Attorney General, without the approval of the Attorney General.

Sec. A-7. 5 MRSA §88-A, sub-§2, as repealed and replaced by PL 1991, c. 824, Pt. B, §3, is amended to read:

2. Issuance of card; contents. Upon receipt of a completed application and payment of a fee of \$5, the Secretary of State shall issue an identification card to the applicant. If a person is the holder of a motor vehicle operator's license bearing a photograph of the individual and issued under Title ~~29 29-A~~, chapter ~~7 11~~, the Secretary of State or the Secretary of State's representative may refuse to issue an identification card. The Secretary of State shall design cards for persons 18 to 21 years of age so that they are readily distinguishable from cards for persons 21 years of age or older. Each card must contain:

- A. The applicant's photograph;
- B. The applicant's name and address;
- C. The applicant's date of birth; and
- D. Any other information and identification that the Secretary of State considers necessary.

Sec. A-8. 5 MRSA §3360, sub-§2, ¶E, as enacted by PL 1991, c. 806, §3, is amended to read:

E. Operating under the influence of intoxicating liquor, or drugs or with an excessive blood-alcohol level, as described in Title ~~29 29-A~~, section ~~4312-B 2411~~.

Sec. A-9. 5 MRSA §10051, sub-§1, as repealed and replaced by PL 1991, c. 824, Pt. A, §5, is amended to read:

1. Jurisdiction. Except as provided in section 10004; Title 8, section 279-B; Title 10, section 8003; Title 20-A, sections 10712 and 10713; Title ~~29 29-A~~; Title 32, chapters 105 and 114; and Title 35-A, section 3132, the Administrative Court has exclusive jurisdiction upon complaint of any agency or, if the licensing agency fails or refuses to act within a reasonable time, upon complaint of the Attorney General, to revoke or suspend licenses issued by the agency and has original jurisdiction upon complaint of an agency to determine

whether renewal or reissuance of a license of that agency may be refused.

Sec. A-10. 5 MRSA §12004-I, sub-§84, as enacted by PL 1987, c. 786, §5, is amended to read:

84.	Medical Expenses	29 29-A
Transportation: Motor	Advisory Board	MRSA
Vehicles	(Licensing of Drivers)	§547
		<u>§1258</u>

Sec. A-11. 5 MRSA §20071, sub-§1, as amended by PL 1993, c. 631, §2, is further amended to read:

1. Alcohol-related or other drug-related motor vehicle incident. "Alcohol-related or other drug-related motor vehicle incident" means a conviction or administrative action resulting in the suspension of a motor vehicle operator's license for a violation under ~~former~~ Title 29, section 1311-A; Title 29, ~~former~~ section 1312, subsection 10-A; ~~Title 29, former section 1312-B~~; Title 29, ~~former~~ section 1312-C; Title 29, section 1312-B; Title 29, section 1313-B; Title 29, section 2241, subsection 1, paragraph N; Title 29, section 2241-G, subsection 2, paragraph B, subparagraph (2); ~~or~~ Title 29, section 2241-J; Title 29-A, sections 2411, 2453, 2456 and 2457; Title 29-A, section 2472, subsection 3, paragraph B; or Title 29-A, section 2503.

Sec. A-12. 5 MRSA §20071, sub-§4-B, ¶C, as amended by PL 1993, c. 631, §3, is further amended to read:

C. Eluded or attempted to elude an officer, as defined in Title ~~29 29-A~~, section ~~2501-A 2414~~, subsection 3, during the operation that resulted in prosecution for operating under the influence or with a blood-alcohol level of 0.08% or more;

Sec. A-13. 10 MRSA §1109, sub-§1, ¶A, as enacted by PL 1991, c. 488, is amended to read:

A. "Gasoline sales" means the retail sale of internal combustion fuel for motor vehicles as defined in Title ~~29 29-A~~, section ~~4 101~~, subsection ~~7 42~~.

Sec. A-14. 10 MRSA §1171, sub-§11, as enacted by PL 1975, c. 573, is amended to read:

11. Motor vehicle. "Motor vehicle" means any motor driven vehicle required to be registered under Title ~~29 29-A~~, chapter 5.

Sec. A-15. 10 MRSA §1174, sub-§3, ¶R, as enacted by PL 1981, c. 331, §6, is amended by amending subparagraph (3), division (d) to read:

(d) Revocation of the franchised motor vehicle dealer's license pursuant to Title ~~29 29-A~~, section ~~350-A 903~~;

Sec. A-16. 10 MRSA §1176, first ¶, as amended by PL 1991, c. 328, is further amended to read:

If a motor vehicle franchisor requires or permits a motor vehicle franchisee to perform labor or provide parts in satisfaction of a warranty created by the franchisor, the franchisor shall properly and promptly fulfill its warranty obligations, in the case of motor vehicles over 10,000 pounds gross vehicle weight rating, shall adequately and fairly compensate the franchisee for any parts so provided and, in the case of all other motor vehicles, shall reimburse the franchisee for any parts so provided at the retail rate customarily charged by that franchisee for the same parts when not provided in satisfaction of a warranty. Further, the franchisor shall reimburse the franchisee for any labor so performed at the retail rate customarily charged by that franchisee for the same labor when not performed in satisfaction of a warranty; provided that the franchisee's rate for labor not performed in satisfaction of a warranty is routinely posted in a place conspicuous to its service customer. A franchisor is not required to pay the price charged by the dealer to retail customers for parts of systems, appliances, furnishings, accessories and fixtures of a motor home as defined in Title ~~29 29-A~~, section ~~4 101~~, subsection ~~5-C 40~~ that are designed, used and maintained primarily for nonvehicular residential purposes. Any claim made by a franchisee for compensation for parts provided or for reimbursement for labor performed in satisfaction of a warranty must be paid within 30 days of its approval. All the claims must be either approved or disapproved within 30 days of their receipt. When any such claim is disapproved, the franchisee that submitted it must be notified in writing of its disapproval within that period, together with the specific reasons for its disapproval. No franchisor may, by agreement, by restriction upon reimbursement, or otherwise, restrict the nature or extent of labor performed or parts provided so that such restriction impairs the franchisee's ability to satisfy a warranty created by the franchisor by performing labor in a professional manner or by providing parts required in accordance with generally accepted standards.

Sec. A-17. 10 MRSA §1191, sub-§2, as enacted by PL 1989, c. 51, is amended to read:

2. Motor vehicle. "Motor vehicle" means any self-propelled vehicle designed primarily to transport not more than 14 individuals, except motorcycles, snowmobiles, all-terrain vehicles, customized vans and any vehicle operated exclusively on a rail or rails. This definition is intended to include motor trucks that have a gross weight of not more than 8,600 pounds as

certified by the vehicle manufacturer or franchise representative pursuant to Title ~~29 29-A~~, section ~~4652 2354~~, subsection ~~2~~, paragraph ~~D~~, Title ~~29-A~~, section ~~2364~~, subsection 5 and Title ~~29-A~~, section ~~2365~~, subsection 8.

Sec. A-18. 10 MRSA §1471, sub-§4, as enacted by PL 1975, c. 770, §57, is amended to read:

4. Motor vehicle. "Motor vehicle" means any self-propelled vehicle designed primarily to transport not more than 14 individuals, except motorcycles as defined in Title ~~29 29-A~~, section ~~4 101~~, subsection ~~4 38~~, and any vehicles operated exclusively on a rail or rails. This definition is intended to include motor trucks that have a gross vehicle weight of not more than 10,000 pounds as certified by the vehicle manufacturer or its franchised representative pursuant to Title 29, section 1652.

Sec. A-19. 10 MRSA §1471, sub-§6-A, as enacted by PL 1985, c. 429, §1, is amended to read:

6-A. Reconstructable motor vehicle. "Reconstructable motor vehicle" means a used motor vehicle ~~which that~~ does not meet the inspection standards as set forth in Title ~~29 29-A~~, section ~~2502 1751~~, and ~~which that~~ is sold, offered for sale or negotiated for sale to a person other than another dealer for the purpose of transportation after repair or rebuilding.

Sec. A-20. 10 MRSA §1474, sub-§1, as repealed and replaced by PL 1985, c. 429, §3, is amended to read:

1. Warranty content. A dealer warrants that the motor vehicle ~~he the dealer~~ sells, negotiates the sale of, offers for sale or transfers to a person other than another dealer has been inspected in accordance with Title ~~29 29-A~~, section ~~2502 1751~~, and with the rules promulgated under that section:

A. That the motor vehicle is in the condition and meets the standards required by that law and the rules; or

B. If the motor vehicle is a reconstructable motor vehicle, that the motor vehicle is in the condition specified in the disclosure statement affixed to the vehicle as required by subsection 4.

Sec. A-21. 10 MRSA §1475, sub-§3, as amended by PL 1993, c. 112, §2, is further amended to read:

3. Written statement. A dealer shall obtain from the seller of a used motor vehicle a written statement containing the following information:

- A. The make, model, model year and any identification or serial numbers of the motor vehicle;
- B. The name and address of the seller, the principal use to which the motor vehicle was put by the seller, such as personal transportation, police car, daily rental car, taxi or other descriptive term;
- C. A statement identifying any and all mechanical defects known to the seller at the time of sale; and
- D. A statement identifying the type of damage, if any, that the vehicle has sustained, such as fire, water or substantial collision damage, if such information is known to the seller.

Any dealer who offers for sale to consumers a repossessed vehicle that has been obtained by the dealer through any transaction other than a retail sale is not subject to the provisions of this subsection.

The seller of the used motor vehicle shall sign this written statement and the dealer who buys the vehicle shall maintain a record of it for one year following the sale of the motor vehicle.

As used in subsections 2 and 3, "substantial collision damage" means any damage to a motor vehicle from a collision when the costs of repair of that damage, at the time of repair, including replacement of mechanical and body parts, exceeded by 3 times the amount of damage that would at the time of the collision have required a report of the collision to a law enforcement agency under the provisions of Title ~~29~~ 29-A, section ~~89~~ 2251.

Sec. A-22. 10 MRSA §1478, sub-§4, as enacted by PL 1985, c. 569, §2, is amended to read:

4. Disclosure at auction. At the time that a motor vehicle or article of equipment is provided to the auction for sale, the disclosure form ~~shall~~ must be attached to that vehicle or equipment in a place visible to the general public. The disclosure form ~~shall~~ must also indicate the last known date on which the vehicle passed inspection pursuant to Title ~~29~~ 29-A, chapter ~~22~~ 15.

- A. In the event that a motor vehicle submitted by a state agency to the state auction does not possess a valid inspection certificate that has been issued within 180 days previous to the auction, the motor vehicle ~~shall be~~ is subject to inspection pursuant to Title ~~29~~ 29-A, chapter ~~22~~ 15. If the motor vehicle passes inspection, a current and valid inspection certificate ~~shall~~ must be affixed to the vehicle.

- B. In the event that a motor vehicle subjected to a vehicle inspection pursuant to this subsection does not pass the inspection, the provision of section 1474, subsection 4 applies to the motor vehicle.

Sec. A-23. 10 MRSA §1661-A, as repealed and replaced by PL 1989, c. 83, §1, is amended to read:

§1661-A. Gasoline stations to provide services for handicapped drivers

Every full-service gasoline station offering self-service pumping at a lesser cost shall require an attendant employed by the station to dispense gasoline to any motor vehicle properly displaying a handicapped placard or special designating plates issued under Title ~~29~~ 29-A, section ~~252~~ 521, when the person to whom the placard or plates have been issued is the operator of the vehicle, the service is requested, the operator has a driver's license designated with a code H, restricted to special equipment, and there is no nonhandicapped adult in the motor vehicle.

Sec. A-24. 10 MRSA §1672, sub-§4, as enacted by PL 1991, c. 836, §3, is amended to read:

4. Motor fuel oil. "Motor fuel oil" means internal combustion fuel sold for use in motor vehicles as defined in Title ~~29~~ 29-A, section ~~1~~ 101, subsection ~~7~~ 42.

Sec. A-25. 11 MRSA §9-302, sub-§(3), ¶(b), as amended by PL 1991, c. 824, Pt. A, §17, is further amended to read:

- (b) The following statutes: Title to motor vehicles, Title ~~29~~ 29-A, chapter ~~24~~ 7, but during any period in which collateral is inventory held for sale by a person who is in the business of selling goods of that kind, the filing provisions of this Article, Part 4, apply to a security interest in that collateral created by that person as debtor; or

Sec. A-26. 12 MRSA §685-A, sub-§3, ¶G, as enacted by PL 1983, c. 114, §2, is amended to read:

- G. Regulate, as necessary, motor vehicles as defined in Title ~~29~~ 29-A, section ~~1~~ 101, subsection ~~7~~ 42, on icebound inland lakes ~~which that~~ are completely encompassed by unorganized territories during the hours from sunset to sunrise of the following day.

Sec. A-27. 12 MRSA §931, as enacted by PL 1981, c. 13, is amended to read:

§931. Access to state-owned parks, camping areas and beaches

Any disabled veteran displaying on ~~his~~ the veteran's motor vehicle special designating plates or placards issued in accordance with Title ~~29~~ 29-A, section ~~252-A~~ shall 523, subsections 1 and 2 may not be assessed a fee for admission to any state-owned park, camping area or beach.

Sec. A-28. 12 MRSA §7759, sub-§3, as amended by PL 1993, c. 567, §1, is further amended to read:

3. Distribution from fund. The first \$10,000 received from the sale of environmental registration plates must be allocated to the Department of Conservation for marketing of the plates. Money distributed from the fund may be used for marketing the plates and for the production and marketing of goods using the environmental plate design. After the Treasurer of State has reimbursed the Secretary of State for costs of producing and issuing environmental registration plates in accordance with Title ~~29~~ 29-A, section ~~252-J~~ 455, the Treasurer of State shall annually distribute the balance in the fund as follows:

A. Sixty percent of the balance must be deposited in the Maine State Parks Fund established in section 610; and

B. Forty percent of the balance must be deposited in the Maine Endangered and Nongame Wildlife Fund established in section 7757.

