

# 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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

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.

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## 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.

Where service facilities are established on the Maine Turnpike and on the interstate highway system in the State, the State Police shall enforce any handicapped parking restrictions at those facilities.

(3) Any vehicle or motorcycle parked in a parking space clearly marked as a handicapped parking space and that does not bear a special registration plate or placard issued under Title 29-A, section 521 or 523, or a similar plate issued by another state, must be cited for a forfeiture of not less than ~~\$50~~ \$100. "Clearly marked" includes painted signs on pavement and vertical standing signs that are visible in existing weather conditions.

See title page for effective date.

**CHAPTER 61**

**H.P. 318 - L.D. 440**

**An Act to Require Responsibility of the Employers of Persons who Collect Signatures**

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

**Sec. 1. 21-A MRSA §904-A**, as enacted by PL 1993, c. 599, §1, is amended to read:

**§904-A. Payment per signature; prohibition**

A person may not pay a circulator of an initiative or a referendum petition or ~~a~~ another person who causes the circulation of an initiative or referendum petition ~~may not receive payment~~ for the collection of signatures if that payment is based on the number of signatures collected. Nothing in this section prohibits a circulator of an initiative or a referendum petition or a person who causes the circulation of an initiative or referendum petition from being paid a salary that is not based on the number of signatures collected.

See title page for effective date.

**CHAPTER 62**

**H.P. 572 - L.D. 763**

**An Act to Amend the Procedure for Foreclosure by Publication**

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

**Sec. 1. 33 MRSA §353-A, sub-§7**, as enacted by PL 1995, c. 304, §2, is amended to read:

**7. Foreclosure by publication.** In all cases of foreclosure of real estate mortgages by publication, a certificate of the publication of foreclosure made by the mortgagee or by an officer of the mortgagee, if the mortgagee is a corporation, or made by an officer or employee of the newspaper that published the notice recorded on or before January 1, 1990 is prima facie evidence of the publication of foreclosure to the same extent as if the certificate had in fact been made by the register of deeds and recorded; certificates made by the mortgagee or by an officer of the mortgagee, if the mortgagee is a corporation, or made by an officer or employee of the newspaper that published the notice ~~and~~ recorded on or before January 1, 1990 have the same force and effect as if made by the register of deeds and are valid.

See title page for effective date.

**CHAPTER 63**

**S.P. 72 - L.D. 211**

**An Act to Permit Municipalities to Restrict the Sale of Tobacco Products**

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

**Sec. 1. 22 MRSA §1556**, as enacted by PL 1995, c. 470, §9 and affected by §19, is amended to read:

**§1556. Municipal regulation**

Except as otherwise provided in this section, nothing in this chapter affects the authority of municipalities to enact ordinances or regulations that are more restrictive than this chapter. ~~Municipalities are expressly prohibited from enacting ordinances and regulations regarding tobacco displays, product placement and the time of tobacco product sales after the effective date of this Act.~~

When a municipality intends to consider an ordinance or regulation or intends to amend an ordinance or regulation so that the ordinance or regulation would be more restrictive than this chapter, the municipality shall give notice of that intention by mail, at least 30 days prior to consideration of the ordinance, regulation or amendment, to the last known address of each retail tobacco licensee doing business within the municipal corporate limits. This notice must state the time, place and date of a hearing or proposed enact-