

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
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TITLE 3, SECTION 163-A, SUBSECTION 4

J.S. McCarthy Company
Augusta, Maine
1995

CHAPTER 371

S.P. 580 - L.D. 1557

An Act to Improve Bicycle Safety in This State**Be it enacted by the People of the State of Maine as follows:**

Sec. 1. 29-A MRSA §2063, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Definitions. For the purpose of this section, "bicycle" includes a motorized bicycle or a motorized tricycle, and "toy vehicle" includes, but is not limited to, skateboards, rollerskates, wagons, sleds and coasters.

Sec. 2. 29-A MRSA §2071, sub-§5, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

5. Hand signals. Signals by hand and arm must be given by the left arm from the left side of a vehicle in the following manner:

A. To indicate a left turn, the hand and arm must be extended horizontally;

B. To indicate a right turn, the hand and arm must be extended upward, except that a person who is operating a bicycle is not in violation of this subsection if the person signals a right turn by extending the person's right hand and arm horizontally; and

C. To indicate a stop or a decrease in speed, the hand and arm must be extended downward.

See title page for effective date.

CHAPTER 372

H.P. 982 - L.D. 1390

An Act to Clarify the Forcible Entry and Detainer Law**Be it enacted by the People of the State of Maine as follows:**

Sec. 1. 14 MRSA §6001, sub-§1, as amended by PL 1995, c. 60, §2, is further amended to read:

1. Persons against whom process may be maintained. Process of forcible entry and detainer may be maintained against a disseisor who has not acquired any claim by possession and improvement;

against a tenant holding under a written lease or contract or person holding under such a tenant; against a tenant where the occupancy of the premises is incidental to the employment of a tenant; at the expiration or forfeiture of the term, without notice, if commenced within 7 days from the expiration or forfeiture of the term; against a tenant at will, whose tenancy has been terminated as provided in section 6002; and against mobile home owners and tenants pursuant to Title 10, chapter 951, subchapter VI. When there are multiple occupants of an apartment or residence, the process of forcible entry and detainer is effective against all occupants if the plaintiff names as parties "all other occupants" together with all adult individuals whose names appear on the lease or rental agreement for the premises or whose tenancy the plaintiff has acknowledged by acceptance of rent or otherwise.

See title page for effective date.

CHAPTER 373

H.P. 907 - L.D. 1283

An Act to Update and Clarify Administrative Procedures**Be it enacted by the People of the State of Maine as follows:**

Sec. 1. 5 MRSA §86, 2nd ¶, as amended by PL 1993, c. 316, §1, is further amended to read:

For a certificate under the seal of the State, \$5 for a short form and \$10 for a special detailed certificate. For all copies of corporate, limited partnership and mark documents, the rate of \$2 per page; and for all other copies, the rate of 75¢ per page if such copies are prepared by the office of the Secretary of State. ~~There is no charge for certificates or copies requested by any department of the State. The Secretary of State may also reduce or waive the fee for other governmental agencies and bodies.~~

Sec. 2. 5 MRSA §8002, sub-§3-B is enacted to read:

3-B. Authorized representative. "Authorized representative" means the chair of a board or commission, an individual in a major policy-influencing position as defined by chapter 71, or the chief executive officer of an agency, within the agency adopting a rule.

Sec. 3. 5 MRSA §8052, sub-§7, as amended by PL 1985, c. 680, §2, is further amended to read:

7. Adoption of rule. ~~No~~ A rule may ~~become effective~~ not take effect unless:

A. The agency adopts it within 120 days of the final date by which data, views or arguments may be submitted to the agency for consideration in adopting the rule; and

B. This adopted rule is approved by the Attorney General as to form and legality, as required by section 8056, within 150 days of the final date by which those comments may be submitted.

The final date for comments may be extended if notice of doing so is published ~~before that final date~~ within 14 days after the most recently published comment deadline, in the consolidated notice referred to in section 8053.

Sec. 4. 5 MRSA §8053, sub-§1, as amended by PL 1985, c. 39, §2, is further amended to read:

1. Notice of rulemaking without hearing. At least 20 days prior to the ~~adoption~~ comment deadline of any rule without hearing, the agency shall deliver or mail written notice to:

A. Any person specified by the statute authorizing the rulemaking;

B. Any person who has filed within the past year a written request with the agency for notice of rulemaking; and

C. Any trade, industry, professional, interest group or regional publication that the agency ~~deems~~ considers effective in reaching the persons affected.

Notification to subscribers under paragraph B ~~shall~~ must be by mail or otherwise in writing to the last address provided to the agency by that person. Subscribers under paragraph B may request to receive a copy of each proposed rule with the written notice. The agency shall provide the copy at the same time the notice is sent.

Written notice ~~shall~~ must also be given to the Secretary of State, by the deadline established by ~~him~~ the Secretary of State, for publication in accordance with subsection 5.

Sec. 5. 5 MRSA §8053, sub-§3-A, as enacted by PL 1981, c. 524, §8, is amended to read:

3-A. Copies of proposed rules available upon request. At least 20 days prior to hearing on any proposed rule and at least 20 days prior to the ~~adoption~~ comment deadline of any rule without a hearing, the agency shall make copies of the proposed rule available to persons upon request.

Sec. 6. 5 MRSA §8056, sub-§1, ¶B, as amended by PL 1985, c. 39, §3, is further amended to read:

B. File ~~a certified copy of the original rule as signed by the Attorney General or an assistant attorney general and the authorized representative of the agency~~, and the statement required by section 8052, subsection 5, with the Secretary of State in a form prescribed by the Secretary of State, which form ~~shall be~~ is susceptible to frequent and easy revision;

Sec. 7. 5 MRSA §8056, sub-§3, ¶A, as amended by PL 1991, c. 554, §1, is further amended to read:

A. Maintain and make available at the Secretary of State's office, for inspection at no charge and for copying or purchase ~~at actual cost~~, current copies of complete rules for all agencies filed in accordance with subsection 1, paragraph B;

See title page for effective date.

CHAPTER 374

S.P. 459 - L.D. 1255

An Act to Create the Northern New England Passenger Rail Authority

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

Whereas, the promotion of passenger rail service is essential to the economy and well-being of the State; and

Whereas, there is an immediate need to create the Northern New England Passenger Rail Authority; 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. 5 MRSA §12004-F, sub-§16 is enacted to read:

<u>16. Northern New</u>	<u>Legislative Per</u>	<u>23</u>
<u>England Passenger Rail</u>	<u>Diem</u>	<u>MRSA</u>
<u>Authority</u>		<u>§8111</u>

Sec. 2. 23 MRSA c. 615, sub-c. III, as amended, is repealed.

Sec. 3. 23 MRSA c. 621 is enacted to read: