

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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
1999

refund pursuant to Title 32, section 1863-A to the established price without markup.

See title page for effective date.

CHAPTER 167

S.P. 374 - L.D. 1075

An Act to Continue Restorative Justice

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

Whereas, both the community resolution teams for juvenile offenders and community reparation boards for adult offenders as restorative justice sentencing alternatives will be repealed on May 1, 1999; and

Whereas, unless this Act is made an emergency, the law that created the sentencing alternatives will be repealed before the Act takes effect; and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. 15 MRSA §3301, sub-§5-A, ¶E, as enacted by PL 1997, c. 421, Pt. A, §3, is repealed.

Sec. 2. 17-A MRSA §1204-A, sub-§6, as enacted by PL 1997, c. 421, Pt. B, §2, is repealed.

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

Effective May 13, 1999.

CHAPTER 168

H.P. 237 - L.D. 341

An Act to Increase the Amount Retained by Agents Who Sell Hunting and Fishing Licenses

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

Sec. 1. 12 MRSA §7101, sub-§2, as amended by PL 1989, c. 918, Pt. D, §2, is further amended to read:

2. Agent's fee. Clerks or other agents appointed by the commissioner to issue licenses and permits shall charge a fee of ~~\$4~~ \$2 for each hunting license issued. The commissioner shall charge a fee of \$1 for each hunting license issued by department employees.

Sec. 2. 12 MRSA §7151, sub-§2, as amended by PL 1989, c. 918, Pt. D, §3, is further amended to read:

2. Agent's fee. Clerks or other agents appointed by the commissioner to issue licenses shall charge a fee of ~~\$4~~ \$2 for each license issued. The commissioner shall charge a fee of \$1 for each fishing license issued by department employees.

Sec. 3. 12 MRSA §7151, sub-§3, as amended by PL 1995, c. 455, §10, is further amended to read:

3. Application and issuance.

C. Any resident who procures a one-day or 3-day fishing license may exchange it for an annual resident fishing license or a resident combination hunting and fishing license in the town in which that person resides upon the payment of ~~\$4~~ \$2 to the clerk or issuing agent and the difference between the fee for the one-day or 3-day license and the fee for the annual license.

D. A 15-day nonresident license may be exchanged for an annual nonresident license upon the additional payment of \$12, the difference between the 15-day license and the annual license, for the license and ~~\$4~~ \$2 to the clerk or issuing agent.

See title page for effective date.

CHAPTER 169

S.P. 729 - L.D. 2079

An Act to Improve the State Budgeting Process

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

Sec. 1. 36 MRSA §112, sub-§11 is enacted to read:

11. Report to the Legislature. The State Tax Assessor shall report by November 1st each year to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs

and the joint standing committee of the Legislature having jurisdiction over taxation matters concerning the amount of actual capital gains and losses experienced by taxpayers filing income tax returns in the State under Part 8 for tax years ending in the previous calendar year. Data reported under this section may be distributed by decile or quartile. In the absence of actual data, the State Tax Assessor may provide estimates of the capital gains or loss experience.

See title page for effective date.

CHAPTER 170

H.P. 1058 - L.D. 1489

An Act Regarding the Operation of a Motorized or Electric Bicycle on a Public Way

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

Sec. 1. 29-A MRSA §101, sub-§41, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

41. Motorized bicycle or tricycle. "Motorized bicycle or tricycle" means a bicycle or tricycle that:

A. May have pedals to permit human propulsion; and

B. Has a motor attached to a wheel that is rated at no more than 1.5 brake horsepower and has a cylinder capacity not exceeding 50 cubic centimeters; and capable of propelling the vehicle unassisted at a speed of 25 miles per hour or less on a level road surface.

C. ~~Has an automatic transmission.~~

Sec. 2. 29-A MRSA §1254, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

3. Motorized bicycle or tricycle operator. A motorized bicycle or tricycle may only be operated by a person who possesses a valid license of any class, an instruction permit or a license endorsed for a motorcycle, motor-driven cycle or moped. The Secretary of State may not require the operator of a motorized bicycle or tricycle to obtain a license endorsed for a motorcycle, motor-driven cycle or moped.

See title page for effective date.

CHAPTER 171

H.P. 682 - L.D. 938

An Act to Allow the Department of Transportation to Designate No-passing Zones Upon Request From a Municipality

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

Sec. 1. 29-A MRSA §2085 is enacted to read:

§2085. Designated no-passing zones in residential areas

A municipality may request the department to designate a segment of a public way in that municipality as a no-passing zone. Such a request must be in writing to the commissioner and may be made only with the approval of the municipality's legislative body. A request is limited to segments of 2-lane ways in primarily residential areas and must be accompanied by a map showing the location of the proposed no-passing zone or zones and a written explanation of the need for such a zone in each location. The commissioner shall approve such a request unless the commissioner determines that granting such a request will unreasonably restrict the efficient flow of traffic or result in a threat to public safety in that location. The commissioner shall notify the municipality in writing of the commissioner's decision within 30 days of receiving the written request from the municipality. If a request is denied, the notification must state the specific reasons for the denial. A municipality whose request is denied may request the department to hold a public hearing within that municipality for the purpose of receiving public input on the requested change. The department shall hold the hearing within 30 days after a request is made and must inform the municipality of its final decision within 30 days after the hearing is held.

As soon as practicable after approving a municipal request, the department shall ensure that double, solid, yellow center lines are painted along the entire length of the no-passing zone and that the zone is posted as a no-passing zone, at a minimum, in each direction at the start and end of the zone. The municipality may request additional posting along the length of the zone and shall reimburse the department for the costs of all posting.

A no-passing zone is not enforceable until the painting and posting required by this section is completed. A motor vehicle operator who passes another motor vehicle traveling in the same direction in a no-passing zone commits a traffic infraction.