

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

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

participate in the teacher group plan. If a terminated teacher who elects coverage under this subsection fails to pay the cost of coverage and any administrative costs in the amount and manner determined by the division, the coverage may be cancelled in accordance with the requirements of Title 24 and Title 24-A. Regardless of election of coverage or cancellation of coverage under this paragraph, a teacher terminating employment as provided in this subsection may elect coverage upon retirement under subsection 2-C.

2-C. Eligibility; teachers who retire following break in employment. A teacher who retires but who is not in service immediately prior to retirement and who has at least 25 years of creditable service under Title 5, chapter 423, subchapter IV may make a one-time election at retirement to rejoin the teacher group plan. Coverage of preexisting conditions upon rejoining the plan under this subsection is governed by Title 24-A, chapter 36. The payment provisions of subsection 3 apply to retirees exercising the option under this subsection.

3. Payment by State. The State shall pay 25% of the retired teacher members' share of this insurance.

3-A. School units that change plans. If a school unit changes its group health insurance plan or provider, the school unit at the time that it transfers active teachers to the new plan or provider shall also transfer all retired teachers, and terminated teachers who do not retire and who elect coverage under the teacher group plan under subsection 2-B, from that school unit to the new plan or provider and shall inform each retired and terminated teacher in writing that, unless the school receives written notice from an individual retired or terminated teacher to the contrary, each retired or terminated teacher will be transferred automatically to the new plan or provider. The school unit shall also provide each retired or terminated teacher a description of the benefits and costs of the new plan or provider. A retired or terminated teacher may decline to participate with the new plan or provider upon written notice to the school unit. If any retired or terminated teacher so elects, there ~~shall be~~ is no obligation or responsibility on the part of the replaced group plan or provider beyond conversion or continuity options provided for in Title 24, chapter 19 or Title 24-A, chapters 35 and 36. If any retired or terminated teacher declines to participate with the new plan or provider, there is no obligation or responsibility on the part of the replaced group plan or provider.

4. Master policy certificates. The insurance company or companies or nonprofit organizations, or both, shall furnish the usual master policy and certificates. The original master policy and certificate must be held by the organization offering the insurance plan and the Commissioner of Administrative

and Financial Services shall hold a certified copy. Each insured retired or terminated teacher-member must receive a certificate setting forth the benefits to which entitled, to whom payable, to whom claims must be submitted and summarizing the provisions of the policy principally affecting the retired or terminated teacher-member.

Sec. 4. Effective date. This Act takes effect January 1, 1999.

Effective January 1, 1999.

CHAPTER 653

S.P. 753 - L.D. 2031

An Act to Amend the Motor Vehicle Laws

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

Sec. 1. 25 MRSA §2103-A, first ¶, as amended by PL 1989, c. 754, Pt. C, §1, is further amended to read:

The Commissioner of Public Safety shall adopt state rules to adopt by reference the federal regulations as found in 49 Code of Federal Regulations, Parts 107, 171, 172, 173, 174, 177, 178, 179, 180, 387 and 397, as amended, and subsequently shall adopt state rules to adopt by reference every subsequent amendment to those federal regulations. Except as provided in this section, the Maine Administrative Procedure Act, Title 5, chapter 375, does not apply to those adoptions.

Sec. 2. 29-A MRSA §101, sub-§3, ¶¶C and D, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

C. ~~Maintained~~ Substantially maintained in original or restored condition primarily for use in exhibitions, club activities, parades or other functions of public interest; ~~and~~

D. Not used as its owner's primary mode of transportation of passengers or goods; ~~and~~

Sec. 3. 29-A MRSA §101, sub-§3, ¶E is enacted to read:

E. Not a reconstructed vehicle.

Sec. 4. 29-A MRSA §101, sub-§41-A is enacted to read:

41-A. Motorized wheelchair. "Motorized wheelchair" means a battery-powered device used exclusively for the transportation of an individual with a physical disability.

Sec. 5. 29-A MRSA §105, sub-§4, as amended by PL 1997, c. 437, §4, is further amended to read:

4. Violation. A person is guilty of a Class E crime if ~~that a law enforcement officer has probable cause to believe the person, while operating a vehicle in violation of~~ violated or is violating this Title, ~~and the person fails or refuses upon request to give that the person's correct name, address or date of birth to a law enforcement officer.~~

Sec. 6. 29-A MRSA §555, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended by amending the first paragraph to read:

2. Adoption of federal regulations. The bureau may adopt rules to incorporate by reference federal regulations in 49 Code of Federal Regulations, Parts 40, 382, 390, 391, 392, 393, 395 and 396, as amended, and may adopt amendments to those federal regulations. The following provisions apply to the adoption of federal regulations under this section.

Sec. 7. 29-A MRSA §2051, sub-§2, ¶A, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

A. When overtaking and passing another vehicle when the way is clearly visible and the center lane is clear of traffic for a safe distance, unless an official sign or traffic control device limits the use of the center lane to turning only;

Sec. 8. 29-A MRSA §2051, sub-§3, ¶B, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

B. Designating a lane to be used by turning traffic or traffic moving in a particular direction regardless of the center of the way; or

Sec. 9. 29-A MRSA §2067, sub-§2, as amended by PL 1997, c. 115, §1, is further amended to read:

2. Dimming. When a vehicle equipped with multiple-beam road lights approaches an oncoming vehicle within 500 feet or follows a vehicle within 300 feet, the operator shall dim the headlights or switch to a low beam and shall turn off a fog or auxiliary light allowed by section 2054, subsection 2, paragraph E, unless the fog light or auxiliary light was installed by the vehicle manufacturer at the time the vehicle was originally manufactured.

Sec. 10. 29-A MRSA §2068, sub-§1, ¶B-1 is enacted to read:

B-1. A person may not park a vehicle on the following portions of a public way that are included in a limited-access highway:

(1) On a traffic lane, deceleration lane, acceleration lane or on a bridge; or

(2) On the shoulder to the left of the traffic lanes.

Sec. 11. 29-A MRSA §2070, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Passing on left. An operator of a vehicle passing another vehicle proceeding in the same direction must pass to the left at a safe distance and may not return to the right until safely clear of the passed vehicle. An operator may not overtake another vehicle by driving off the pavement or main traveled portion of the way.

Sec. 12. 29-A MRSA §2601, sub-§10, as enacted by PL 1993, c. 683, Pt. A, §2, and affected by Pt. B, §5, is amended to read:

10. Refusal to sign. A person who refuses to sign a Uniform Summons and Complaint or a Violation Summons and Complaint after having been ordered to do so by a law enforcement officer commits a Class E crime. A law enforcement officer may not order a person to sign the Uniform Summons and Complaint for a civil violation unless the civil violation is an offense defined in Title 12; Title 28-A, section 2052; or this Title. Notwithstanding any other provision of law, the venue for a violation of this subsection is the same judicial division as for the Uniform Summons and Complaint or Violation Summons and Complaint that the person refuses to sign.

See title page for effective date.

CHAPTER 654

H.P. 1467 - L.D. 2058

An Act to Ensure That Lump-sum Workers' Compensation Settlements Are Credited to Child Support Obligations

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

Whereas, there are parents that are receiving public assistance; and