This subsection is repealed March 31, 1996.

Sec. A-29. 12 MRSA §7827, sub-§23, ¶D, as amended by PL 1993, c. 129, §1, is further amended by amending subparagraph (7) to read:

(7) Notwithstanding subparagraphs (1) to (6), snowmobiles may be operated on the extreme right of a public way within the built-up portion of a municipality, unorganized or unincorporated township if the appropriate governmental unit has designated the public way as a snowmobile-access route for the purpose of allowing snowmobile access to places of business. A public way designated by an appropriate governmental unit as a snowmobile-access route must be posted conspicuously at regular intervals by that governmental unit with highly visible signs designating the snowmobile-access route. Before designating a public way as a snowmobile-access route, the appropriate governmental unit shall make appropriate determinations that snowmobile travel on the extreme right of the public way may be conducted safely

and will not interfere with vehicular traffic on the public way. For purposes of this subparagraph, "appropriate governmental unit" means the Department of Transportation, county commissioners or municipal officers within their respective jurisdictions. The jurisdiction of each appropriate governmental unit over public ways pursuant to this subparagraph is the same as its jurisdiction over the passage of vehicles on public ways pursuant to Title ~~29~~ 29-A, section ~~902~~ 2395. Municipal or county law enforcement officials having jurisdiction have primary enforcement authority over any route established under this subparagraph.

Sec. A-30. 12 MRSA §7851, sub-§2, as amended by PL 1987, c. 619, §1, is further amended to read:

2. All-terrain vehicle. "All-terrain vehicle" means a motor driven, off-road, recreational vehicle capable of cross-country travel on land, snow, ice, marsh, swampland or other natural terrain. It includes, but is not limited to, a multi-track, multi-wheel or low pressure tire vehicle; a motorcycle or related 2-wheel, 3-wheel or belt-driven vehicle; an amphibious machine; or other means of transportation deriving motive power from a source other than muscle or wind. For purposes of this subchapter, "all-terrain vehicle" does not include an automobile as defined in Title ~~29~~ 29-A, section ~~1~~ 101, subsection ~~1-C~~ 7; a ~~motor~~ truck as defined in Title ~~29~~ 29-A, section ~~1~~ 101, subsection ~~6~~ 88; a snowmobile; an airmobile; a construction or logging vehicle used in performance of its common functions; a farm vehicle used for farming purposes; a vehicle used exclusively for emergency, military, law enforcement or fire control purposes.

Sec. A-31. 12 MRSA §7853, sub-§1, as enacted by PL 1985, c. 762, §4, is amended to read:

1. License. No operator's license is required for the operation of an ATV, except as required by Title ~~29~~ 29-A.

Sec. A-32. 12 MRSA §7854, sub-§2, as amended by PL 1985, c. 762, §7, is further amended to read:

2. No registration required. No ATV registration for the farm use specified in Title ~~29~~ 29-A, section ~~242~~ 501, subsection ~~1~~ 8, paragraph ~~E-1~~ E is required for a vehicle registered with the Secretary of State under the provisions of Title ~~29~~ 29-A, section ~~242~~ 501, subsection ~~1~~, paragraph ~~E~~ 8.

Sec. A-33. 12 MRSA §7855, sub-§2, ¶A, as amended by PL 1989, c. 493, §65, is further amended to read:

A. Any dealer licensed under Title ~~29~~ 29-A, section ~~357~~ 954, subsection 2, will not be required to pay the \$15 license fee.

Sec. A-34. 12 MRSA §7857, sub-§5, ¶A, as enacted by PL 1983, c. 297, §§1 and 3, is amended to read:

A. This subsection does not apply to ATV's registered with the Secretary of State under Title ~~29~~ 29-A.

Sec. A-35. 12 MRSA §7857, sub-§13-B, as enacted by PL 1985, c. 762, §14, is amended to read:

13-B. Operating an ATV without protective headgear. Notwithstanding Title ~~29~~ 29-A, section ~~1376~~ 2083, a person is guilty of operating an ATV without protective headgear, if ~~he~~ that person is under 18 years of age and operates an ATV without protective headgear.

Sec. A-36. 12 MRSA §7857, sub-§13-C, as enacted by PL 1993, c. 438, §39, is amended to read:

13-C. Carrying a passenger on an ATV without headgear. Notwithstanding Title ~~29~~ 29-A, section ~~1376~~ 2083, a person is guilty of carrying a passenger on an ATV without protective headgear, if that person carries a passenger under 18 years of age on an ATV and the passenger is not wearing protective headgear.

Sec. A-37. 14 MRSA §3125-A, as enacted by PL 1991, c. 699, §1, is amended to read:

§3125-A. Debtor subject to loss or suspension of right to operate or register a motor vehicle

A judgment debtor subject to suspension or loss of the right to operate or register a motor vehicle under Title ~~29~~ 29-A, section ~~783~~ 2251, subsection ~~2~~, ~~paragraph F~~ 10 may request a disclosure hearing on the issue of how to satisfy the judgment. The court may enter an order for an installment payment agreement in the manner agreed upon by the parties or a modified order in accord with the factors set forth in section 3128. If the parties fail to reach an agreement for an order, the judgment debtor may ask the court for the entry of an installment payment agreement in consideration of those factors.

Sec. A-38. 14 MRSA §3131, sub-§9, ¶D, as enacted by PL 1987, c. 184, §14, is amended to read:

D. If the property is a motor vehicle for which a certificate of title is required, the time when an attested copy of the turnover or sale order is delivered to the office of the Secretary of State where notice would be delivered pursuant to Title ~~29~~ 29-A, section ~~2374~~ 665, subsection 1; or

Sec. A-39. 14 MRSA §3141, sub-§3, as amended by PL 1987, c. 708, §11, is further amended to read:

3. Immediate payment. When a court has imposed a fine, as described in subsection 1, the imposition of such a fine constitutes an order to pay the full amount of the fine in accordance with this chapter. Following imposition of the fine, the court shall inform the defendant that full payment of the fine is due immediately and shall inquire of the defendant what arrangements ~~he~~ the defendant has made to comply with the court's order to pay the fine. Without utilizing the provisions of subsection 4, the court may allow the defendant a period of time, not to extend beyond the time of the close of the clerk's office on that day, within which to return to the court and tender payment of the fine. If the defendant fails to appear as directed, the court shall issue a civil order of arrest. The arrest order ~~shall~~ must be carried out by the sheriff as a civil order of arrest is carried out under section 3135. If the underlying offense involves any violation of Title 23, section 1980; Title 28-A, section 2052; or Title ~~29~~ 29-A, the court shall also, upon the defendant's failure to appear, suspend the defendant's license or permit to operate motor vehicles in this State and the right to apply for or obtain a license or permit to operate a motor vehicle in this State.

If the defendant claims an inability to pay the fine, the court shall inquire into the defendant's ability to pay and shall make a determination of the defendant's financial ability to pay the fine. If the court finds that the defendant has the financial ability to make immediate payment of the fine in full, the court shall order ~~him~~ the defendant to pay the fine. Failure or refusal to pay as ordered by the court ~~shall subject~~ subjects the defendant to the contempt procedures provided in section 3142.

Sec. A-40. 14 MRSA §3141, sub-§7, as amended by PL 1991, c. 548, Pt. A, §4, is further amended to read:

7. Remedies. Failure to pay by the date fixed by the court's order or an amended order subjects the defendant to the contempt procedures provided in section 3142, suspensions under Title ~~29~~ 29-A, section ~~2304-A~~ 2605, and all procedures for collections provided for in sections 3127-A, 3127-B, 3131, 3132, 3134, 3135 and 3136. An installment agreement under this section must be considered an agreement under section 3125, and a court order to pay under

section 3127. In addition to other penalties provided by law, the court may impose on the defendant reasonable costs for any failure to appear.

Sec. A-41. 14 MRSA §4651-A, sub-§3, as enacted by PL 1987, c. 184, §23, is amended to read:

3. Lien on motor vehicles. The filing of an execution duly issued by any court of this State or an attested copy thereof where a proof of transfer would be delivered pursuant to Title ~~29~~ 29-A, section ~~2374~~ 665, subsection 1, and delivery of an application pursuant to Title ~~29~~ 29-A, section ~~2376~~ 657, within one year after issuance of the execution ~~shall create~~ creates a lien in favor of each judgment creditor upon the right, title and interest of each judgment debtor in any motor vehicle for which a title certificate must be obtained pursuant to Title ~~29~~ 29-A, chapter ~~24~~ 7.

Sec. A-42. 14 MRSA §6661, as amended by PL 1977, c. 78, §112, is further amended to read:

§6661. Application

Sections 6659 and 6660 ~~shall~~ apply only in built-up areas as defined in Title ~~29~~ 29-A, section ~~4252~~ 2074, subsection 3, ~~paragraph A~~ 2 in such cities and towns whose population exceeds 5,000 according to the last Federal Decennial Census.

Sec. A-43. 14 MRSA §8104-A, sub-§1, ¶¶A, B and C, as enacted by PL 1987, c. 740, §4, are amended to read:

A. Motor vehicle, as defined in Title ~~29~~ 29-A, section ~~4~~ 101, subsection ~~7~~ 42;

B. Special mobile equipment, as defined in Title ~~29~~ 29-A, section ~~4~~ 101, subsection ~~14~~ 70;

C. Trailers, as defined in Title ~~29~~ 29-A, section ~~4~~ 101, subsection ~~18~~ 86;

Sec. A-44. 15 MRSA §1102, as enacted by PL 1987, c. 758, §20, is amended to read:

§1102. Detention of juveniles charged as adults

Unless they have attained their 18th birthday, persons who are arrested for crimes defined under Title 12 or Title ~~29~~ 29-A, ~~which that~~ are not juvenile crimes as defined in section 3103, may not be detained unless a juvenile caseworker has been notified within 2 hours after the person's arrest and has approved the detention. Section 3203-A, subsection 7, paragraphs A and B, governing the facilities in which juveniles may be detained, apply to any detention of such juveniles following arrest.

Sec. A-45. 15 MRSA §3103, sub-§1, ¶A, as amended by PL 1981, c. 679, §2, is further amended to read:

A. Conduct ~~which that~~, if committed by an adult, would be defined as criminal by Title 17-A, the Maine Criminal Code, or by any other criminal statute outside that code, including any rule or regulation under a statute, except for those provisions of Titles 12 and ~~29~~ 29-A not specifically included in paragraphs E and F;

Sec. A-46. 15 MRSA §3103, sub-§1, ¶F, as affected by PL 1991, c. 516, §3, is amended to read:

F. The criminal violation of operating a motor vehicle under the influence of intoxicating liquor or drugs or with an excessive blood-alcohol level, as defined in Title ~~29~~ 29-A, section ~~4342-B~~ 2411 and offenses defined in Title ~~29~~ 29-A as Class B or C crimes.

Sec. A-47. 15 MRSA §3308, sub-§6, as amended by PL 1981, c. 679, §8, is further amended to read:

6. Records to Secretary of State. Whenever a juvenile has been adjudicated as having committed a juvenile crime involving the operation of a motor vehicle, the court shall forthwith transmit to the Secretary of State an abstract, duly certified, setting forth the name of the juvenile, the offense, the date of the offense, the date of the adjudicatory hearing and any other pertinent facts. These records ~~shall be~~ are admissible in evidence in hearings conducted by the Secretary of State or any of ~~his~~ the Secretary of State's deputies and ~~shall be~~ are open to public inspection.

Nothing in this Part may be construed to limit the authority of the Secretary of State, pursuant to Title ~~29~~ 29-A, to suspend a person's license or permit to operate a motor vehicle, right to operate a motor vehicle or right to apply for or obtain a license.

Sec. A-48. 15 MRSA §3314, sub-§3, ¶A, as amended by PL 1993, c. 658, §2, is further amended to read:

A. For an adjudication under section 3103, subsection 1, paragraph F, the juvenile's license or permit to operate a motor vehicle, right to operate a motor vehicle or right to apply for or obtain a license must be suspended by the court for a period of 180 days. The period of suspension may not be suspended by the court. The court shall give notice of the suspension and take physical custody of an operator's license or permit as provided in Title ~~29~~ 29-A, section ~~2241-H~~ 2434. The court shall immediately transmit a certified abstract of the suspension to the Secretary of State. A further suspension may be imposed by the Secretary of State pursuant to Title ~~29~~ 29-A, section ~~4342-D~~ 2451, subsection ~~4-B~~ 3.

Sec. A-49. 15 MRSA §3314, sub-§3-A, as enacted by PL 1989, c. 850, §1, is amended to read:

3-A. Operator's license suspension for drug offenses. The court may suspend for a period of 6 months the license or permit to operate, right to operate a motor vehicle and right to apply for and obtain a license of any person who violates Title 17-A, chapter 45, or Title 22, section 2383, and is adjudicated pursuant to this chapter to have committed a juvenile crime.

The court shall give notice of suspension and take physical custody of an operator's license or permit as provided in Title ~~29 29-A~~, section ~~2241-H 2434~~. The court shall immediately forward the operator's license and a certified abstract of suspension to the Secretary of State.

Sec. A-50. 15 MRSA §5823, sub-§3, as enacted by PL 1987, c. 428, §2, is amended to read:

3. Defaced or missing identification numbers. Any vehicle disposed of under this section ~~which that~~ does not have a vehicle identification number or the number is illegible ~~shall~~ must be issued a special number by the Secretary of State under Title ~~29 29-A~~, section ~~403 407~~.

