

MAINE STATE LEGISLATURE

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



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

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND 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

Secretary of State or the Commissioner of Public Safety may:

A. Inspect any fuel tank or container that can or may be used for the production, storage or transportation of special fuel;

B. Inspect any equipment that can or may be used for, or in connection with, the production, storage or transportation of special fuel;

C. Inspect the books and records of any supplier, user, distributor or importer;

D. Detain any motor vehicle for the purpose of inspecting its fuel tanks. Detainment may continue for a reasonable period of time as necessary to determine the amount and composition of the fuel. Designated agents and officers may take and remove samples of fuel in reasonable quantities in order to determine compliance with the provisions of this chapter;

E. Suspend vehicle registrations in the name of any carrier that has violated the provisions of this chapter and the right to operate as provided in Title 29-A, section 2458; and

F. Refuse to issue or reissue authority required by Title 29-A, section 552.

2. Penalties. A person who commits one of the following acts is guilty of a Class E crime and is subject to a fine of not less than \$250, which may not be reduced:

A. If the person is a supplier, selling special fuel without collecting tax on the fuel when the supplier knows or has reason to believe that the fuel will not be used for an exempt purpose;

B. Refusing or failing to make any statement, report, payment or return required by this chapter;

C. Refusing or failing to pay interest or penalties arising from the nonpayment of taxes required by this chapter;

D. Knowingly collecting or attempting to collect, directly or indirectly, a refund of tax without being entitled to that refund;

E. Knowingly making, or aiding or assisting any other person in making, a materially false statement in any return or report submitted to the State Tax Assessor, in any application for refund of tax, in any other application or affidavit submitted to the State Tax Assessor pursuant to this chapter or in any affidavit of exempt use submitted to a supplier pursuant to section 3204-A;

F. Refusing or failing to permit an inspection pursuant to subsection 1; or

G. If the person is a user or an agent or employee of a user, consuming special fuel in a registered motor vehicle when the user does not have a valid license issued pursuant to section 3207. Each day or part of a day during which this paragraph is violated constitutes a separate violation within the meaning of this section.

The fine provided by this subsection is in addition to any other applicable penalty or tax.

Sec. 12. 36 MRSA §3234, sub-§2, as enacted by PL 1983, c. 94, Pt. D, §7, is amended to read:

2. Supplier, distributor or importer; definition. For the purposes of this section, the term supplier, distributor or importer includes, ~~in addition to the persons described in section 3202, subsection 5,~~ any officer, director, member, agent or employee of any supplier, distributor or importer who, in that capacity, is responsible for the control or management of the funds or finances of that supplier, distributor or importer or responsible for either the collection or payment of that supplier, distributor or importer's taxes.

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

Effective June 21, 1995.

CHAPTER 272

S.P. 438 - L.D. 1206

An Act to Amend the Medical Examiner Act

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 22 MRSA §3028, sub-§4, as amended by PL 1991, c. 97, §2, is further amended to read:

4. Possession of useful objects. Except as otherwise directed by the Attorney General, the Attorney General's deputies or assistants, the medical examiner or Office of the Chief Medical Examiner may direct that a law enforcement officer at the scene make measurements, take photographs and take possession of all objects that in the opinion of the medical examiner or Office of the Chief Medical Examiner may be useful in establishing the cause, manner and circumstances of death. For these same purposes, the medical examiner or the Office of the Chief Medical Examiner may direct that a law enforcement officer take possession of any objects or specimens that have been removed from the victim at the scene or elsewhere while under medical care.

Sec. 2. 22 MRSA §3028, sub-§5, as amended by PL 1985, c. 611, §7, is further amended to read:

5. Requests for objects. Any person having possession of any object or objects, as described in subsection 4, shall at the request of the medical examiner give that object or objects to a law enforcement officer, to the medical examiner or to the Office of the Chief Medical Examiner. Medical personnel and institutions turning over any objects or specimens that have been removed from the victim while under medical care are immune from civil or criminal liability when complying with this subsection. Original written or recorded material that might express suicidal intent ~~shall~~ must be sent to the Office of the Chief Medical Examiner. The Chief Medical Examiner may elect to accept copies in place of originals.

Sec. 3. 22 MRSA §3028, sub-§7, as enacted by PL 1979, c. 538, §8, is amended to read:

7. Written report. Upon completing ~~his~~ an investigation, the medical examiner shall submit a written report of ~~his~~ findings to the Chief Medical Examiner on forms provided for that purpose. The medical examiner shall retain one copy of the report.

If a medical examiner reports suspected abuse, neglect or exploitation to the Chief Medical Examiner, the Chief Medical Examiner, by reporting that information to the department on behalf of the medical examiner, fulfills the medical examiner's mandatory reporting requirement under section 3477 or 4011.

See title page for effective date.

CHAPTER 273

H.P. 522 - L.D. 712

An Act to Make Allocations from the Transportation Safety Fund for the

Fiscal Years Ending June 30, 1996 and June 30, 1997

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of the Department of Public Safety and the Department of the Secretary of State will become due and payable on or immediately after July 1, 1995; 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:

Sec. 1. 29-A MRSA §561, sub-§3, ¶¶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 must be allocated to the Department of Public Safety for the State Police no more than ~~\$2,600,000~~ \$2,200,000 in fiscal year ~~1993-94~~ 1995-96 and ~~\$2,600,000~~ \$2,300,000 in fiscal year ~~1994-95~~ 1996-97 for duties imposed by this chapter and Title 35-A and for related activities.

B. There must be allocated to the Department of the Secretary of State for the Bureau of Motor Vehicles no more than ~~\$660,000~~ \$750,000 annually for enforcement of commercial driver license law.

Sec. 2. Allocation of funds. Income to the Transportation Safety Fund for the next 2 fiscal years, from July 1, 1995 to June 30, 1996 and from July 1, 1996 to June 30, 1997, must be segregated, apportioned and disbursed as designated in the following schedule.

	1995-96	1996-97
PUBLIC SAFETY, DEPARTMENT OF		
Traffic Safety - Commercial Vehicle Enforcement		
Positions - Legislative Count	(41.0)	(41.0)
Personal Services	\$1,775,646	\$1,925,916
All Other	270,694	278,677
Capital Expenditures	122,500	72,800