

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

2. As used in this section, "sexually explicit materials" means any book, magazine, print, negative, slide, motion picture, videotape or other mechanically reproduced visual material that the person knows or should know depicts a person, minor or adult, engaging in sexually explicit conduct, as that term is defined in Title 17, section 2921, subsection 5.

3. Sexual misconduct with a child under 14 years of age is a Class D crime.

See title page for effective date.

CHAPTER 144

H.P. 380 - L.D. 525

An Act to Increase the Availability and Reduce the Cost of Escorts for Over-limit Movements on the State's Roads

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

Whereas, vehicles or a combination of vehicles that are 125 feet or more in length or 16 feet or more in width require a police escort; and

Whereas, travel through this State of over-limit loads increases during the summer months; and

Whereas, delay in implementing this legislation would interfere with the smoother flow of traffic in this State; 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 §2382, sub-§9, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

9. Pilot vehicles. Pilot vehicles required by a permit must be equipped with warning lights and signs as required by the Secretary of State with the advice of the Department of Transportation.

Warning lights may only be operated and lettering on the signs may only be visible on a pilot vehicle while it is escorting on a public way a vehicle with a permit.

~~The Secretary of State shall require a State Police escort for a single vehicle or a combination of vehicles of 125 feet or more in length or 16 feet or more in width. The Secretary of State, with the advice of the Commissioner of Transportation, may require vehicles of lesser dimensions to be escorted by the State Police.~~

~~The Bureau of State Police shall establish a fee for State Police escorts.~~

~~All fees collected must be used to defray the cost of services provided.~~

With the advice of the Commissioner of Transportation and the Chief of the State Police, the Secretary of State shall establish rules for the operation of pilot vehicles.

Sec. 2. 29-A MRSA §2382, sub-§9-A is enacted to read:

9-A. Police escort. A person may not operate a single vehicle or a combination of vehicles of 125 feet or more in length or 16 feet or more in width on a public way unless the vehicle or combination of vehicles is accompanied by a police escort. The Secretary of State, with the advice of the Commissioner of Transportation, may require a police escort for vehicles of lesser dimensions.

A. The Bureau of State Police shall establish a fee for state police escorts to defray the costs of providing a police escort. A county sheriff or municipal police department may establish a fee to defray the costs of providing police escorts.

B. The Bureau of State Police shall provide a police escort if a request is made by a permittee. A county sheriff or municipal police department may refuse a permittee's request for a police escort.

C. A vehicle or combination of vehicles for which a police escort is required must be accompanied by a state police escort when operating on the interstate highway system.

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

Effective May 7, 1997.

CHAPTER 145

H.P. 753 - L.D. 1030

An Act to Require That the Attorney General Be an Attorney in Good Standing in Maine

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

Sec. 1. 5 MRSA §191-B is enacted to read:

§191-B. Qualification

To serve as Attorney General, a person must be a member in good standing of the bar of the State. For purposes of this section, a person is a "member in good standing of the bar of the State" if that person is admitted to the practice of law in this State, is presently registered with the Board of Overseers of the Bar as an active practitioner and has not been and is not currently disbarred or suspended from practice pursuant to Title 4, chapter 17, subchapter II or Maine Bar Rule 7.2 or its successor.

See title page for effective date.

CHAPTER 146

H.P. 529 - L.D. 720

An Act to Amend the Laws Regarding Confidentiality of Library Records

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

Sec. 1. 27 MRSA §121, as amended by PL 1991, c. 67, is further amended to read:

§121. Confidentiality of library records

Records maintained by any public municipal library, ~~including the Maine State Library, the Law and Legislative Reference Library~~ and libraries of the University of Maine System and the Maine Maritime Academy, that contain information relating to the identity of a library patron relative to the patron's use of books or other materials at the library, are confidential. Those records may only be released with the express written permission of the patron involved or as the result of a court order.

~~Public municipal libraries shall have up to 5 years from the effective date of this chapter to be in compliance with this section.~~

Sec. 2. **Effective date.** This Act takes effect January 1, 1998.

Effective January 1, 1998.

CHAPTER 147

S.P. 277 - L.D. 885

An Act to Amend the Qualifications of the Administrator of the Maine Veterans' Homes

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

Sec. 1. 37-B MRSA §606, as enacted by PL 1983, c. 460, §3, is amended to read:

§606. Administrator

The administrator ~~shall~~ must be an honorably discharged ~~war~~ veteran who shall administer the home in accordance with the rules, guidelines and general policies established by the board. ~~He shall serve~~ The administrator serves an indefinite term, but may be removed for cause by the board. ~~His~~ The administrator's salary ~~shall be~~ is set by the board. The administrator shall hire the necessary employees to operate the home and, whenever possible, ~~shall~~ give preference in hiring to war veterans. These employees ~~shall~~ are not be deemed employees of the State.

See title page for effective date.

CHAPTER 148

H.P. 786 - L.D. 1074

An Act to Establish Practical Difficulty Standards for a Variance from the Dimensional Standards of a Municipal Zoning Ordinance

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

Sec. 1. 30-A MRSA §4353, sub-§4, as amended by PL 1991, c. 659, §1, is further amended to read:

4. Variance. Except as provided in subsections 4-A ~~and~~, 4-B ~~and~~ 4-C, the board may grant a variance only when strict application of the ordinance to the petitioner and the petitioner's property would cause undue hardship. The term "undue hardship" as used in this subsection means:

- A. The land in question can not yield a reasonable return unless a variance is granted;
- B. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;