Sec. A-51. 17 MRSA §2264, sub-§5, as repealed and replaced by PL 1993, c. 349, §39, is amended to read:

5. Vehicle operator. From a vehicle. When any litter is thrown or discarded from a vehicle, both the operator of the vehicle, unless it is a vehicle being used for the carriage of passengers for hire, and the person actually disposing of the litter are in violation of this section. The violation is a ~~civil violation~~ traffic infraction under Title ~~29 29-A~~, chapter ~~49 23~~, subchapter VI. This penalty is in addition to any penalty under section 2264-A.

A record of a violation of this subsection must be forwarded to the Secretary of State who, in accordance with Title ~~29 29-A~~, section ~~2304 2607~~, shall add the violation to the department's point system. The violation is counted in determining an individual's total points under the point system of the Bureau of Motor Vehicles.

Sec. A-52. 17 MRSA §2267-A, sub-§4, as enacted by PL 1981, c. 578, is amended to read:

4. Financial responsibility. A conviction or adjudication of any person for a violation of this section ~~shall constitute~~ constitutes a violation of state law relative to motor vehicles to which Title ~~29 29-A~~, chapter ~~9 13~~ applies.

Sec. A-53. 17 MRSA §2802, as amended by PL 1979, c. 472, §3, is further amended to read:

§2802. Miscellaneous nuisances

The erection, continuance or use of any building or place for the exercise of a trade, employment or manufacture which, by noxious exhalations, offensive smells or other annoyances, becomes injurious and dangerous to the health, comfort or property of individuals, or of the public; causing or permitting abandoned wells or tin mining shafts to remain unfilled or uncovered to the injury or prejudice of others; causing or suffering any offal, filth or noisome substance to collect, or to remain in any place to the prejudice of others; obstructing or impeding, without legal authority, the passage of any navigable river, harbor or collection of water; corrupting or rendering unwholesome or impure the water of a river, stream, pond or aquifer; unlawfully diverting it from its natural course or state, to the injury or prejudice of others; and the obstructing or encumbering by fences, buildings or otherwise, of highways, private ways, streets, alleys, commons, common landing places or burying grounds are nuisances within the limitations and exceptions mentioned. Any places where one or more old, discarded, worn out or junked motor vehicles as defined in Title ~~29 29-A~~, section ~~4 101~~, subsection ~~7 42~~, or parts thereof, are gathered together, kept, deposited or allowed to accumulate, in such manner or in such location or situation, either within or without the limits of any highway, as to be unsightly, detracting from the natural scenery or injurious to the comfort and happiness of individuals and the public, and injurious to property rights, are declared to be public nuisances.

Sec. A-54. 17 MRSA §2872, as amended by PL 1987, c. 676, §1, is further amended to read:

§2872. Employees transporting minors

No person may be employed in any preschool facility in any capacity ~~which that~~ involves the transporting of minors by means of motor vehicle if the person, prior to commencement of that employment, has been convicted of a violation of former Title 29, ~~former~~ section 1312, subsection 10; section 1312-B or 1312-C; ~~or~~ Title 15, section 3103, subsection 1, paragraph F; or Title 29-A, section 2411 within the preceding 6-year period.

Sec. A-55. 17 MRSA §3203, as amended by PL 1979, c. 127, §124, is further amended to read:

§3203. Sales of motor vehicles and mobile homes prohibited

Any person who ~~shall carry~~ carries on or engage engages in the business of buying, selling, exchanging, dealing or trading in new or used motor vehicles;

or who ~~shall open~~ opens any place of business or lot ~~wherein he in which that person~~ attempts to or does engage in the business of buying, selling, exchanging, dealing or trading in new or used motor vehicles; or who does buy, sell, exchange, deal or trade in new or used motor vehicles as a business on the first day of the week, commonly known and designated as Sunday, is a disorderly person. Such a disorderly person upon conviction for the first offense ~~shall~~ must be punished by a fine of not more than \$100 or by imprisonment for not more than 10 days, or by both; and for the 2nd offense ~~shall~~ must be punished by a fine of not more than \$500 or by imprisonment for not more than 30 days, or by both; and for the 3rd or each subsequent offense ~~shall~~ must be punished by a fine of not more than \$750 or by imprisonment for not more than 6 months, or by both. If the person is the holder of dealer or transporter registration plates under Title ~~29 29-A~~, chapter ~~5 9~~, ~~subchapter III-A~~, such person ~~shall be~~ is subject to the suspension or revocation of ~~said those~~ plates, as provided for in Title ~~29 29-A~~, section ~~350-A 903~~, for the violation of this section.

Sec. A-56. 17-A MRSA §17, sub-§1, as amended by PL 1991, c. 733, §5, is further amended to read:

1. A law enforcement officer who has probable cause to believe that a civil violation has been committed by a person must issue or have delivered a written summons to that person directing the person to appear in the District Court to answer the allegation that the person has committed the violation. The summons must include the signature of the officer, a brief description of the alleged violation, the time and place of the alleged violation and the time, place and date the person is to appear in court. The form used must be the Violation Summons and Complaint, as prescribed in Title ~~29 29-A~~, section ~~2300 2601~~, for traffic infractions and the Uniform Summons and Complaint for other civil violations, except that, if the agency by whom the officer is employed has on May 1, 1991 current stocks of forms that the agency is authorized to use, the agency may permit officers to use those forms in place of the Uniform Summons and Complaint until those stocks are depleted. A person to whom a summons is issued or delivered must give a written promise to appear. If the person refuses to sign the summons after having been ordered to do so by a law enforcement officer, the person commits a Class E crime. The law enforcement officer may not order a person to sign the summons for a civil violation unless the civil violation is an offense defined in Title 12; Title 23, section 1980; Title 28-A, section 2052; or Title ~~29 29-A~~.

Every law enforcement officer issuing a Violation Summons and Complaint charging the commission of a traffic infraction shall file the original of the Violation Summons and Complaint with the violations

bureau within 5 days of the issuance of that Violation Summons and Complaint. Every law enforcement officer issuing a Uniform Summons and Complaint that charges the commission of an offense shall file the original of the Uniform Summons and Complaint with the District Court having jurisdiction over the offense or in such other location as instructed by the Chief Judge of the District Court without undue delay and, in any event, within 5 days after the issuance of the Uniform Summons and Complaint.

Sec. A-57. 17-A MRSA §1057, sub-§5, as enacted by PL 1989, c. 917, §2, is amended to read:

5. For purposes of this section, "under the influence of intoxicating liquor or drugs or a combination of liquor and drugs or with an excessive blood-alcohol level" has the same meaning as ~~specified~~ "under the influence of intoxicants" as defined in Title 29 29-A, section 1312-B 2401, subsection 4 13. "Excessive blood-alcohol level" means 0.08% or more by weight of alcohol in the blood. Standards, tests and procedures applicable in determining whether a person is under the influence or has an excessive blood-alcohol level within the meaning of this section are those applicable pursuant to Title ~~29 29-A~~, ~~section 1312-B~~ sections 2411 and 2431; except that the suspension of a permit to carry concealed firearms issued pursuant to Title 25, chapter 252, or of the authority of a private investigator licensed to carry a concealed firearm pursuant to Title 32, chapter 89, is as provided in those chapters.

Sec. A-58. 17-A MRSA §1105, sub-§1, ¶E, as amended by PL 1989, c. 924, §10, is further amended to read:

E. A person violates section 1103, and, at the time of the offense, the person is on a school bus or on or within 1,000 feet of the real property comprising a private or public elementary or secondary school. For purposes of this paragraph, "school bus" has the same meaning as set forth in Title ~~29 29-A~~, section ~~2044 2301~~, subsection ~~2 5~~; or

Sec. A-59. 22 MRSA §567, sub-§1, as amended by PL 1993, c. 537, §2, is further amended to read:

1. **Acceptable data.** Except as provided in this subsection, 6 months after the adoption of rules specified in subsection 2, certification is required of any commercial, industrial, municipal, state or federal laboratory that analyzes water, soil, air, solid or hazardous waste, or radiological samples for the use of programs of the department or the Department of Environmental Protection, except as provided under chapter 411, the Maine Medical Laboratory Act; Title 26, chapter 7, subchapter III-A, Substance Abuse Testing; and Title ~~29 29-A~~, section ~~1312 2524~~,

~~subsection 6,~~ administration of tests to determine blood-alcohol level or drug concentration. A laboratory operated by a waste discharge facility licensed pursuant to Title 38, section 413 may analyze waste discharges for total suspended solids, settleable solids, biological or biochemical oxygen demand, chemical oxygen demand, pH, chlorine residual, fecal coliform, E. coli, conductivity, color, temperature and dissolved oxygen without being certified under this section.

Sec. A-60. 22 MRSA §2906, sub-§4, as enacted by PL 1991, c. 823, §2 and affected by §7, is amended to read:

4. Driver's license. A gift on an organ donor card pursuant to Title ~~29 29-A~~, section ~~540-C 1402~~ may be revoked by destroying, cancelling or mutilating the organ donor card and pouch.

Sec. A-61. 23 MRSA §306, as amended by PL 1971, c. 593, §22, is further amended to read:

§306. Application of provisions

This chapter ~~shall~~ does not apply to highways other than those in the state highway system as designated by the department nor to those in the compact or built-up areas of any city or town as defined in Title ~~29 29-A~~, section ~~4252 2074~~, subsection 2, except with the approval of the municipal officers of the city or town wherein such compact or built-up area is situated.

Sec. A-62. 23 MRSA §1653, first ¶, as amended by PL 1971, c. 593, §22, is further amended to read:

All revenue received by the State from the registration of motor vehicles and the licensing of operators thereof, from the tax imposed on internal combustion engine fuel, from fines, forfeitures and costs accruing to the State under Title ~~29 29-A~~, section ~~2302 2602~~, and from permits granted by the department to open highways ~~shall~~ must be segregated, allocated to and become part of the General Highway Fund created and existing by statute, and after payment and deduction from such fund of such sums as are necessary to meet all provisions of bond issues for state highway and bridge construction, the remainder of such fund ~~shall~~ must be apportioned and expended solely:

Sec. A-63. 23 MRSA §1973, sub-§3, as amended by PL 1993, c. 698, §1, is further amended to read:

3. Tolls. Tolls, or the fixing of tolls, is not rulemaking and is not subject to supervision or regulation by any state commission, board or agency. Subject to subsection 4, the authority may fix and revise from time to time tolls for the use of the

turnpike and the different parts or sections of the turnpike, and charge and collect the tolls, and contract with any person, partnership, association or corporation desiring the use of any part of the turnpike, including the right-of-way adjoining the paved portion. The tolls must be so fixed and adjusted as to provide a fund at least sufficient with other revenues of the turnpike, if any, to pay for each fiscal year:

A. The cost of maintaining, repairing and operating the turnpike, and providing and maintaining reasonable reserves for those costs;

B. The bonds and the interest on those bonds, and all sinking fund requirements, and other requirements provided by the resolution authorizing issuance of the bonds or by the trust indenture or loan or a security agreement as those bonds, interest, sinking fund requirements and other requirements become due;

C. Those sums for the purpose of maintaining, constructing or reconstructing access roads or portions of access roads that have been requested by the department and in the sole discretion of the authority are from time to time determined to warrant the expenditure of turnpike revenues; and

D. The cost of maintaining, constructing or reconstructing interchanges.

The authority may use any method for assessing and collecting tolls, including but not limited to toll tickets, barrier toll facilities, billing accounts, commuter passes and electronic recording or identification devices. The display of a recording or identification device issued or authorized by the authority for these purposes on or near the windshield of a motor vehicle is not a violation of a law or rule, including but not limited to Title ~~29 29-A~~, sections ~~4369, 4369-A 1916~~ and ~~4370 2082~~, unless the device is attached in a way that obstructs the driver's clear view of the highway or an intersecting highway.

Sec. A-64. 23 MRSA §1980, sub-§2-A, ¶¶B, E and G, as enacted by PL 1993, c. 698, §2, are amended to read:

B. As used in this subsection, unless the context otherwise indicates, the following terms have the following meanings.

(1) "Electronic toll collection system" means a system of collecting tolls or charges that is capable of charging an account holder for the appropriate toll by transmission of information between a device on a motor vehicle and a toll collection facility.

(2) "Pay" means paying a toll by cash, by permitting a charge against a valid account with the authority or by another means of payment approved by the authority at the time.

(3) "Photo-monitoring system" means a motor vehicle sensor installed to work in conjunction with a toll collection facility that automatically produces a photograph, microphotograph, videotape or other recorded image of a motor vehicle when the operator of the motor vehicle fails to pay a toll.

(4) "Registered owner" means a person in whose name a motor vehicle is registered under the law of a jurisdiction, including a person issued a dealer or transporter registration plate, except as provided in paragraph E, and a person deemed to be a registered owner under the provisions of paragraph E.

(5) "Toll" or "tolls" means tolls or charges prescribed by the authority for the use of the turnpike.

Definitions of terms included in Title ~~29~~ 29-A, section ~~4~~ 101 apply to terms used in this subsection that are not specifically defined in this subsection.

E. Defenses to liability under this subsection are as follows.

(1) If a person other than the registered owner of the motor vehicle is adjudicated criminally or civilly responsible for the failure to pay an authority toll, then the registered owner is not liable under this subsection.

(2) If the registered owner is the lessor of motor vehicles and at the time of the failure to pay an authority toll the motor vehicle was in the possession of a lessee and the lessor provides the authority with a copy of the lease agreement containing the information required by Title ~~29~~ 29-A, section ~~904~~ 254, then the lessee, and not the lessor, is liable under this subsection.

