

# 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**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1995**

committee or committees of the political party from which the appointment is to be made.

**Sec. 6. 30-A MRSA §371**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

**§371. Election or appointment; vacancies**

Sheriffs ~~shall~~ must be elected or appointed and shall hold their offices according to the Constitution of Maine. Their election ~~shall~~ must be conducted and determined as is provided for county commissioners. They shall take office on the first day of January following their election. Vacancies must be filled as provided in the Constitution of Maine. In the case of a vacancy in the term of a sheriff who was nominated by primary election before the general election, the sheriff appointed by the Governor to fill the vacancy until a successor is chosen at election must be enrolled in the same political party as the sheriff whose term is vacant. In making the appointment, the Governor shall choose from any recommendations submitted to the Governor by the county committee of the political party from which the appointment is to be made.

**Sec. 7. 33 MRSA §601**, as amended by PL 1989, c. 502, Pt. B, §40, is further amended by adding at the end a new paragraph to read:

In the case of a vacancy in the term of a register of deeds who was nominated by primary election before the general election, the register of deeds appointed by the Governor must be enrolled in the same political party as the register of deeds whose term is vacant. In making the appointment, the Governor shall choose from any recommendations submitted by the county committee of the political party from which the appointment is to be made.

See title page for effective date.

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**CHAPTER 246**

**H.P. 974 - L.D. 1383**

**An Act to Establish Periodic Adjustments in the Mileage Reimbursements**

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

**Sec. 1. 5 MRSA §8002, sub-§2**, as amended by PL 1989, c. 700, Pt. A, §19, is further amended to read:

**2. Agency.** "Agency" means any body of State Government authorized by law to adopt rules, to issue licenses or to take final action in adjudicatory

proceedings, including, but not limited to, every authority, board, bureau, commission, department or officer of the State Government so authorized; but the term ~~shall~~ does not include the Legislature, Governor, courts, University of Maine System, Maine Maritime Academy, technical colleges, the Commissioner of Education for schools of the unorganized territory, school administrative units, community action agencies as defined in Title 22, section 5321, special purpose districts or municipalities, counties or other political subdivisions of the State.

See title page for effective date.

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**CHAPTER 247**

**H.P. 679 - L.D. 930**

**An Act to Amend the Motor Vehicle Laws**

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

**Sec. 1. 29-A MRSA §351, sub-§3**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**3. Temporary permit to tow unregistered vehicle.** A law enforcement officer, or an employee of the bureau designated by the Secretary of State ~~or a certified reserve officer while on duty, when necessary and not detrimental to public safety,~~ may issue a permit in writing to allow:

A. An unregistered motor vehicle to be towed either by a regular service wrecker or by the use of a towbar; or

~~B. The operation of an unregistered motor vehicle only to the owner's residence or to an office of the bureau for the sole purpose of renewing the registration by the same owner; or~~

C. An unregistered trailer or semitrailer with a gross weight of 3,000 pounds or less to be towed, for one trip only, between the points of origin and destination.

~~A permit may be issued under paragraphs A and B only when the previous registration on the vehicle has expired within 30 days. A permit issued under this subsection is valid for no more than 3 days, including the date of issuance.~~

**Sec. 2. 29-A MRSA §351, sub-§3-A** is enacted to read:

**3-A. Permit to operate unregistered vehicle.** Upon stopping a vehicle with a registration that has

been expired for more than 30 days, a law enforcement officer may issue a permit to the owner or operator of the vehicle to operate the vehicle to the owner's residence or to an office of the bureau for the sole purpose of renewal of the registration by the owner.

**Sec. 3. 29-A MRSA §2052, sub-§7** is enacted to read:

**7. Backing.** An operator may not drive a vehicle in reverse or back a vehicle on a limited-access way or on an entrance or exit of a limited-access way.

**Sec. 4. 29-A MRSA §2054, sub-§2, ¶B,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

B. Only a police vehicle may be equipped with a device that provides for alternate flashing of the vehicle's brake or rear directional lights and back-up lights or strobe lights behind the rear brake lenses.

**Sec. 5. 29-A MRSA §2076, sub-§3, ¶C,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

C. A motor vehicle that, in accordance with 49 Code of Federal Regulations, Part 172, Subpart F, is required to be marked or placarded ~~with one of the following markings:~~

- ~~(1) Explosives A;~~
- ~~(2) Explosives B;~~
- ~~(3) Poison gas;~~
- ~~(4) Flammable solid W;~~
- ~~(5) Radioactive;~~
- ~~(6) Flammable;~~
- ~~(7) Blasting agent;~~
- ~~(8) Nonflammable gas;~~
- ~~(9) Chlorine;~~
- ~~(10) Poison;~~
- ~~(11) Oxygen;~~
- ~~(12) Flammable gas;~~
- ~~(13) Combustible;~~
- ~~(14) Flammable solid;~~
- ~~(15) Oxidizer;~~

~~(16) Organic peroxide;~~

~~(17) Corrosive; or~~

~~(18) Dangerous;~~

**Sec. 6. 29-A MRSA §2380, sub-§5, ¶A,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

A. When the load will pitch to the center of the vehicle, a strip of wood or metal 3 inches thick must extend along the sides of the platform, from front to rear, securely fastened to the platform; ~~or.~~

**Sec. 7. 29-A MRSA §2380, sub-§5, ¶B,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

**Sec. 8. 29-A MRSA §2386,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

See title page for effective date.

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## CHAPTER 248

### H.P. 925 - L.D. 1306

#### An Act to Amend the Laws Governing Civil Liability for Individual Medical Providers with Whom the Department of Corrections Contracts

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

**Sec. 1. 34-A MRSA §1213** is enacted to read:

**§1213. Contract to provide medical care**

Any individual medical provider contracting with the department when providing medical care within a correctional or detention facility pursuant to section 3031, subsection 2 under a contract with the department is deemed for purposes of civil liability to be an employee of a governmental entity under the Maine Tort Claims Act, Title 14, chapter 741.

See title page for effective date.

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## CHAPTER 249

### H.P. 772 - L.D. 1069

#### An Act to Promote the Use of Alternative Dispute Resolution in State Government