

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

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

Sec. 1. 35-A MRSA c. 44, as amended, is repealed.

See title page for effective date.

CHAPTER 57

H.P. 210 - L.D. 274

An Act to Allow Towns to Use the Money Held in Administrative Funds That Comes from the Use of Ministerial Trust Land

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

Sec. 1. 13 MRSA §3167, as repealed and replaced by PL 1987, c. 402, Pt. A, §100, is amended by adding at the end a new paragraph to read:

A municipality that has land that continues to generate an income may expend up to 20% of the ministerial fund every 5 years in accordance with this subchapter.

See title page for effective date.

CHAPTER 58

H.P. 19 - L.D. 44

An Act to Raise the Fee for Congressional and Legislative Registration Plates

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

Sec. 1. 29-A MRSA §460, sub-§1, as amended by PL 1995, c. 482, Pt. B, §4, is further amended to read:

1. State official registration plates authorized. The Secretary of State, on payment of taxes required in section 409 ~~and~~ fees required in section 501, subsections 1 and 2 and an additional fee equal to the cost of producing the plates, rounded to the nearest dollar, and upon application, shall issue one pair of specially designed number plates for one designated motor vehicle owned or controlled by each member of the United States Senate or the United States House of Representatives from this State, or members of the Legislature, Representatives of the Indian Tribes at the Legislature, the President of the Senate, the Speaker of the House of Representatives, the Secretary of the

Senate and the Clerk of the House of Representatives. The cost of producing the special plates is determined by the bureau. A specially designed plate and its registration certificate may be used in place of the regular plate and registration. The named official may attach to such a motor vehicle one of the valid registration plates issued under section 451 and one of the ~~valid registration~~ special registration plates issued under this section.

See title page for effective date.

CHAPTER 59

S.P. 55 - L.D. 165

An Act to Clarify the Right of Campground Owners To Evict or Deny Accommodations to Problem Guests

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

Whereas, the 1997 camping season will be well underway before the effective date of this Act unless it is enacted as an emergency; and

Whereas, campground owners will have no means of dealing with problem guests for the 1997 camping season; 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. 30-A MRSA §3838, as enacted by PL 1995, c. 88, §3, is amended to read:

§3838. Refusal or denial of accommodations; ejection

An innkeeper or campground owner may refuse or deny any accommodations, facilities or privileges of a hotel ~~or~~ lodging house or campground to or may eject from the hotel ~~or~~ lodging house or campground premises:

1. Person unwilling or unable to pay. Any person who is unwilling or unable to pay for accommodations and services of the hotel ~~or~~ lodging house or campground. The innkeeper or campground owner may require the prospective guest to demonstrate the

ability to pay by cash, valid credit card or a validated check;

2. Minor. Any person who has not attained 18 years of age unless that person:

A. Presents a signed notification from a parent that the parent accepts liability of the guest room or campground site costs, taxes, all charges by the minor and any damages to the guest room or its furnishings or to the campground site caused by the minor while a guest at the hotel or lodging house or campground; and

B. Provides the innkeeper or campground owner with a valid credit card number or cash deposit to cover the guest room or campground site costs, taxes, charges by the minor and any damages to the guest room or its furnishings or to the campground site caused by the minor. Any cash deposit provided must be refunded to the extent not used to cover any charges or damages as determined by the innkeeper or campground owner following room or campground site inspection at check-out;

3. Property dangerous to others. Any person the innkeeper or campground owner reasonably believes is bringing in property that may be dangerous to other persons, such as firearms or explosives;

4. Limit on occupants exceeded. Any person or persons, if admitting that person or those persons would cause the limit on the number of persons who may occupy any particular guest room in the hotel or lodging house or a site in the campground to be exceeded. For purposes of this subsection, the limit represents the number permitted by local ordinances or reasonable standards of the hotel or lodging house or campground relating to health, safety or sanitation; or

5. Violates laws or rules; endangers others. Any person who:

A. Disturbs, threatens or endangers other guests;

B. Is a minor and possesses or uses alcohol;

C. Possesses or uses illegal drugs; or

D. Violates any rule of the hotel or lodging house or campground that is posted in a conspicuous place and manner at the guest registration desk and in each guest room.

Nothing in this section authorizes an innkeeper or campground owner to violate the Maine Human Rights Act, Title 5, chapter 337.

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

Effective March 28, 1997.

CHAPTER 60

H.P. 127 - L.D. 151

An Act to Increase the Penalty for Illegally Parking in a Handicapped Parking Space

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

Sec. 1. 30-A MRSA §3009, sub-§1, ¶D, as amended by PL 1995, c. 65, Pt. A, §128 and affected by §153 and Pt. C, §15, is further amended to read:

D. The following provisions apply to the establishment and policing of parking spaces for handicapped persons.

(1) Municipal public parking areas are subject to any applicable requirements of the Maine Human Rights Act, Title 5, chapter 337, subchapter V. The municipality shall post a sign adjacent to and visible from each handicapped parking space established by the municipality. The sign ~~shall~~ **must** display the international symbol for accessibility.

(2) Owners of private off-street parking shall arrange for private enforcement or shall enter into agreements with local or county law enforcement agencies to enforce handicapped parking restrictions. Under these agreements, unauthorized vehicles will be ticketed. An owner of private off-street parking who fails to arrange for private enforcement or to enter into an agreement with a law enforcement agency commits a civil violation for which a forfeiture of not less than \$50 may be adjudged.

Under these agreements, public law enforcement officials may ensure that parking spaces designated for the handicapped are used appropriately by handicapped persons, whether the designated handicapped parking spaces are located on public lots or on private lots open to the public. Handicapped parking restrictions in private lots may also be enforced by county or municipal volunteer parking enforcement specialists as provided in sections 471 and 472.