(3) If the motor vehicle is operated using a dealer or transporter registration plate and at the time of the failure to pay the motor vehicle was under the custody or control of a person other than the dealer or transporter, and if the dealer or transporter provides the authority with the name and address of the person who had custody or

control over the motor vehicle at the time of the failure to pay, then that person and not the dealer or transporter is liable under this subsection.

(4) If a report that the motor vehicle was stolen is given to a law enforcement officer or agency before the failure to pay occurs or within a reasonable time after the registered owner becomes aware of the theft, then the registered owner is not liable under this subsection.

G. If a registered owner does not satisfy a judgment under this subsection within 30 days after final adjudication of liability under paragraph C, in addition to any other method for enforcing the judgment, upon petition by the authority, the adjudicating court shall order the suspension of the registration for the vehicle involved in the failure to pay and forward the suspension to the Secretary of State. The Secretary of State shall proceed, in accordance with Title ~~29~~ 29-A, section ~~55-B~~ 154, subsection 6, to mail the required 10-day notice and suspend the registration certificate and plates issued for the vehicle in question. A notice under this paragraph is not effective with respect to a vehicle described in paragraph E, subparagraphs (1) to (4).

Sec. A-65. 23 MRSA §3022, 4th ¶, as repealed and replaced by PL 1979, c. 127, §153, is amended to read:

After a public easement has been laid out, it may be taken pursuant to section 3023. Notwithstanding any other provision of this chapter, public easements laid out under this section ~~shall be~~ are limited to rights of access by foot or motor vehicle as defined in Title ~~29~~ 29-A, section ~~4~~ 101, subsection 42.

Sec. A-66. 23 MRSA §4206, sub-§9, as amended by PL 1987, c. 109, is further amended to read:

9. Experimental vehicle permits. The Commissioner of Transportation, with the advice of the Commissioner of Public Safety and the Director of Motor Vehicles, may establish a program providing for the issuance of temporary experimental vehicle permits on a discretionary basis, each for a period not exceeding 2 years, upon proper application in writing from a trucker representing a significant sector of the trucking industry. The permits are to provide for the operation and the evaluation of the operation of experimental vehicles ~~which~~ that have a length, width, height, weight and other conditions beyond that specified in Title ~~29~~ 29-A, over any nonlimited way or bridge. These permits ~~shall~~ must carry no fee. Registration ~~shall~~ must be assessed for the applicable road limit exclusive of general or special commodity permits,

despite expected operation beyond these limits, in an experimental mode. Multistate experiments are to be encouraged. Registration in another state in the context of a regional multistate experiment will be honored without the necessity of acquiring a Maine registration. These permits ~~shall only~~ may be granted only within the context of a structured joint industry-government evaluation program, including preparatory off-road performance tests, strictly controlled operational testing on the highway system and both in-process and final evaluation reports covering productivity, operating characteristics and safety. Additional reports may be required by the commissioner if ~~deemed~~ considered necessary during the experimental phase. The Commissioner of Transportation shall issue these permits on a limited basis and only if ~~he~~ the commissioner judges that a significant potential exists for increased productivity without undue compromise in safety by the eventual legal general operation of the experimental vehicle, without permit, on the highway system. No commitment to that eventual operation is implied by the issuance of the temporary experimental vehicle permit. The Commissioner of Transportation shall ratify, at ~~his~~ the commissioner's discretion, all conditions of the experimental programs proposed, including, but not limited to, preparatory off-road vehicle tests, time limits, vehicle dimensions, axle and gross weight limits, routing, insurance and reporting provisions. The commissioner may terminate any evaluation at any time if in ~~his~~ the commissioner's judgment the operation of the vehicle poses an undue threat to public safety or the integrity of the highway system or if the conditions of the permit are violated.

The commissioner shall submit a report biennially to the joint standing committee of the Legislature having jurisdiction over transportation before the first regular session of each Legislature. This report ~~shall~~ must discuss the progress of any experimental vehicle evaluations and contain recommendations, if any, for legislation leading to their eventual general use on the highway system.

Sec. A-67. 24-A MRSA §2303-A, as enacted by PL 1989, c. 366, §1, is amended to read:

§2303-A. Surcharge

No insurer may surcharge a motor vehicle insurance policy based on a motor vehicle operator's license suspension when that suspension is pursuant to Title ~~29~~ 29-A, section ~~2241-G~~ 2472, subsection ~~2~~ 3, paragraph B, ~~subparagraph (2)~~, except in accordance with this section. If the person had a blood-alcohol level of at least 0.05%, but less than 0.08% by weight, the surcharge ~~shall be~~ is limited to 20%. If the person had a blood-alcohol level of at least 0.02% but less than 0.05% by weight, the surcharge ~~shall be~~ is limited to 10%. If the policy covers multiple vehicles, the

surcharge may ~~only~~ be applied only to that portion of the rate attributable to a single vehicle.

Sec. A-68. 24-A MRSA §2902, sub-§2, as amended by PL 1975, c. 676, is further amended to read:

2. The amount of coverage to be so provided ~~shall~~ may not be less than the minimum limits for bodily injury liability insurance provided for under Title ~~29~~ 29-A, section ~~787~~ 1605, subsection 1.

Sec. A-69. 24-A MRSA §2902-B, as reallocated by PL 1985, c. 737, Pt. A, §60, is amended to read:

§2902-B. Motorcycle passenger exclusion

No insurer may sell or renew, on or after January 1, 1986, a liability insurance policy covering a motorcycle, as defined in Title ~~29~~ 29-A, section ~~4~~ 101, subsection ~~4~~ 38, that excludes coverage for injuries sustained by passengers on the insured's motorcycle unless the insurer notifies the bureau in writing of its utilization of the exclusion, the insurer notifies each of its licensed agents within the State of its utilization of the exclusion and the exclusion is provided by a separate endorsement to the insured's policy. An exclusion that does not meet the requirements of this section ~~shall be~~ is invalid and of no effect.

Sec. A-70. 24-A MRSA §2909, sub-§§2 and 3, as enacted by PL 1989, c. 261, §1, are amended to read:

2. The superintendent ~~shall~~ may not approve any policy required pursuant to Title ~~29~~ 29-A, section ~~832~~ 1612, unless coverage is provided for both the owner and operator of the motor vehicle.

3. The owner's policy must provide primary coverage up to the limits specified in Title ~~29~~ 29-A, section ~~832~~ 1612. Any other valid and collectible insurance policy available to an operator who is not the owner must provide excess coverage.

Sec. A-71. 24-A MRSA §2914, sub-§4, as amended by PL 1993, c. 93, §2, is further amended to read:

4. The named insured or any operator who either resides in the same household or customarily operates an automobile insured under the policy has a driver's license suspended, other than a first or 2nd suspension under Title ~~29~~ 29-A, section ~~2241-G~~ 2471, subsection ~~1 and 2~~ or section 2472, subsection ~~2, paragraph A~~ or a suspension under Title 28-A, section 2052, or revoked during the policy term or, if the policy is a renewal, during its term or the 180 days immediately preceding its effective date.

Sec. A-72. 24-A MRSA §2938-A, first ¶, as enacted by PL 1989, c. 192, §4, is amended to read:

The insurer shall file with the superintendent its underwriting rules pertaining to eligibility for the mass marketing plan. No insurer may use underwriting standards for individual risk selection in a mass marketing plan ~~which that~~ are, on the whole, more restrictive than the standards used by that insurer for individual risk selection in the sale of the same kind of insurance in this State other than pursuant to mass marketing plans. If an insurer does not sell that kind of insurance in this State other than pursuant to mass marketing plans, its underwriting standards for individual risk selection in those plans ~~shall~~, on the whole, may be no more restrictive than the standards used by its principal affiliate, if any, for individual risk selection in the sale of that kind of insurance in this State other than pursuant to mass marketing plans. With respect to motor vehicle insurance, all policies issued under the mass marketing plans ~~shall~~ must provide at least the financial responsibility limits of coverage stated in Title ~~29 29-A~~, section ~~781 1605~~, subsection 1, ~~paragraph D~~.

Sec. A-73. 25 MRSA §1541, sub-§4-A, as enacted by PL 1987, c. 512, §1, is amended to read:

4-A. Responsibility. The commanding officer shall collect and maintain fingerprints and other criminal history record information pertinent to the identification of individuals who have been arrested as fugitives from justice or who have been arrested or charged with any criminal offense under the laws of this State, except a violation of Title 12 or ~~29 29-A~~. The commanding officer may collect and maintain fingerprints and other criminal history record information that may be related to other offenses or to the performance of ~~his~~ the commanding officer's obligations under state laws and under agreements with agencies of the United States or any other jurisdiction.

Sec. A-74. 25 MRSA §1542-A, sub-§1, ¶A, as enacted by PL 1987, c. 512, §3, is amended to read:

A. Charged with the commission of a criminal offense other than a crime found in Title 12 or ~~29 29-A~~;

Sec. A-75. 25 MRSA §1542-A, sub-§5, ¶B, as enacted by PL 1987, c. 512, §3, is amended to read:

B. Charged with the commission of a criminal offense found in Title 12 or ~~29 29-A~~;

Sec. A-76. 25 MRSA §1547, as repealed and replaced by PL 1987, c. 281, §3, is amended to read:

§1547. Courts to submit criminal records to the State Bureau of Identification

At the conclusion of any prosecution for any criminal offense, except a violation of Title 12 or Title ~~29 29-A~~, the clerk of the court shall transmit to the State Bureau of Identification an abstract duly certified on the form provided by the bureau.

Sec. A-77. 25 MRSA §2005-A, sub-§3, as enacted by PL 1989, c. 917, §16, is amended to read:

3. Suspension in effect during pendency. The suspension remains in effect until the entry of judgment if charges are filed of violating Title 17-A, section 1057 or of operating a motor vehicle, snowmobile, ATV, or watercraft under the influence of intoxicating liquor or drugs, unless it is determined by the court in which the criminal charge or civil violation is pending, or by the Secretary of State if a hearing is held pursuant to Title ~~29 29-A~~, section ~~1312 2521, 2522 or 2523~~, that the law enforcement officer did not have probable cause to require the permit holder to submit to chemical testing.

Sec. A-78. 25 MRSA §3902, sub-§1, as enacted by PL 1987, c. 45, Pt. A, §2, is amended to read:

1. Enforcement duties. A liquor enforcement officer appointed under section 3901 shall enforce the provisions of Title 17, chapter 69, Title 28-A and of Title ~~29 29-A~~, section ~~2182 2102~~.

Sec. A-79. 28-A MRSA §706, sub-§1, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

1. Acceptable identification. A licensee may refuse to serve liquor to any person who fails to display upon request an identification card issued under Title 5, section 88-A, or a motor vehicle operator's license bearing the photograph of the operator and issued under Title ~~29 29-A~~, chapter ~~7 11~~.

Sec. A-80. 28-A MRSA §2053, sub-§1, as repealed and replaced by PL 1993, c. 93, §4, is amended to read:

1. Court shall suspend license. The court shall suspend the operator's license or right to operate, or right to obtain a license, of a minor found in violation of section 2052 as follows:

- A. Thirty days for the first offense;
- B. Ninety days for the 2nd offense; and
- C. One year for any subsequent offense.

The court shall immediately forward the license to the Secretary of State together with the record of adjudi-

cation on the form furnished for reporting convictions and adjudications for violations of Title 29 29-A.

Sec. A-81. 28-A MRSA §2053, sub-§3, as amended by PL 1993, c. 93, §6, is further amended to read:

3. Secretary of State shall suspend license. Immediately upon receipt of the record, the Secretary of State shall suspend the license, or right to operate, or right to obtain a license, of the minor for the required period, without further hearing. The Secretary of State shall also assign demerit points according to Title 29 29-A, section ~~2244~~ 2458, subsection ~~2~~ 3.

Sec. A-82. 28-A MRSA §2212, as amended by PL 1987, c. 644, §1, is further amended to read:

§2212. State liquor enforcement officers' vehicles

Notwithstanding the provisions of Title 29 29-A, section ~~1362~~ 1903, motor vehicles operated by state liquor enforcement officers may be equipped with sirens. As provided in Title 29 29-A, section ~~1367-B~~ 2054, those vehicles may be equipped with lights ~~which~~ that emit a blue beam of light. The equipment permitted by this section may be used only to discharge law enforcement responsibilities in connection with this Title and Title 29 29-A, sections ~~1312~~ and 1312-B section 2411.

Sec. A-83. 29-A MRSA §109, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Formal agreements. The Secretary of State, after determining that like privileges are granted by a state jurisdiction of the United States or province, shall enter into a written agreement with that state jurisdiction of the United States or province setting forth the conditions under which residents of that jurisdiction engaged in interstate commerce operations in and through this State are exempt from the registration and licensing laws of this State.

Sec. A-84. 29-A MRSA §154, sub-§6 is enacted to read:

6. Recovery of turnpike tolls. Upon receipt of an order of suspension from the court in accordance with Title 23, section 1980, subsection 2-A, paragraph G, the Secretary of State shall promptly mail a notice to the person liable under that subsection for unpaid Maine Turnpike Authority tolls, warning the person that, if the amount due the Maine Turnpike Authority is not paid within 10 days from the date of mailing the notice, suspension of the registration certificate and plates issued for the vehicle in question will result. If the person fails to pay the required amount within 10 days after mailing of the notice, the Secretary of State

shall suspend, pursuant to chapter 23, the registration certificate and plates issued for the vehicle in question. This subsection takes effect July 1, 1995.

