

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

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.

Nothing in this section limits the enforceability of signs installed under section 2051.

See title page for effective date.

CHAPTER 172

S.P. 297 - L.D. 869

An Act to Amend Maine's Payroll Processing Laws

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

Sec. 1. 10 MRSA §1495-A, sub-§3 is enacted to read:

3. Proof of liability insurance. Each registrant shall provide to the State Tax Assessor proof of one of the following, at the registrant's option, in an amount 2 times the highest weekly payroll processed by the registrant in the preceding year or \$5,000,000, whichever is less:

- A. Fidelity bond;
- B. Employee dishonesty bond;
- C. Third-party fidelity coverage; or
- D. Liability insurance, including crime coverage.

Sec. 2. Effective date. This Act takes effect January 1, 2000.

Effective January 1, 2000.

CHAPTER 173

S.P. 468 - L.D. 1407

An Act to Reduce the Cost to Ratepayers of Decommissioning and Nuclear Waste Storage at the Maine Yankee Nuclear Power Plant

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

Sec. 1. 35-A MRSA §4392, sub-§4, ¶B, as enacted by PL 1987, c. 141, Pt. A, §6, is repealed.

Sec. 2. 35-A MRSA §4392, sub-§4, ¶E is enacted to read:

E. The fund may be invested only in a manner consistent with the criteria for decommissioning trust funds as described in 18 Code of Federal

Regulations, Sections 35.32(a)(3) and 35.33(c)(1998).

Sec. 3. 35-A MRSA §4392, sub-§5, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

5. Expenditures from the fund. The trustee shall make payments from the fund to the United States Department of Energy in accordance with the United States Nuclear Waste Policy Act of 1982 and any contract between the licensee and the department under that Act for the disposal of all spent nuclear fuel used prior to April 7, 1983. Notwithstanding any other provision of this subsection, the trustee shall make payments from the fund to the licensee to meet expenditures for interim spent fuel storage costs and to offset those interim spent fuel storage costs already incurred by the licensee.

Sec. 4. Return and expenditure of ratepayer funds. No later than 30 days after the effective date of this Act, any amounts transferred to the State Planning Office pursuant to Public Law 1993, chapter 664, section 22, subsection 1, paragraphs A and B from the low-level radioactive waste self-insurance fund established pursuant to the Maine Revised Statutes, Title 38, former section 1540, subsection 4 and the Low-level Radioactive Waste Facility Fund established pursuant to Title 38, former section 1535 must be returned to Maine Yankee for deposit in the Maine Yankee Decommissioning Trust Fund to reduce the cost of decommissioning.

Sec. 5. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

1999-00

EXECUTIVE DEPARTMENT

State Planning Office

All Other	\$6,799,518
Allocates funds to authorize the return of funds to the Maine Yankee Nuclear Power Plant to be deposited in the Maine Yankee Decommissioning Trust Fund.	

See title page for effective date.