

# 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**

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

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

**Sec. 1. 5 MRSA §8051**, as amended by PL 1989, c. 297, §1, is further amended to read:

**§8051. Adoption of rules of practice**

In addition to other rule-making requirements imposed by law, each agency shall adopt rules of practice governing the conduct of adjudicatory proceedings, licensing proceedings and the rendering of advisory rulings, except to the extent that such rules are provided by law. The first time after October 1, 1995 that an agency proposes to adopt or modify the rules of practice governing the conduct of adjudicatory proceedings or licensing proceedings, the agency shall also propose any rules reasonably necessary to promote, when appropriate, the efficient and cost-effective use of alternative dispute resolution techniques, including the use of neutral facilitators, mediators or arbitrators. If the agency determines that it is unnecessary or inappropriate to propose these rules, it shall so state in the notice of rulemaking required under section 8053. A written explanation of the reasons for the agency's determination must be included in the basis statement of rule. Any agency rule of practice ~~which~~ that imposes a time period or deadline for the filing of any submission or for the service of any paper ~~shall~~ must provide that filing or service is complete:

**1. Upon an agency.** Upon an agency, when the agency receives the submission or the paper by mail, in-hand delivery or any other means specified by the agency; or

**2. Upon a party.** Upon a party, when the paper is mailed to the party or the party's attorney, ~~upon~~ by in-hand delivery to the recipient or by delivery to the recipient's office.

See title page for effective date.

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**CHAPTER 250**

**S.P. 370 - L.D. 1047**

**An Act to Allow Towns to Register Vehicles on Loan through the Federal Excess Property Program without Local Title**

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

**Sec. 1. 29-A MRSA §652, sub-§1**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**1. United States' vehicle.** A vehicle owned by the Federal Government, unless it is registered in this State or, at the discretion of the Secretary of State, a vehicle owned by the Federal Government that is loaned to the State or a municipality for forest fire control activities;

See title page for effective date.

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**CHAPTER 251**

**H.P. 1057 - L.D. 1486**

**An Act to Add Types of Pharmacies That Are Subject to Record Seizure**

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

**Sec. 1. 32 MRSA §13723, sub-§7**, as amended by PL 1991, c. 274, §2, is further amended to read:

**7. Investigatory powers.** The board shall notify the Department of the Attorney General upon receipt of a complaint. Upon receipt of the notifications, the Attorney General shall notify the department within a timely period if the alleged violation requires criminal investigation. If a case does not require criminal investigation, the board or its authorized representatives may investigate and gather evidence concerning alleged violations of this Act or of the rules of the board. The board or an officer authorized pursuant to paragraph A may remove from any ~~drug outlet or wholesaler~~ premises authorized for inspection pursuant to section 13721, subsection 1, paragraph D certain original records relating to scheduled drugs or controlled substances, including, but not limited to, prescription records, shipping and delivery records, patient profiles, inventories and other drug records for the purposes of analysis, duplication and furthering the investigation. A signed inventory receipt of any records being removed must be furnished to the ~~drug outlet or wholesaler~~ premises by the board or an authorized officer. When a means of producing legible photocopies is readily available at the site of the records being removed, an authorized officer removing the records shall leave photocopies of the records as part of an inventory receipt in accordance with this subsection. Except when photocopies are left as part of an inventory receipt, the board or an authorized officer removing records from a ~~drug outlet or wholesaler~~ the premises shall, within 48 hours from the time of removal, provide to a representative of the ~~drug outlet or wholesaler~~ premises photocopies of any removed records, together with a certificate identifying the agency in possession of the records, or return the original records. Inventory receipts and photocopies of any