Sec. A-85. 29-A MRSA §252, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Reports furnished to commercial users; fee. The Secretary of State shall furnish reports of records pertaining to convictions, adjudications, accidents, suspensions, revocations and other information required by commercial users to individuals for a fee of \$4 each. Certified copies are an additional \$1. A person receiving a report by electronic transmittal must pay the fee associated with that transmittal.

Sec. A-86. 29-A MRSA §451, sub-§4, ¶D, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

D. A new registration plate must have:

- (1) A white background;
- (2) Identification numbers, and letters ~~and the border~~ distinctly navy blue; and
- (3) An illustration of a lobster distinctly lobster red.

Sec. A-87. 29-A MRSA §455, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Issuance of environmental registration plates. The Secretary of State, upon receiving an application and evidence of payment of the excise tax required by Title 36, the registration fee required by this Title and the contribution to the Maine Environmental Trust Fund provided for in subsection 4, shall issue a registration certificate and a set of environmental registration plates to be used in lieu of regular registration plates. The Secretary of State may issue environmental registration plates to a vehicle in any registration class if the designated registration plate for that class does not preclude its use in conjunction with the environmental registration plate design. The Secretary of State may issue environmental registration plates to certain state-owned vehicles in accordance with section 517.

Sec. A-88. 29-A MRSA §455, sub-§6 is enacted to read:

6. Proceeds from sale of products using the environmental plate design. All proceeds from the sale of products using the environmental registration plate design must be deposited with the Treasurer of State and credited to the Maine Environmental Trust Fund.

Sec. A-89. 29-A MRSA §501, sub-§10, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended by amending the first paragraph to read:

10. Off-highway vehicles. The Secretary of State may issue, on application and the payment of a fee of \$25, a special registration permit authorizing the limited operation on a way of trucks ~~and~~ ^a truck tractors and Class B special mobile equipment that are otherwise used exclusively for off-highway purposes. The following provisions apply to registration permits issued pursuant to this subsection.

Sec. A-90. 29-A MRSA §504, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4. Federal heavy vehicle use tax; proof of payment required. Except as provided by 26 Code of Federal Regulations, Section 41.6001-2(b)(3), a registration certificate may not be issued for a motor vehicle subject to the use tax imposed by the ~~United States~~ United States Internal Revenue Code of 1954 1986, 26 United States Code, Section 4481, until the applicant has presented proof of payment as prescribed by the Secretary of the United States Treasury.

The Secretary of State shall keep records and may issue evidence to comply with 26 Code of Federal Regulations, Part 41, revised as of May 23, 1985, and the ~~United States~~ United States Internal Revenue Code of 1954 1986, 26 United States Code, Sections 4481, 4482 and 4483.

Pursuant to rule, the Secretary of State may certify that a vehicle qualifies for exemptions under 26 Code of Federal Regulations, Section 41.4483-3(g) or Section 41.4483-6(b), revised as of May 23, 1985.

Sec. A-91. 29-A MRSA §517, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Plates. The Secretary of State shall issue distinctive plates that expire at the end of a 6-year period for state plates and a 10-year period for municipal plates within the semipermanent plate program. Vehicles owned by the State may display a marker or insignia, approved by the Secretary of State, plainly designating them as owned by the State.

The Secretary of State may issue environmental registration plates to a state-owned vehicle assigned to the Department of Inland Fisheries and Wildlife or the Department of Conservation with authorization from the department's commissioner. A state-owned vehicle issued environmental registration plates must display a marker or insignia designating the vehicle as state-owned and is exempt from registration fees and the contribution under section 455, subsection 4.

Sec. A-92. 29-A MRSA §522, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended by repealing and replacing the headnote to read:

§522. Deaf and hard-of-hearing persons

Sec. A-93. 29-A MRSA §522, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Issuance of placard. The Secretary of State may issue a placard for ~~hearing impaired people~~ deaf and hard-of-hearing persons to a person who is ~~hearing impaired~~ deaf or hard-of-hearing on receipt of a form from the Division of Deafness, ~~Bureau~~ Office of Rehabilitation Services, certified by a physician or an audiologist stating that the applicant is ~~hearing impaired~~ deaf or hard-of-hearing and can not hear or understand normal speech.

Sec. A-94. 29-A MRSA §553, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Identification device required. Unless the primary purpose is to transport intrastate passengers in the motor vehicle for hire, a motor vehicle in intrastate-exempt commerce or commerce exempted by the Interstate Commerce Commission for which a license is required under this subchapter must display an identification device. Motor vehicles transporting passengers or property under authority issued by the Interstate Commerce Commission, as defined in 49 United States Code, must display identification prescribed and furnished by the Secretary of State in accordance with rules adopted by the Secretary of State. Motor vehicles in intrastate-exempt commerce or commerce exempted by the Interstate Commerce Commission must display identification as prescribed by the Secretary of State in accordance with the rules adopted by the Secretary of State.

Sec. A-95. 29-A MRSA §559, sub-§§1 and 2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

1. Appointment of agent. A holder of a license issued under this subchapter shall file with the Secretary of State or the base state, in writing, an appointment of a resident of this State to be its representative on whom all lawful processes may be served, and who may be required to appear in court on behalf of the carrier as if the carrier were in court.

2. Assent. The written assent of the resident representative must be filed with the Secretary of State or the base state and is valid until revoked.

Sec. A-96. 29-A MRSA §668, sub-§5 is enacted to read:

5. Hearing, judicial review. A person aggrieved by an act or omission to act of the Secretary of State under this chapter is entitled, upon request, to a hearing before the Secretary of State or the secretary's deputies in accordance with sections 2483 and 2484. After a hearing, a person aggrieved by the final action taken by the Secretary of State is entitled to judicial review of that action, as provided in section 2485, subsection 5.

Sec. A-97. 29-A MRSA §903, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Procedures for hearing; appeals. The procedures of chapter 23, subchapter III, article 3 apply to a suspension.

Sec. A-98. 29-A MRSA §1108, sub-§1-A is enacted to read:

1-A. Appeal from action of the Secretary of State. Any person aggrieved by the act of the Secretary of State to refuse to grant or renew a license under this subchapter or to suspend or revoke a license or by any other act of the Secretary of State that the person alleges to be improper, unreasonable or unlawful under this subchapter may, within 30 days' notice of the decision, appeal to the Superior Court for a judicial review, as provided in Title 5, chapter 375, subchapter VII.

Sec. A-99. 29-A MRSA §1251, sub-§6, ¶A, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

A. A nonresident who is 16 years of age or older and who has in that person's possession a valid license or instruction permit issued by that person's state or ~~country of domicile~~ province. A nonresident operator shall adhere to all restrictions applied to the license or instruction permit issued by that person's state or province. A nonresident who is not yet 16 years of age may not operate a motor vehicle;

Sec. A-100. 29-A MRSA §1304, sub-§2, ¶E, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

E. Failure to complete the driving test within ~~one year~~ 2 years from issue date requires reexamination for the instruction permit. In the case of a motorcycle or motor-driven cycle learner's permit, failure to complete the driving test within one year from issue date of the permit requires another completion of the motorcycle driver education course required by section 1352 before a subsequent permit is issued.

Sec. A-101. 29-A MRSA §1762, sub-§7 is enacted to read:

7. Hearing; appeals. If a person is aggrieved by the decision of the Chief of the State Police in refusing approval, that person may, within 30 days of notification of refusal to license, request a hearing before the Chief of the State Police. After the hearing, if an applicant is aggrieved by the final action of the chief, the applicant may appeal the decision in accordance with Title 5, Part 18.

Sec. A-102. 29-A MRSA §1851, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended by adding at the end a new paragraph to read:

A vehicle abandoned on an island without road access to the mainland is subject to the provisions of section 1860.

Sec. A-103. 29-A MRSA §1858, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

§1858. Abandonment of vehicle on public way

Abandonment of a vehicle on a public way is a traffic infraction. A person who is found to have abandoned a vehicle under this ~~subsection~~ section is responsible for any towing charges that are directly related to the abandonment of the vehicle.

Sec. A-104. 29-A MRSA §1859, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

§1859. Removal of vehicle

Removal of a vehicle described in section 1851 or of any part or accessory from the vehicle without the written consent of the person in charge or the owner of the premises or property where the vehicle is located is a Class E crime. This ~~subsection~~ section applies to all persons, including the owner of the vehicle.

Sec. A-105. 29-A MRSA §1860 is enacted to read:

§1860. Abandonment on an island

A person may not abandon a motor vehicle on any property on an island without consent of the owner of the property. The State, municipality or other political subdivision having jurisdiction over the island may order the owner of a vehicle illegally abandoned on an island to remove it at the vehicle owner's expense. If the owner of the vehicle refuses to remove the motor vehicle, or if the owner is unknown, the State or political subdivision may cause the vehicle to be removed from the island and may

require reimbursement from the owner for the removal and the administrative and legal costs. Neither the State nor any political subdivision of the State is liable for any damage to the motor vehicle that may be caused by the removal. Failure to remove an illegally abandoned vehicle on an island within 30 days after written warning, or within 30 days of ice-out if ice prevents the island from being reasonably accessible, is a Class E crime.

Sec. A-106. 29-A MRSA §2074, sub-§4 is enacted to read:

4. Exception. This section does not apply to the operation of a vehicle:

A. In racing events and exhibitions at which the public does not have access to the operating area; or

B. On private land to which the public does not have access when used by or with authorization of the landowner.

Sec. A-107. 29-A MRSA §2081, sub-§4, ¶B, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

B. A person against whom enforcement action has been taken ~~is not guilty of~~ may not be adjudicated to have committed a subsequent violation of subsection 2 until 24 hours have elapsed from the date and time of the first violation indicated on the Violation Summons and Complaint.

Sec. A-108. 29-A MRSA §2082, sub-§7, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

7. Placement of stickers on illegally parked vehicles. A person may not place a sticker or other device on the windshield of a motor vehicle parked in a manner that allegedly constitutes trespass by motor vehicle, as defined in Title 17-A, section 404, if the sticker or other device would obstruct the driver's forward view. A person who places a sticker in violation of this ~~paragraph~~ subsection commits a civil violation for which a forfeiture not to exceed \$50 may be adjudged. This ~~paragraph~~ subsection does not apply to law enforcement officers engaged in the performance of official duties.

Sec. A-109. 29-A MRSA §2104, sub-§3 is enacted to read:

3. Manufacturing or reproduction of plates. A person commits a Class D crime if that person manufactures or reproduces registration plates without the consent of the Secretary of State.

Sec. A-110. 29-A MRSA §2308, sub-§5, ¶D, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

D. The following are defenses to a violation of this subsection.

(1) If a person other than the owner is convicted of operating the vehicle at the time of the violation in violation of subsection 2, then the registered owner may not be found in violation of this subsection.

(2) If the registered owner is a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee, and the lessor provides the investigating officer with a copy of the lease agreement containing the information required by section ~~2308, subsection 5~~ 254, then the lessee and not the lessor may be charged under this subsection.

(3) If the vehicle is operated using a dealer or transporter registration plate and at the time of the violation the vehicle was operated by any person other than the dealer or transporter, and if the dealer or transporter provides the investigating officer with the name and address of the person who had control over the vehicle at the time of the violation, then that person and not the dealer or transporter may be charged under this subsection.

(4) If a report that the vehicle was stolen is given to a law enforcement officer or agency before the violation occurs or within a reasonable time after the violation occurs, then the registered owner may not be charged under this subsection.

Sec. A-111. 29-A MRSA §2361, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Penalty. Notwithstanding section 101, subsection 85, a fine equal to the applicable gross weight fine, increased by 50% for the first offense, and by 100% for the 2nd or subsequent offense during a 12-month period, is imposed. In the event that a larger fine would be due for an axle violation under section ~~2361~~ 2360, that larger fine must be imposed.

Sec. A-112. 29-A MRSA §2388, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

3. Appeals. An appeal in writing may be taken to the Department of Transportation from an order or

decision of a municipal official under sections 2380 to 2382, 2387 and 2395.

The Department of Transportation may hear and decide the matter in a summary manner, modifying, affirming or vacating the action and may issue any order necessary to carry out its decision.

An appeal does not suspend the order or decision of the municipal official unless ordered by the Department of Transportation.

An appeal may be taken to the Public Utilities Commission from an action by a railroad corporation under section ~~2388~~ 2387 in respect to a highway bridge maintained by the corporation. The commission, after notice and hearing, may confirm or modify that action.

Sec. A-113. 29-A MRSA §2401, sub-§9, ¶¶D and E, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

D. In a jurisdiction that is a party to the Driver License Compact established in chapter 11, subchapter V, an offense described in the compact, section 1454, subsection 1, paragraph B, or an offense that is similar as provided by section 1454, subsection 3; ~~or~~

E. In a tribal court of the Penobscot Nation or the Passamaquoddy Tribe, a court of the United States or a court of a state that is not a party to the compact, an offense for which punishment includes the possibility of incarceration, whether or not actually imposed, and the elements of the offense as provided in the law of that jurisdiction include operation of a motor vehicle while intoxicated, impaired or under the influence of alcohol, intoxicating liquor, or drugs or with a level of blood-alcohol sufficient for conviction under the laws of that jurisdiction; ~~or~~

Sec. A-114. 29-A MRSA §2401, sub-§9, ¶F is enacted to read:

F. An adjudication or other determination made under the juvenile laws of this State or of another jurisdiction for conduct that, if committed by an adult, would have been a conviction included in this subsection, including the conduct under Title 15, section 3103, subsection 1, paragraph F.

Sec. A-115. 29-A MRSA §2411, sub-§6, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

6. Aggravated punishment category. If the State pleads and proves that the operator, while operating a motor vehicle in violation of this section, ~~the operator~~ in fact caused serious bodily injury as

defined in Title 17-A, section 2, subsection 23 to another person or in fact caused the death of another person, the offense is a Class C crime. The minimum penalties specified in subsection 5 apply, but the minimum period of suspension must be 18 months unless a longer minimum period applies.

Sec. A-116. 29-A MRSA §2412, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4. Procedures. The requirements under Title 15, section 757 of a separate reading of the allegation and a separate trial do not apply to a proceeding under this subsection.

Sec. A-117. 29-A MRSA §2431, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4. Statements by accused. A statement by a person as to name or date of birth, or the name or date of birth contained on a driver's license surrendered by that person, is admissible in a proceeding under this Title.

A statement of the person's name or date of birth constitutes sufficient proof by itself, without further proof of corpus delicti.

A statement by a defendant that the defendant was the operator of a motor vehicle is admissible in a proceeding under ~~section~~ sections 2411, 2412 and 2557, if it is made voluntarily and is otherwise admissible under the United States Constitution or the Constitution of Maine. The statement may constitute sufficient proof by itself, without further proof of corpus delicti, that the motor vehicle was operated by the defendant.

Sec. A-118. 29-A MRSA §2458, sub-§2, ¶¶M and N, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

M. Has violated a provision of the Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570, Title XII, or rules and regulations promulgated and adopted under that Act; ~~or~~

N. Has failed to surrender to the Secretary of State a commercial driver's license that has been suspended or revoked; ~~or~~

Sec. A-119. 29-A MRSA §2460, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

3. Nonresident violator compacts. The Secretary of State may enter into and carry out the provisions of a nonresident violator compact with ~~another state~~ any jurisdiction of the United States or province.

Sec. A-120. 29-A MRSA §2485, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended by repealing and replacing the headnote to read:

§2485. Decision; appeal

Sec. A-121. 29-A MRSA §2485, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Decision. After hearing, the Secretary of State may rescind, continue, modify or extend the suspension of a ~~driver's~~ license.

Sec. A-122. 29-A MRSA §2485, sub-§5, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

5. Appeal; judicial review. The person whose license is suspended or other party may, within 30 days after receipt of the decision, appeal to the Superior Court as provided in Title 5, sections 11001 to 11008. If the court rescinds the suspension, it shall also order the Secretary of State to delete any record of the suspension.

Sec. A-123. 29-A MRSA §2502, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Issuance of special license. Following the expiration of the total period of suspension imposed on a first-time offender pursuant to Title 15, section 3314 or sections 2411, 2453, 2472 and 2521, the Secretary of State shall issue a special license or permit to the person if the Secretary of State receives written notice that the person has completed the assessment components of the alcohol and other drug program as set out in Title 5, section 20073-A. First offenders with an aggravated offense as defined in Title 5, section 20071, subsection 4-B are entitled to ~~received~~ receive a special license after completion of the evaluation provided by the Office of Substance Abuse. First offenders who have registered for the completion of treatment programs as described in Title 5, section 20072, subsection 2 are entitled to receive a special license after completion of a minimum of 3 treatment sessions provided by a counselor or agency approved by the Office of Substance Abuse. A special license or permit may not be issued under this section to 2nd and subsequent offenders.

Sec. A-124. 29-A MRSA §2552, first ¶, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

Notwithstanding Title 4, section ~~4157~~ 1151, subsection 2, and Title 5, sections 10003 and 10051, the Secretary of State shall immediately revoke,

without preliminary hearing, the license to operate a motor vehicle of an habitual offender.

Sec. A-125. 29-A MRSA §2553, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

3. Other procedures. Except as specifically provided in this section, the hearing procedures set forth in subchapter III, article 3 apply to hearings under this section.

Sec. A-126. 30-A MRSA §354, sub-§1, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

1. Uniforms provided. Every county shall furnish one uniform to the sheriff and to each full-time deputy, sufficient to identify them as officers of the law. If the county commissioners approve, the county may provide more than one uniform for each. The sheriffs shall require each deputy, while engaged in the enforcement of Title ~~29~~ 29-A, section ~~2504~~ 105 or 1760, to wear a uniform as required by this section.

Sec. A-127. 30-A MRSA §3009, sub-§1, ¶C, as amended by PL 1991, c. 549, §16 and affected by §17, is further amended by amending subparagraph (4) to read:

(4) Any motor vehicle or motorcycle registered by a handicapped person is exempt from any parking meter fare when that vehicle properly displays special designating plates or a placard issued under Title ~~29~~ 29-A, ~~sections 252, 252-A and 252-C~~ section 521 or 523, and may park a length of time that does not exceed twice the time limit otherwise applicable.

Sec. A-128. 30-A MRSA §3009, sub-§1, ¶D, as amended by PL 1989, c. 394, §2, is further amended by amending subparagraph (3) to read:

(3) Any vehicle or motorcycle parked in a parking space clearly marked as a handicapped parking space and ~~which that~~ does not bear a special registration plate or placard issued under Title ~~29~~ 29-A, section ~~252, 252-A 521 or 252-C 523~~, or a similar plate issued by another state, ~~shall~~ must be cited for a forfeiture of not less than \$50. "Clearly marked" includes painted signs on pavement and vertical standing signs ~~which that~~ are visible in existing weather conditions.

Sec. A-129. 30-A MRSA §3009, sub-§1, ¶E, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

E. The municipal officers may provide for the regulation of motor vehicles as defined in Title ~~29 29-A~~, section ~~1~~ 101, subsection ~~7~~ 42 on icebound inland lakes during the hours from sunset to sunrise of the following day. The Maine Land Use Regulation Commission shall regulate motor vehicles on icebound inland lakes ~~which that~~ are completely encompassed by unorganized territories. Motor vehicles on icebound inland lakes ~~which that~~ are abutted by an unorganized territory and either one or more municipalities, village corporations or plantations, in any combination, ~~shall be~~ are regulated by those municipalities, village corporations or plantations, as provided in subparagraphs (1) and (2).

No ordinance authorized by this paragraph is valid unless:

(1) Each municipality abutting a lake has enacted an identical local ordinance, in which case the ordinance of any municipality is in effect on the entire lake and any law enforcement officer from any of those municipalities may enforce the ordinance on any portion of the lake; or

(2) In cases where a lake is divided by an easily identifiable boundary into 2 or more nearly separate bodies, each municipality abutting one of the distinguishable portions of the lake has enacted an identical local ordinance. The ordinance of any municipality is in effect only on that distinguishable portion of the lake and any law enforcement officer from any of those municipalities may enforce the ordinance anywhere on that portion of the lake.

Sec. A-130. 30-A MRSA §3752, sub-§1, as amended by PL 1991, c. 745, §1, is further amended to read:

1. Automobile graveyard. "Automobile graveyard" means a yard, field or other area used to store 3 or more unserviceable, discarded, worn-out or junked motor vehicles as defined in Title ~~29 29-A~~, section ~~1~~ 101, subsection ~~7~~ 42, or parts of such vehicles.

A. "Automobile graveyard" does not include any area used for temporary storage by an establishment or place of business ~~which that~~ is primarily engaged in doing auto body repair work to make repairs to render a motor vehicle serviceable.

B. "Automobile graveyard" includes an area used for automobile dismantling, salvage and recycling operations.

Sec. A-131. 32 MRSA §1092-A, sub-§4, ¶D, as amended by PL 1993, c. 600, Pt. A, §75, is further amended to read:

D. There is not any privilege under this section as to disclosure of information concerning a patient when that disclosure is required by law and nothing in this section may modify or affect the provisions of Title 22, sections 4011 to 4015 and Title ~~29 29-A~~, section ~~1342-E~~ 2405.

Sec. A-132. 32 MRSA §8113-A, sub-§3, as enacted by PL 1989, c. 917, §17, is amended to read:

3. Suspension in effect during pendency. The suspension remains in effect until the entry of judgment if charges are filed of violating Title 17-A, section 1057 or of operating a motor vehicle, snowmobile, ATV or watercraft under the influence of intoxicating liquor or drugs, unless it is determined by the court in which the criminal charge or civil violation is pending, or by the Secretary of State if a hearing is held pursuant to Title ~~29 29-A~~, section ~~1342~~ 2483, that the law enforcement officer did not have probable cause to require the licensee to submit to chemical testing.

Sec. A-133. 32 MRSA §9601, sub-§1, ¶C, as enacted by PL 1981, c. 456, Pt. A, §113, is amended to read:

C. A truck training supplement license ~~shall~~ may be granted only to a Class A school ~~which that~~ is authorized to provide driver education for Class ~~1~~ A or ~~2~~ B vehicles, as defined in Title ~~29 29-A~~, section ~~530~~ 1252.

Sec. A-134. 32 MRSA §9601, sub-§2, as enacted by PL 1981, c. 456, Pt. A, §113, is amended to read:

2. Instructors' licenses. The following types of instructors' licenses may be issued by the board.

A. A Class A instructor's license entitles the holder to teach both the classroom and behind the wheel or road phases of driver education for Class ~~3~~ C vehicles, as defined in Title ~~29 29-A~~, section ~~530~~ 1252.

B. A Class B instructor's license entitles the holder to teach only the behind the wheel or road phases of driver education for Class ~~3~~ C vehicles, as defined in Title ~~29 29-A~~, section ~~530~~ 1252.

C. A truck training supplemental instructor's license entitles the holder to teach both the classroom and behind the wheel or road phases of driver education for Class ~~1~~ A or ~~2~~ B vehicles, as defined in Title ~~29 29-A~~, section ~~530~~ 1252.

Sec. A-135. 32 MRSA §9602, sub-§3, as amended by PL 1985, c. 687, is further amended to read:

3. Training vehicles. Every vehicle used as a training vehicle shall must be maintained in safe mechanical condition at all times. Each Class ~~3~~ C vehicle, as defined in Title ~~29~~ 29-A, section ~~530~~ 1252, shall must be equipped with dual foot brakes and, if the vehicle is not equipped with an automatic transmission, dual clutch pedals. While engaged in actual instruction, every vehicle must be equipped with an identification sign, listing the name of the school, and a student driver sign.

The following vehicles are exempt from this subsection, provided that they are equipped with dual controls as stated in this section and comply with any other requirements of this chapter:

A. Any vehicle, specially equipped for use by a handicapped person, ~~which~~ that is being used to instruct a handicapped person; and

B. Any vehicle ~~which~~ that is being used to instruct a person in possession of a valid Maine driver's license or instruction permit not provided by the driving school.

Sec. A-136. 34-B MRSA §1411, sub-§4, as repealed and replaced by PL 1991, c. 313, is amended to read:

4. Prohibited acts; forfeitures. A person who violates any rule adopted under this section commits a civil violation for which a forfeiture may be adjudged in an amount consistent with the amount charged for a similar violation by the municipality in which the institution is located, but not to exceed the maximum amount provided for a traffic infraction under Title ~~29~~ 29-A, section ~~2303, subsection 1~~ 2604. Notwithstanding any other law, the fines and costs of court paid under this section inure to the municipality in which the proceedings take place.

Sec. A-137. 36 MRSA §172, sub-§2, as enacted by PL 1981, c. 364, §11, is amended to read:

2. Motor vehicle dealer. If the taxpayer is a licensed motor vehicle dealer, to the Secretary of State, who shall construe that liability and lack of cooperation to be a ground for denying, suspending or revoking the taxpayer's motor vehicle dealer license in accordance with Title ~~29~~ 29-A, section ~~350-A~~ 903.

Sec. A-138. 36 MRSA §1483, sub-§§10 and 12 are amended to read:

10. Certain nonresidents. Motor vehicles permitted to operate without Maine registration under Title ~~29~~ 29-A, section ~~2243~~ 109;

12. Certain veterans. Automobiles owned by veterans who are granted free registration of such vehicles by the Secretary of State under Title ~~29~~ 29-A, section ~~251~~ 523, subsection 1;

Sec. A-139. 36 MRSA §1486, first ¶ is amended to read:

No vehicle shall may be registered under Title ~~29~~ 29-A or Title 6 until the excise tax or personal property tax or real estate tax has been paid in accordance with sections 1482 and 1484.

Sec. A-140. 36 MRSA §1752, sub-§7-A, as enacted by PL 1975, c. 702, §5, is amended to read:

7-A. Vehicle. "Vehicle" shall ~~have~~ has the same meaning ~~which is~~ ascribed to that term by Title ~~29~~ 29-A, section ~~101~~, subsection 91.

Sec. A-141. 36 MRSA §1760, sub-§22 is amended to read:

22. Automobiles to amputee veterans. Sales of automobiles to veterans who are granted free registration of such vehicles by the Secretary of State under Title ~~29~~ 29-A, section ~~251~~ 523, subsection 1. Certificates of exemption or refunds of taxes paid shall must be granted under such rules or regulations as the State Tax Assessor may prescribe.

Sec. A-142. 36 MRSA §1760, sub-§45, ¶A, as repealed and replaced by PL 1987, c. 772, §22, is amended to read:

A. If the property is an automobile, as defined in Title ~~29~~ 29-A, section ~~101~~, subsection 7, and if the owner was, at the time of purchase, a resident of the other state and either employed or registered to vote there;

Sec. A-143. 36 MRSA §1952-A, as corrected by RR 1991, c. 1, §51, is amended to read:

§1952-A. Payment of tax on vehicles and watercraft

The tax imposed by chapters 211 to 225 on the sale or use of any vehicle or watercraft must, except where the dealer thereof has collected such tax in full, be paid by the purchaser or other person seeking registration of the vehicle or watercraft at the time and place of registration of such vehicle or watercraft. In the case of vehicles except snowmobiles and all-terrain vehicles, the tax must be collected by the Secretary of State and transmitted to the Treasurer of State as provided by Title ~~29~~ 29-A, ~~chapter 5,~~ subchapter 1-A section 409. In the case of watercraft, snowmobiles and all-terrain vehicles, the tax must be collected by the Commissioner of Inland Fisheries and Wildlife and transmitted to the Treasurer of State as

provided by Title 12, sections 7793-A to 7793-E, 7824-A to 7824-E or 7854-A to 7854-E.

