

# 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.**

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

**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.

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## 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

**Whereas**, some of those parents are responsible for child support and are in arrears in making those payments; and

**Whereas**, it would benefit the children of these parents if lump-sum settlements from workers' compensation claims were applied to child support obligations; 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. 19-A MRSA §2360-A** is enacted to read:

**§2360-A. Lump-sum settlement; workers' compensation claims**

On a monthly basis, the department shall notify the Workers' Compensation Board, referred to in this section as the "board," of the names and social security numbers of all persons who owe the department child support debts that have been liquidated by judicial or administrative action. Before approving any lump-sum settlement, the board shall determine whether the person receiving the settlement is on the list of persons who owe to the department child support debts that have been liquidated by judicial or administrative action. If the person is on the list, the board shall notify the department of the pending settlement and inform the person of the notification to the department.

**Sec. 2. 39-A MRSA §352, sub-§3, ¶¶C and D**, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, are amended to read:

C. The employee's post-injury earnings and prospects, considering all means of support, including the projected income and financial security resulting from proposed employment, self-employment or any business venture or investment and the prudence of consulting with a financial or other expert to review the likelihood of success of these projects; ~~and~~

D. Any other information, including the age of the employee and of the employee's dependents, that would bear upon whether the settlement is in the best interest of the claimant; and

**Sec. 3. 39-A MRSA §352, sub-§3, ¶E** is enacted to read:

E. The existence of a child support debt of which notification has been sent pursuant to Title 19-A, section 2360-A.

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

Effective April 1, 1998.

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**CHAPTER 655**

**S.P. 783 - L.D. 2110**

**An Act to Amend the Laws  
Regarding the Consensus Revenue  
Forecasting Process**

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

**Sec. 1. 5 MRSA §1664, 2nd ¶**, as amended by PL 1995, c. 665, Pt. S, §1, is further amended to read:

Part 1 must consist of a budget message by the Governor-elect or the Governor that outlines the 4-year financial policy of the State Government for the ensuing biennium and the following biennium, describing in connection therewith the important features of the financial plan. It must embrace a general budget summary setting forth the aggregate figures of the budget in such a manner as to show the balanced outlines relations between the total proposed expenditures and the total anticipated revenues together with the other means of financing the budget for each fiscal year of the ensuing biennium, contrasted with the corresponding figures for the last completed fiscal year and the fiscal year in progress. The following biennium financial plan must include the forecasted Highway Fund and General Fund appropriation requirements and projected revenues and other available resources shown in a budget fund flow statement and a comparative statement that presents income source for revenue projections and appropriation estimates by major program categories. This forecast must assume the continuation of current laws and include reasonable and predictable estimates of growth in revenues and expenditures based on national and local trends and program operations. General Fund and Highway Fund revenue must be forecasted for the following biennium by income sources as provided in ~~current law~~ chapter 151-B. Expenditure forecasts for the General Fund and the Highway Fund must be forecasted on the basis of current law and assumed inflation variables related to program operations. It must specifically describe the estimated loss in revenue during the last completed fiscal year and the fiscal year in progress, and the