

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

§3203. Sales of motor vehicles prohibited

~~Any~~ Except as provided in section 3203-A, any person who ~~shall carry~~ carries 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~~ the 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~~ 2, subchapter ~~III-A~~ III, 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. 2. 17 MRSA §3203-A is enacted to read:

§3203-A. Motor homes

A person who is licensed in accordance with Title 29-A, section 951 and whose primary business is the buying and selling of new motor homes is exempt from section 3203 as it relates to that person's primary business. A "motor home" means a motor vehicle that is primarily designed as temporary living quarters and:

1. Part of vehicle. Is built onto or is an integral part of the motor vehicle chassis; and

2. Contains living systems. Contains independent living systems that are part of the manufacturing process that include cooking facilities, plumbing with external evacuation or that is self-contained, electrical capabilities, a heating source powered separately from the engine and a water system that includes a sink and faucet.

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

Effective May 15, 1995.

CHAPTER 88**H.P. 291 - L.D. 395****An Act Concerning the Rights and Responsibilities of Innkeepers**

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

Sec. 1. 30-A MRSA §3821, sub-§3, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

3. Availability for inspection. Both the register and the record ~~shall~~ must be kept for 2 years and be available at all reasonable times to the inspection of any lawful agent of the licensing authority or any full-time law enforcement officer as defined in Title 25, section 2805. The guest register may be "kept," within the meaning of this section, when reproduced on any photographic, microfilm or other process that reproduces the original record.

Sec. 2. 30-A MRSA §3822, sub-§1, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

1. Registration required. All persons occupying a room or rooms in a hotel or lodging house must register or have themselves registered in the hotel or lodging house register. The innkeeper may require the registering guest to produce a valid driver's license, or other identification satisfactory to the innkeeper, setting forth the name and residence of the guest. If the guest is a minor, the innkeeper may require a parent of the guest to register and to accept in writing liability for the guest room costs, taxes, all charges incurred by the minor and any damages to the guest room or its furnishings caused by the minor while a guest at the hotel or lodging house.

Sec. 3. 30-A MRSA §3838 is enacted to read:

§3838. Refusal or denial of accommodations; ejection

An innkeeper may refuse or deny any accommodations, facilities or privileges of a hotel or lodging house to or may eject from the hotel or lodging house premises:

1. Person unwilling or unable to pay. Any person who is unwilling or unable to pay for accommodations and services of the hotel or lodging house. The innkeeper may require the prospective guest to demonstrate the ability to pay by cash, valid credit card or a validated check;

2. Minor. Any person who has not attained 18 years of age unless that person:

A. Presents a signed notification from a parent that the parent accepts liability of the guest room costs, taxes, all charges by the minor and any damages to the guest room or its furnishings caused by the minor while a guest at the hotel or lodging house; and

B. Provides the innkeeper with a valid credit card number or cash deposit to cover the guest room costs, taxes, charges by the minor and any damages to the guest room or its furnishings caused by the minor. Any cash deposit provided must be refunded to the extent not used to cover any charges or damages as determined by the innkeeper following room inspection at check-out;

3. Property dangerous to others. Any person the innkeeper reasonably believes is bringing in property that may be dangerous to other persons, such as firearms or explosives;

4. Limit on occupants exceeded. Any person or persons, if admitting that person or those persons would cause the limit on the number of persons who may occupy any particular guest room in the hotel or lodging house to be exceeded. For purposes of this subsection, the limit represents the number permitted by local ordinances or reasonable standards of the hotel or lodging house relating to health, safety or sanitation; or

5. Violates laws or rules; endangers others. Any person who:

A. Disturbs, threatens or endangers other guests;

B. Is a minor and possesses or uses alcohol;

C. Possesses or uses illegal drugs; or

D. Violates any rule of the hotel or lodging house that is posted in a conspicuous place and manner at the guest registration desk and in each guest room.

Nothing in this section authorizes an innkeeper to violate the Maine Human Rights Act, Title 5, chapter 337.

Sec. 4. 30-A MRSA §3851, sub-§1, ¶C, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

C. Keep a copy of this section printed in distinct type constantly and conspicuously posted in at least 10 conspicuous places in the inn, hotel or boardinghouse a conspicuous place at or near the guest registration desk and in each guest room.

See title page for effective date.

CHAPTER 89

H.P. 308 - L.D. 412

An Act Relating to Building Permit Ordinances

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

Sec. 1. 30-A MRSA §4101, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended by adding at the end a new paragraph to read:

This subchapter does not apply to a zoning ordinance as defined in section 4301, subsection 15-A or to a shoreland zoning ordinance adopted pursuant to Title 38, chapter 3, subchapter I, article 2-B.

See title page for effective date.

CHAPTER 90

H.P. 393 - L.D. 528

An Act to Amend the Site Location of Development Laws Relating to Former Military Bases

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

Sec. 1. 38 MRSA §488, sub-§15 is enacted to read:

15. Exemption for former military bases. Development on a military base at the time ownership of the military base is acquired by a state or local development authority is exempt from review under this article. Subsequent transfer of ownership of a former military base or any portion of a former military base by a state or local development authority to another entity does not affect the exemption granted under this subsection. Development proposed or occurring on a former military base after ownership of the military base is acquired by a state or local development authority is subject to review under this article.

For purposes of this subsection, "military base" means all property under the ownership or control of a federal military authority prior to the acquisition of ownership by a state or local development authority, the ownership of which is subsequently acquired by a state or local development authority. For purposes of this subsection, "ownership" means a fee interest or leasehold interest in property.

See title page for effective date.