

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST SPECIAL SESSION
November 28, 1995 to December 1, 1995

SECOND REGULAR SESSION
January 3, 1996 to April 4, 1996

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 4, 1996

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

lished by clear and convincing evidence that the likely benefits resulting from a cooperative agreement outweigh any disadvantages attributable to any potential reduction in competition resulting from the agreement, the agreement is invalid and has no further force or effect when the judgment becomes final after the time for appeal has expired or the judgment of the Superior Court is affirmed on appeal.

Sec. 14. 22 MRSA §1886, sub-§4, as enacted by PL 1991, c. 814, §1, is repealed.

Sec. 15. 22 MRSA §1889 is enacted to read:

§1889. Application fee

Any application for a certificate of public advantage involving a merger must be accompanied by an application fee of \$10,000, unless the hospitals seeking to merge each have less than 50 licensed beds, in which case the fee is \$2,500. The department shall place these funds into a nonlapsing dedicated revenue account and funds may be used only by the Attorney General for the payment of the cost of experts and consultants in connection with reviews conducted under this chapter.

Sec. 16. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1995-96	1996-97
ATTORNEY GENERAL, DEPARTMENT OF THE Administration - Attorney General		
All Other	\$20,000	\$50,000
Provides funds for contractual services of experts to review hospital merger applications.		

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

Effective April 1, 1996.

CHAPTER 584

S.P. 643 - L.D. 1687

**An Act to Make Changes to the
Motor Vehicle Laws**

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

PART A

Sec. A-1. 29-A MRSA §504, sub-§5, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

5. Truck or truck tractor and semitrailer. In computing fees for a combination of truck or truck tractor and semitrailer, the vehicle to be registered for gross weight is the truck or truck tractor and the rate is the same as for a truck of similar gross vehicle weight. The gross weight used to determine the registration fee under subsection 1 is the combined gross weight of the truck or truck tractor and semitrailer.

Sec. A-2. 29-A MRSA §1905-A is enacted to read:

§1905-A. Turn signal

1. Requirement. Except as provided in subsection 3, a motor vehicle, trailer or semitrailer must be equipped with electric flashing turn signal lamps. A motor vehicle must emit white or amber light from the turn signals to the front of the vehicle and a motor vehicle, trailer or semitrailer must emit amber or red light from the turn signals to the rear of the vehicle.

2. Vehicles physically connected. When a vehicle that is being operated is physically connected to another vehicle, only the last vehicle must carry turn signals to the rear.

3. Vehicles manufactured without turn signal. Automobiles and trucks less than 80 inches in width, manufactured or assembled prior to January 1, 1953 need not be equipped with electric turn signal lamps.

4. Exception for farm tractors. This section does not apply to unregistered farm tractors.

Sec. A-3. 29-A MRSA §1953, sub-§2, ¶A, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

A. A truck with a registered gross vehicle weight of 6,000 pounds or less;

Sec. A-4. 29-A MRSA §2358, sub-§§1 and 2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

1. Travel to scales. If scales are not available, the officer may require that an operator of a vehicle go to the nearest public scales location capable of weighing the vehicle, if the travel does not increase by more than 5 miles the distance that the operator may reasonably travel to reach ~~its~~ the operator's destination.

2. Weighing points. The Chief of the State Police, or a person designated by the chief, may designate weighing points ~~where public stationary scales are located.~~

A weighing point must have signs:

- A. Not less than 500 feet from approaching traffic;
- B. Bearing the words "State Police Truck Check - All Trucks Stop"; and
- C. Displaying flashing yellow lights, which must operate when the weighing station is open.

The placement of signs is prima facie evidence that these signs were displayed in accordance with this section.

An operator of a vehicle subject to GVW restrictions who fails to stop at the weighing point when the signs are operating, unless otherwise directed by a state police officer, commits a traffic infraction for which a forfeiture not to exceed \$500 may be adjudged.

Sec. A-5. 29-A MRSA §2360, sub-§§4, 5 and 6, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

4. Minor gross weight violations. ~~It is not a violation~~ The fine is waived and a Violation Summons and Complaint is not issued if the allowable gross vehicle weight is exceeded by less than 500 pounds multiplied by the number of axles less one. If the allowable gross weight is exceeded by more than 500 but less than 1,000 pounds multiplied by the number of axles less one, the fine is reduced by 50%.

5. Minor axle weight violations. ~~It is not a violation~~ The fine is waived and a Violation Summons and Complaint is not issued if the allowable weight on an axle or group of axles is exceeded by less than 1,000 pounds. If the excess is less than 1,000 pounds plus 500 pounds multiplied by the number of axles in the axle group, the fine is reduced by 66%. If the excess is less than 1,000 pounds plus 1,000 pounds multiplied by the number of axles in the axle group, the fine is reduced by 50%.

6. Axle overweight not exceeding 5%. ~~It is not a violation~~ The fine is waived and a Violation Summons and Complaint is not issued if, before any redistribution of load under subsection 7, the gross vehicle weight is not exceeded and the weight of a single-axle unit, tandem-axle unit or tri-axle unit is not more than 105% of the allowable weight for that axle unit.