Sec. A-144. 36 MRSA §1955-A, as repealed and replaced by PL 1989, c. 878, Pt. A, §107, is amended to read:

§1955-A. Failure to pay tax on vehicles

If, after notice of assessment and demand for payment, any amount required to be paid for any vehicle is not paid as demanded within the 10-day period prescribed in section 171, the State Tax Assessor, in addition to enforcing collection by any method authorized by Part 1 or this Part, may immediately notify the Secretary of State who shall proceed in accordance with Title ~~29~~ 29-A, section ~~55-B~~ 154, subsection 5 to mail the required ~~5-day~~ 10-day notice and suspend any registration certificate and plates issued for the vehicle for which the tax remains unpaid at the expiration of the ~~5-day~~ 10-day period.

Sec. A-145. 36 MRSA §1955-B, as amended by PL 1989, c. 508, §14, is further amended to read:

§1955-B. Payment of tax on vehicles resulting in protest

Whenever the payment of the tax due for a vehicle results in a protest or is returned by the bank upon which it was drawn because of "Insufficient Funds," "Account Closed," "No Account" or a similar reason, the State Tax Assessor shall promptly mail a notice of dishonor, as defined in Title 11, section 3-508, to the person liable for the payment of the tax and warn that person that if payment is not made as demanded within 10 days after the mailing of the notice, suspension of the registration certificate and plates issued for the vehicle may result in accordance with Title ~~29~~ 29-A, section ~~55-B~~ 154, subsection 5. If that person fails to pay the amount due within 10 days after the mailing of the notice, the State Tax Assessor, in addition to enforcing collection by any method authorized by Part 1 or this Part, may immediately notify the Secretary of State who, in accordance with Title ~~29~~ 29-A, section ~~55-B~~ 154, subsection 5, shall proceed to mail the required ~~5-day~~ 10-day notice and suspend any registration certificate and plates issued for the vehicle for which the tax remains unpaid at the expiration of the ~~5-day~~ 10-day period.

Sec. A-146. 36 MRSA §1955-C, as corrected by RR 1991, c. 1, §52, is amended to read:

§1955-C. Assessment for vehicles

Certificates forwarded to the State Tax Assessor under Title ~~29~~ 29-A, section ~~204~~ 409, subsection 4 or Title 12, section ~~7793-C~~, ~~7824-C~~ or ~~7854-C~~, must be

treated as returns filed under this Title for purposes of section 141.

Sec. A-147. 36 MRSA §3206, first ¶, as enacted by PL 1983, c. 94, Pt. D, §6, is amended to read:

It ~~shall be~~ is unlawful for any user to use or consume any special fuel within this State, unless that user is the holder of an uncanceled license issued by the State Tax Assessor. To produce that license, every user shall file with the State Tax Assessor an application in such form as the State Tax Assessor may prescribe, setting forth the name and address of the user. Any unlicensed user who purchases a fuel use identification decal, as required by Title ~~29~~ 29-A, section ~~246-A~~ 525, will must be registered by the State Tax Assessor and subject to this chapter and chapter 461.

Sec. A-148. 36 MRSA §3216, 3rd ¶, as enacted by PL 1989, c. 878, Pt. B, §33, is amended to read:

The Secretary of State shall suspend vehicle registrations in the name of that carrier, if any, and the right to operate as provided in Title ~~29~~ 29-A, section ~~224~~ 2458, and the Secretary of State shall refuse to issue or reissue authority required by Title ~~29~~ 29-A, chapter ~~25~~ 5, subchapter II.

Sec. A-149. 38 MRSA §423-C, sub-§4, ¶B, as enacted by PL 1991, c. 867, §1, is amended to read:

B. If the registered owner is a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee and the lessor provides the investigating officer with a copy of the lease agreement containing the information required by Title ~~29~~ 29-A, section ~~901~~ 254, the lessee and not the lessor may be charged under this section.

Sec. A-150. 38 MRSA §1606, sub-§1, ¶A, as enacted by PL 1989, c. 622, is amended to read:

A. "Motor vehicle" has the same meaning as defined in Title ~~29~~ 29-A, section ~~1~~ 101, subsection ~~7~~ 42.

Sec. A-151. 38 MRSA §2401, sub-§6, as enacted by PL 1991, c. 818, §2, is amended to read:

6. Motor vehicle. "Motor vehicle" has the same meaning as provided under Title ~~29~~ 29-A, section ~~1~~ 101, subsection ~~7~~ 42.

Sec. A-152. 38 MRSA §2402, sub-§4, ¶¶C and E, as enacted by PL 1991, c. 818, §2, are amended to read:

C. A motor vehicle exempt from safety inspection or requiring only a partial safety inspection under Title ~~29~~ 29-A, section ~~2506~~ 1752;

E. A motor vehicle registered as a street rod as defined in Title ~~29~~ 29-A, section ~~101~~, subsection ~~45-C-1~~ 76;

Sec. A-153. Retroactivity. This Act applies retroactively to January 1, 1995.

PART B

Sec. B-1. 29-A MRSA §155, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. B-2. 29-A MRSA §158 is enacted to read:

§158. Asset forfeiture

Funds or assets forfeited pursuant to Title 15, chapter 517 may be awarded to the bureau. Funds or assets received in accordance with this section must be used for law enforcement training or for law enforcement equipment.

Sec. B-3. 29-A MRSA §507, 2nd and 3rd ¶¶, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

Temporary registered gross weight increases must be issued for at least 2 months and may not exceed 8 months, except that temporary registered gross weight increases may be issued for one month for registered farm vehicles. A temporary registered gross weight increase may not extend beyond the expiration of the regular registration.

The fee for a temporary registered gross weight increase is the difference between the annual fee for the original registration and the annual fee for the desired temporary registered gross weight multiplied by the percentage in the following table:

<u>One month (registered farm vehicle)</u>	<u>20%</u>
2 months	30%
3 months	40%
4 months	50%
5 months	60%
6 months	70%
7 months	75%
8 months	80%

Sec. B-4. 29-A MRSA §511, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Registration fees; trailers and semitrailers. The following annual registration fee applies to trailers, semitrailers and camp trailers.

A. The fee is \$8.50 for a:

- (1) Trailer, ~~camp trailer~~ or semitrailer not exceeding 2,000 pounds gross vehicle weight; or
- ~~(2) Boat trailer not exceeding 4,000 pounds gross vehicle weight;~~
- (3) Mobile home; ~~or~~
- ~~(4) Farm trailer, whether semitrailer or 4-wheeled type, equipped with pneumatic tires, used for the sole purpose of transporting a load:~~

- ~~(a) Of the owner's farm products, crops, fertilizers or farm tools and utensils;~~
- ~~(b) Of no more than 4 tons; and~~
- ~~(c) For no more than 20 miles one way.~~

B. The fee is \$16 for a camp trailer exceeding 2,000 pounds.

C. The fee is \$16 for a semitrailer exceeding 2,000 pounds.

D. Except as provided in paragraph A, a trailer exceeding 2,000 pounds must be registered on the basis of gross weight in accordance with the schedule under section 504.

Fees paid under this section and section 512 are administrative fees and nonapportionable. The Secretary of State may collect apportionable fees for trailers and semitrailers pursuant to the International Registration Plan.

Except for camp trailers, ~~trailer and semitrailer~~ registrations under this section may be issued for 2 years for a fee twice that of the annual registration fee.

Sec. B-5. 29-A MRSA §511, sub-§3 is enacted to read:

3. Converted semitrailers. A semitrailer that is temporarily converted to a full trailer by use of a converter dolly may be registered as a semitrailer.

Sec. B-6. 29-A MRSA §552, sub-§§1 and 2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

1. License required. A person transporting freight, merchandise, household goods or passengers

by motor vehicle for hire, or advertising the transportation of passengers by limousine, on public ways between points within this State, or points within and without the State, must obtain an operating authority license. A person licensed only to transport intrastate passengers for hire is not required to obtain a separate license as a freight and merchandise carrier.

2. Fee. The initial application fee for an operating authority intrastate-exempt license or a license exempted by the Interstate Commerce Commission is \$25. For a passenger carrier, the annual renewal fee is \$15.

Sec. B-7. 29-A MRSA §554, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

§554. Lapse of license

If the holder of the intrastate-exempt license or the license exempted by the Interstate Commerce Commission fails to obtain an identification device within one year of obtaining a license or fails to renew an identification device for one year, the license lapses.

Sec. B-8. 29-A MRSA §556, sub-§6, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended by amending the last blocked paragraph to read:

"For-profit car pooling and van pooling" means the business of organizing and operating a car pooling or van pooling system. In this context, "car pools and van pools" means any vehicle used in a continuing form of prearranged commuter transportation by a relatively fixed group of 15 persons or fewer for travel between their places of residence and their places of employment. The operation of for-profit car pools and van pools must be incidental to the livelihood or employment of the owner or operators. The business of organizing and operating a car pooling or van pooling system, including the selection and approval of cars, vans and drivers, the fixing and collection of fees, the establishment of routes and the provision of backup transportation, is exempt from rules under this chapter, except for sections 555, 558 and 560; provided that the owner's name, the list of equipment and proof of adequate insurance coverage, as determined by the Secretary of State, is filed with the Secretary of State prior to commencing operation.

Sec. B-9. 29-A MRSA §603, sub-§3-A is enacted to read:

3-A. Immediate issuance of document. An applicant requesting the immediate issuance of a document described in subsection 1 or 2 must pay an additional fee of \$10 and state the reason for the request. The Secretary of State shall determine if an

immediate issuance is warranted and process the request accordingly.

Sec. B-10. 29-A MRSA §662, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Transfer of interest by owner. If an owner transfers an interest in a vehicle, other than by the creation of a security interest, the owner shall execute, at the time of delivery of the vehicle, an assignment and warranty of title to the transferee in the space provided on the certificate or as the Secretary of State prescribes. The warranty must include the odometer information required by section 752.

The owner shall deliver the certificate and assignment to the transferee or to the Secretary of State.

Except as provided in section 664, an owner must provide the transferee with a properly released certificate of lien if one was issued to a lienholder.

A transferee other than a dealer licensed under chapter 9 shall obtain a title in the transferee's name before transferring the vehicle to another person.

The Secretary of State may accept an application in lieu of a title when the application is accompanied by a prior title.

Sec. B-11. 29-A MRSA §1252, sub-§1, ¶C, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

C. A Class C license may be issued for the operation of a single vehicle with a gross vehicle weight rating or registered weight of less than 26,001 pounds or such a vehicle towing a vehicle with a gross vehicle weight rating or gross weight not in excess of 10,000 pounds or a combination of vehicles that does not meet the definition of Class A or Class B license.

A holder of a Class C license may, with an appropriate endorsement, operate all vehicles in that class.

A Class C license authorizes:

- (1) A full-time or volunteer member of an organized municipal, state or federal fire department to operate fire apparatus;
- (2) A person to operate recreational vehicles for personal use;
- (3) A person to operate military vehicles including National Guard vehicles; or
- (4) A person to operate registered farm motor trucks bearing the letter "F;" on the

registration plate within 150 miles of the registered owner's farm.

Sec. B-12. 29-A MRSA §1304, sub-§2, ¶F, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. B-13. 29-A MRSA §1304, sub-§5, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

5. **Expiration.** ~~Unless continuation is authorized by the Secretary of State, an~~ instruction permit expires when the holder successfully passes a ~~complete~~ driving examination. ~~The An expired~~ permit must immediately be surrendered to the Secretary of State.

Sec. B-14. 29-A MRSA §1352, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. **Motorcycle driver education required.** Notwithstanding any other provision of law, a motorcycle or motor-driven cycle instruction permit, license or endorsement may not be issued to a person, unless that person presents a certificate of successful completion of a motorcycle driver education program and examination approved by the Secretary of State, except as provided in this subsection. If a person is hearing-impaired and a course is not readily available to that person, the Secretary of State may arrange for that person to complete a motorcycle driver education program using an electronic communications system. The program must meet the requirements of this section.

Sec. B-15. 29-A MRSA §1401, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4. **Fee.** In addition to the license fee, the photograph fee is ~~\$2~~ \$3.

Sec. B-16. 29-A MRSA §1611, sub-§1, ¶¶B and C, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

B. Presenting a good and sufficient indemnity bond, approved by the Secretary of State, bonding the applicant in an amount the Secretary of State prescribes and having as surety 2 responsible individuals or a surety company authorized to transact business in this State; ~~or~~

C. Presenting a declaratory judgment issued by the Interstate Commerce Commission authorizing the owner to self-insure; or

Sec. B-17. 29-A MRSA §1611, sub-§1, ¶D is enacted to read:

D. Presenting a valid and sufficient insurance policy or bond filed by an insurance company that may do business and is eligible as an excess or surplus lines insurer in a state in which business is written on behalf of those motor carriers that are certified by the Interstate Commerce Commission at the level required by 49 Code of Federal Regulations, Section 1043.2 and its exceptions.

Sec. B-18. 29-A MRSA §1611, sub-§2, ¶¶A and B, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

A. ~~There~~ Except as provided in paragraph E, there is a \$350,000 combined single limit for rental vehicles, emergency vehicles and for-hire transportation vehicles for transporting freight or merchandise but not passengers in intrastate-exempt service or service exempted by the Interstate Commerce Commission.