PART B

Sec. B-1. 29-A MRSA §101, sub-§30, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

30. Law enforcement officer. "Law enforcement officer" means a person who by virtue of public employment is vested by law with a duty to maintain public order or to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.

"Law enforcement officer" also means an officer or special investigator of the Bureau of Taxation, but only when the officer or special investigator is engaged in enforcement of tax laws under this Title or Title 36.

Sec. B-2. 29-A MRSA §103, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

3. Exclusive penalty. The exclusive penalty for a traffic infraction is a fine of not less than \$25 nor more than \$500, unless specifically authorized, or suspension of a license, or both.

Sec. B-3. 29-A MRSA §110, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. B-4. 29-A MRSA §351, sub-§1-A, as enacted by PL 1995, c. 454, §2, is repealed and the following enacted in its place:

1-A. Residents required to register. An owner of a vehicle who becomes a resident of this State shall register that vehicle in this State within 30 days of establishing residency. A person who operates or allows a vehicle that is not registered in accordance with this subsection to remain on a public way commits a Class E crime pursuant to subsection 1.

Sec. B-5. 29-A MRSA §1251, sub-§1-A is enacted to read:

1-A. Residents required to obtain license. Within 30 days of becoming a resident of this State, a person shall apply to obtain a license in accordance with section 1301. A person who fails to comply with the requirement of this subsection and operates a motor vehicle on a public way or parking area commits a Class E crime pursuant to subsection 1.

Sec. B-6. 29-A MRSA §1251, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Penalty. Operating without a license is a Class E crime, except that if the license is issued by

this State and has expired within ~~30~~ 90 days, the offense is a traffic infraction.

Sec. B-7. 29-A MRSA §1921, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

§1921. Television prohibited from vehicles

A person may not operate a motor vehicle equipped with a television viewer, screen or other means of visually receiving a television broadcast that is visible to the operator. This section does not apply to a law enforcement officer using a video camera or other video equipment for law enforcement purposes.

Sec. B-8. 29-A MRSA §2074, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

3. Criminal offense. A person commits a Class E crime if that person operates a motor vehicle at a speed that exceeds the maximum rate of speed by 30 miles per hour or more.

The complaint for a violation of a speed limit must specify the speed at which the defendant is alleged to have operated a motor vehicle.

~~A person who operates a motor vehicle on the Maine Turnpike or the Interstate Highway System at a speed that exceeds the posted speed of 65 miles per hour commits a traffic infraction punishable by a fine of not less than \$50.~~

Sec. B-9. 29-A MRSA §2074, sub-§3-A is enacted to read:

3-A. Minimum fine. A person who operates a motor vehicle on the Maine Turnpike or the Interstate Highway System at a speed that exceeds the posted speed of 65 miles per hour by less than 30 miles per hour commits a traffic infraction punishable by a fine of not less than \$50.

Sec. B-10. 29-A MRSA §2080, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

§2080. Operation of all-terrain vehicles

Notwithstanding any other provision of law, whenever an all-terrain vehicle is operated on a way, it is subject to all provisions of this Title, except chapters 5, 7, 13 and 15. Whenever an all-terrain vehicle is operated on a way, the operator is not subject to the provisions of chapter 11, except when the all-terrain vehicle is registered for highway use.

Sec. B-11. 29-A MRSA §2604, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

§2604. Traffic infraction; general penalty

A traffic infraction must be punished by a fine of not less than \$25 nor more than ~~\$250~~ \$500 when no other penalty is specifically provided.

See title page for effective date.

CHAPTER 585

H.P. 1246 - L.D. 1708

An Act to Amend the Laws Relating to Recovery for Property Damage

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

Sec. 1. 14 MRSA §7551-B is enacted to read:

§7551-B. Trespass damages

1. Prohibition. A person who intentionally enters the land of another without permission and causes damage to property is liable to the owner in a civil action if the person:

A. Damages or throws down any fence, bar or gate; leaves a gate open; breaks glass; damages any road, drainage ditch, culvert, bridge, sign or paint marking; or does other damage to any structure on property not that person's own; or

B. Throws, drops, deposits, discards, dumps or otherwise disposes of litter, as defined in Title 17, section 2263, subsection 2, in any manner or amount, on property not that person's own.

2. Liability. If the damage to the property is caused intentionally, the person is liable to the owner for 2 times the owner's actual damages plus any additional costs recoverable under subsection 3, paragraphs B and C. If the damage to the property is not caused intentionally, the person is liable to the owner for the owner's actual damages plus any additional costs recoverable under subsection 3, paragraphs B and C.

3. Damages recoverable. The owner's damages include:

A. Actual damages, as measured by subsection 4;

B. Costs the owner may incur if the damage results in a violation of any federal, state or local law or ordinance and, as a result, the owner becomes the subject of an enforcement proceeding. These costs include attorney's fees, costs and the value of the owner's time spent on involvement in the enforcement proceeding; and