B. For vehicles used exclusively to transport passengers for hire between points within the State, including motor vehicles under contract with the State, a municipality or a school district for the transportation of students, but not vehicles defined as school buses in section 2301, subsection 5, there is a combined single limit of:

(1) One hundred twenty-five thousand dollars, or split limits consisting of \$50,000 per person and \$100,000 per occurrence for bodily injury liability, and \$25,000 for property damage liability for vehicles not under contract with the State, a municipality or a school district for the transportation of students that are designed to carry no more than 3 passengers behind the driver's seat;

(2) Three hundred thousand dollars for vehicles that are designed to carry 4 to 7 passengers behind the driver's seat, ~~except as provided in subparagraph (1) including those vehicles under contract with the State, a municipality or a school district for the transportation of students;~~

(3) Seven hundred fifty thousand dollars for vehicles that are designed to carry 8 to 15 passengers behind the driver's seat;

(4) One million five hundred thousand dollars for vehicles that are designed to carry 16 to 30 passengers behind the driver's seat; and

(5) Two million dollars for vehicles that are designed to carry 31 or more passengers behind the driver's seat.

Sec. B-19. 29-A MRSA §1611, sub-§2, ¶D, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

D. For school buses as defined in section 2301, subsection 5 there is a combined single limit of:

- (1) For school buses with up to 30 passengers behind the driver's seat, \$500,000; and
- (2) For school buses with 31 or more passengers behind the driver's seat, \$1,000,000.

Sec. B-20. 29-A MRSA §1611, sub-§2, ¶E is enacted to read:

E. For rental trucks with a registered gross weight of 26,000 pounds or less, rented or leased for fewer than 30 days:

- (1) There is a combined single limit of \$125,000; or
- (2) There is a split limit of \$50,000 per person or \$100,000 per occurrence for bodily injury liability and \$25,000 for property damage liability.

Sec. B-21. 29-A MRSA §1611, sub-§6, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

6. Exemption. All vehicles owned by the State, a municipality or school district are exempt from the insurance requirements established in this section.

Sec. B-22. 29-A MRSA §2451, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the following enacted in its place:

2. Suspension period. Unless a longer period of suspension is otherwise provided by law and imposed, the Secretary of State shall suspend the license of a person convicted of OUI for the following minimum periods:

- A. Ninety days, if the person has one OUI conviction within a 6-year period;
- B. One year, if the person has 2 OUI convictions, or one OUI conviction and one suspension for failure to comply with the duty to submit to a chemical test under section 2521 or former Title 29, section 1312, within a 6-year period; or
- C. Two years, if the person has 3 or more OUI convictions within a 6-year period.

For the purposes of this subsection, a conviction or suspension has occurred within a 6-year period if the

date of the new conduct is within 6 years of the date of suspension or the docket entry of judgment of conviction.

Sec. B-23. 29-A MRSA §2458, sub-§2, ¶F, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

F. Has committed an offense in ~~another state~~ a jurisdiction of the United States or a province that, if committed in this State, would be grounds for suspension or revocation;

Sec. B-24. 29-A MRSA §2458, sub-§2, ¶O is enacted to read:

O. Has a license, permit or the privilege to apply for or obtain a license suspended or revoked by a jurisdiction of the United States or a province.

PART C

Sec. C-1. 29-A MRSA §154, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4. Recovery of fees or use taxes. Whenever the payment of a fee or use tax required to be collected by the Secretary of State results in a protest or is returned by the bank upon which it was drawn because of insufficient funds, closed account, no account or a similar reason, the Secretary of State may mail a notice of dishonor, as defined in Title 11, section ~~3-508~~ 3-1503, to the person liable, demanding payment and warning the person that if the amount due is not paid within 10 days after the mailing of the notice, suspension of the person's license and registration will result. If the person fails to pay the required amount within 10 days after the mailing of the notice, the Secretary of State may suspend all licenses, permits, certificates and registrations of the person liable for the fee, fees or tax.

Sec. C-2. 29-A MRSA §456, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. C-3. 29-A MRSA §501, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Automobiles; pickup trucks. The fee for an automobile or pickup truck used for the conveyance of passengers or interchangeably for passengers or property is \$22.

An automobile used for the conveyance of passengers or property is a "combination" vehicle and may be issued a special plate with the word "combination" instead of "Vacationland." A passenger vehicle used under contract with the State, a municipality or a

school district to transport students must be designated as "combination." A vehicle owned or operated by parents or legal guardians is exempt from this subsection.

Commercial plates may not be issued for or displayed on an automobile.

The gross weight of a pickup truck registered as provided by this subsection may not exceed 6,000 pounds. An owner of a pickup truck who operates the pickup truck with a gross weight in excess of 6,000 pounds or the pickup truck drawing a semitrailer with a combined gross weight in excess of 6,000 pounds must register the truck as provided in section 504.

Sec. C-4. 29-A MRSA §517, sub-§1, ¶D, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. C-5. 29-A MRSA §517, sub-§1-A is enacted to read:

1-A. Vehicles owned or used by fire departments. Vehicles owned or used exclusively by municipal fire departments or volunteer fire associations as defined in Title 30-A, section 3151 are exempt from registration requirements and registration fees. The Secretary of State shall register vehicles owned or used exclusively by a municipal fire department or a volunteer fire association upon request of the municipality or volunteer fire association.

Vehicles owned or used by municipal fire departments or volunteer fire associations are not exempt from the inspection requirements of chapter 15, subchapter I.

Sec. C-6. 29-A MRSA §2054, sub-§2, ¶C, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

C. The use of amber lights on vehicles is governed by the following.

(1) A vehicle engaged in highway maintenance or in emergency rescue operations by civil defense and public safety agencies and a public utility emergency service vehicle may be equipped with auxiliary lights that emit an amber light.

(2) A wrecker must be equipped with a flashing light mounted on top of the vehicle in such a manner as to emit an amber light over a 360° angle. The light must be in use on a public way or a place where public traffic may reasonably be anticipated when servicing, freeing, loading, unloading or towing a vehicle.

(3) A vehicle engaged in snow removal or sanding operations on a public way must be equipped with and display at least 2 auxiliary lights mounted on the highest practical point on the vehicle and provide visible light coverage over a 360° range. The lights must emit an amber beam of light, be at least 6 inches in diameter and be equipped with blinking attachments. In lieu of the lights specified, a vehicle may be equipped with at least one auxiliary rotating flashing light having 4-inch sealed beams and showing amber beams of light over a 360° range or an amber strobe, or combination of strobes, that emits at a minimum a beam of 1,000,000 candlepower and provides visible light coverage over a 360° range. When the left wing of a plow is in operation and extends over the center of the road, an auxiliary light must show the extreme end of the left wing. That light may be attached to the vehicle so that the beam of light points at the left wing. The light illuminating the left wing may be controlled by a separate switch or by the regular lighting system and must be in operation at all times when the vehicle is used for plowing snow on public ways.

(4) A vehicle equipped and used for plowing snow on other than public ways may be equipped with an auxiliary rotary flashing light that must be mounted on top of the vehicle in such a manner as to emit an amber beam of light over a 360° angle, or an amber strobe, or combination of strobes, that emits at a minimum a beam of 1,000,000 candlepower and provides visible light coverage over a 360° range. The light may be in use on a public way only when the vehicle is entering the public way in the course of plowing private driveways and other off-highway locations.

(5) A rural mail vehicle may be equipped with auxiliary lights.

(a) The lights used to the front must be white or amber, or any shade between white and amber.

(b) The lights used to the rear must be amber or red, or any shade between amber and red.

(c) The lights, whether used to the front or rear, must be mounted at the same level and as widely spaced laterally as possible.

(d) The lights, whether used to the front or rear, must flash simultaneously.

(e) The lights must be visible from a distance of at least 500 feet under normal atmospheric conditions at night.

(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 Effective July 1, 1996, the auxiliary lights must be amber. Prior to July 1, 1996, the auxiliary lights must be green or amber.

Sec. C-7. 29-A MRSA §2356, sub-§§1, 2 and 3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

1. Operation prohibited. A person commits a Class E crime if that person operates or causes operation of a vehicle in excess of its registered weight on a public way.

2. Prima facie evidence. Operation of a vehicle is prima facie evidence that the operation was caused by the person holding the ~~permit or certificate~~ operating authority license for that vehicle from the Secretary of State.

3. Exception. An operator who is employed by a carrier holding a ~~permit or certificate~~ an operating authority license and who has not participated in loading the vehicle is not subject to a penalty.

Sec. C-8. 29-A MRSA §2356, sub-§§7 and 8 are enacted to read:

7. Notice of failure to appear or noncompliance with orders. If a person after being ordered to appear to answer a violation fails to appear or after appearing fails to comply with an order issued pursuant to this section, the court shall notify the Secretary of State.

8. Suspension of operating authority license and registrations. After receiving notice pursuant to subsection 7, the Secretary of State shall suspend the person's operating authority license, all registration certificates and plates and the privilege to operate a motor vehicle in this State. The suspension remains in effect until the person appears in court and complies with a court order.

Sec. C-9. 29-A MRSA §2360, sub-§7, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

7. Redistribution of load. ~~Notwithstanding any other provisions of this section subsections 1 to 6,~~ when an officer determines that a vehicle that is within the gross vehicle weight limit is in violation of an axle weight limit, the officer shall permit the operator to redistribute the load once before proceeding. If redistribution brings the vehicle into compliance with axle limits, then the fine is reduced as follows:

A. If the violation is less than 2,000 pounds, no penalty;

B. If the violation is less than 3,000 pounds, by 66%; and

C. If the violation is less than 4,000 pounds, by 50%.

Sec. C-10. 29-A MRSA §2360, sub-§§11 to 14 are enacted to read:

11. Prima facie evidence. Operation of a vehicle is prima facie evidence that the operation was cause by the person holding the operating authority license from the Secretary of State.

12. Exception. An operator who is employed by a carrier holding an operating authority license and who has not participated in loading the vehicle is not subject to a penalty.

13. Notice of failure to appear or noncompliance with orders. If a person after being ordered to appear to answer a violation fails to appear or after appearing fails to comply with an order issued pursuant to this section, the court shall notify the Secretary of State.

14. Suspension of operating authority license and registrations. After receiving notice pursuant to subsection 13, the Secretary of State shall suspend the person's operating authority license, all registration certificates and plates and the privilege to operate a motor vehicle in this State. The suspension remains in effect until the person appears in court and complies with a court order.

Sec. C-11. 29-A MRSA §2412, sub-§1, ¶D, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

D. Has been sent written notice in accordance with section ~~2458~~ 2482 or former Title 29, section 2241, subsection 4; or

Sec. C-12. 29-A MRSA §2414, sub-§§2 and 3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

2. Failure to stop. A person commits a Class E crime if that person fails or refuses to stop a motor

vehicle on request or signal of a uniformed law enforcement officer.

3. Eluding an officer. A person commits a Class C crime if that person, after being requested or signaled to stop, attempts to elude a law enforcement officer by operating a motor vehicle at a reckless rate of speed that results in a high-speed chase between the operator's motor vehicle and a law enforcement vehicle using a blue light and siren.

Sec. C-13. 29-A MRSA §2557, sub-§1, ¶D, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

D. Is a person to whom written notice was sent in accordance with section ~~2458~~ 2482 or former Title 29, section 2241, subsection 4.

Sec. C-14. 29-A MRSA §2557, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Offense; penalty. Violation of this section is:

A. A Class D crime if:

(1) The person has no conviction for operating after revocation under this section or under former Title 29, section 2298 within the previous 5 years; and

(2) The person has no conviction for violating section 2411 or former Title 29, section 1312-B within the previous 5 years; and

B. A Class C crime if:

(1) The person has one or more convictions for operating after revocation under this section or under former Title 29, section 2298 within the previous 5 years; or

(2) The person has one or more convictions for violating section 2411 or former Title 29, section 1312-B within the previous 5 years.

The Secretary of State may not grant relief from habitual offender status under section 2554 until at least 3 years after the original date scheduled for eligibility to apply for relief of that status.

Sec. C-15. Retroactivity. This Act applies retroactively to January 1, 1995.

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

See title page for effective date.

CHAPTER 66

H.P. 158 - L.D. 205

An Act to Amend Provisions of Law Voiding a Lease for Premises Defined as a Common Nuisance

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

Sec. 1. 14 MRSA §6014, sub-§1, as enacted by PL 1981, c. 428, §8, is amended to read:

1. Illegal evictions. ~~Evictions which~~ Except as permitted by Title 15, chapter 517 or Title 17, chapter 91, evictions that are effected without resort to the provisions of this chapter are illegal and against public policy. Illegal evictions include, but are not limited to, the following.

A. No landlord may willfully cause, directly or indirectly, the interruption or termination of any utility service being supplied to the tenant including, but not limited to, water, heat, light, electricity, gas, telephone, sewerage, elevator or refrigeration, whether or not the utility service is under the control of the landlord, except for such temporary interruption as may be necessary while actual repairs are in process or during temporary emergencies.

B. No landlord may willfully seize, hold or otherwise directly or indirectly deny a tenant access to and possession of the tenant's rented or leased premises, other than through proper judicial process.

C. No landlord may willfully seize, hold or otherwise directly or indirectly deny a tenant access to and possession of the tenant's property, other than by proper judicial process.

Sec. 2. 17 MRSA §2741, first ¶, as amended by PL 1993, c. 98, §1, is further amended to read:

All places used as houses of ill fame or for the illegal sale or keeping of intoxicating liquors or scheduled drugs, or resorted to for lewdness or gambling; all houses, shops or places where intoxicating liquors are sold for tipping purposes; and all places of resort where intoxicating liquors are kept, sold, given away, drunk or dispensed in any manner not provided for by law are common nuisances. The