

# 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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1999**

to assist agencies in the creation and utilization of consensus-based rule development processes.

See title page for effective date.

## CHAPTER 308

H.P. 1462 - L.D. 2094

### An Act to Change the Fine for Speeding in a School Zone

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

**Sec. 1. 29-A MRSA §2074, sub-§3-B** is enacted to read:

**3-B. Fine doubled.** The penalty for a violation of subsection 1, paragraph A is twice the amount of the fine designated in accordance with Title 4, section 164, subsection 12 for a speeding violation under section 2073 involving a similar excessive rate of speed.

See title page for effective date.

## CHAPTER 309

H.P. 1544 - L.D. 2198

### An Act to Fund the Costs Associated with Determining Eligibility for Certain Marine Resources Licenses

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

**Sec. 1. 12 MRSA §6431-C, sub-§2**, as enacted by PL 1995, c. 468, §5, is amended to read:

**2. Purpose.** All money credited to the Lobster Management Fund must be used to cover the costs of trap tags and the administration and enforcement of a lobster trap tag system under section 6431-B ~~and~~, the costs associated with lobster management policy councils and referenda pursuant to section 6447 and the costs associated with determining eligibility for lobster and crab fishing licenses and eligibility to fish for or take lobsters from a vessel.

**Sec. 2. 12 MRSA §6505-D, sub-§2**, as enacted by PL 1995, c. 536, Pt. A, §8, is amended to read:

**2. Permissible uses.** The commissioner may use the fund in accordance with a plan required under subsection 3 to research and manage the State's eel and elver resources ~~and~~, to enforce the laws related to

eels and elvers and to cover the costs associated with determining eligibility for elver fishing licenses.

**Sec. 3. 12 MRSA §6749-R, sub-§1**, as amended by PL 1997, c. 685, §6, is further amended to read:

**1. Uses of the fund.** The commissioner shall use the fund for research directly related to sea urchin fishery management information needs and for reporting to licensed sea urchin harvesters, boat tenders, processors and buyers on the results of research and the use of fund revenues. The purpose of that research must be to determine, with the highest reliability possible given available resources, the greatest level of effort that may be applied to the sea urchin fishery without harming the long-term economic and biological sustainability of the sea urchin fishery. The commissioner shall consult with the Sea Urchin Zone Council under section 6749-X before deciding upon research projects and awarding grants from the fund. The fund may also be used to cover the costs associated with determining eligibility for licenses under this subchapter and for personnel services for enforcement. Up to 30% of allotted revenues may be used for personnel services for enforcement purposes.

**Sec. 4. Allocation.** The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

|   | 1999-00         | 2000-01         |
|---|-----------------|-----------------|
| <b>MARINE RESOURCES,<br/>DEPARTMENT OF</b>  |                 |                 |
| <b>Division of Administrative<br/>Services</b>  |                 |                 |
| Positions - Legislative Count   | (1,000)         | (1,000)         |
| Personal Services   | \$35,554        | \$49,281        |
| All Other   | 2,175           |                 |
| <b>TOTAL</b>  | <b>\$37,729</b> | <b>\$49,281</b> |
| Allocates funds for the Lobster Management Fund's and the Eel and Elver Management Fund's share of one additional Senior Planner position and operating costs necessary to determine eligibility to participate in the lobster fishery and the elver fishery. |                 |                 |
| <b>Bureau of Resource<br/>Management</b>  |                 |                 |
| Personal Services   | \$1,871         | \$2,594         |

Allocates funds for the  
Sea Urchin Research  
Fund's share of one Senior  
Planner position in the  
Division of  
Administrative Services  
necessary to determine  
eligibility to participate in  
the sea urchin fishery.

**DEPARTMENT OF  
MARINE RESOURCES**

|              |          |          |
|--------------|----------|----------|
| <b>TOTAL</b> | \$39,600 | \$51,875 |
|--------------|----------|----------|

See title page for effective date.

## CHAPTER 310

### H.P. 97 - L.D. 110

#### **An Act to Allow the Use of All-terrain Vehicles on the Extreme Right of a Public Way**

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

**Whereas,** the use of ATV's increases in the spring and summer seasons; 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. 12 MRSA §7857, sub-§24, ¶D,** as amended by PL 1993, c. 26, §1, is further amended to read:

D. Notwithstanding the provisions of subsection 5:

(1) Properly registered ATV's may operate on a public way only the distance necessary, but in no case to exceed 300 yards, on the extreme right of the traveled way for the purpose of crossing, as directly as possible, a public way, sidewalk or culvert;

(2) Properly registered ATV's may operate on a public way only the distance necessary, but in no case to exceed 500 yards, on the extreme right of the traveled way for the sole purpose of crossing, as directly as possible, a bridge, overpass or underpass,

provided that that operation can be made in safety and that it does not interfere with traffic approaching from either direction on the public way;

(3) ATV's may operate on any portion of a public way when the public way has been closed in accordance with Title 23, section 2953;

(4) ATV's may operate on a public way that is not maintained or utilized for the operation of conventional motor vehicles, except that operation on the left side of the way is prohibited during the hours from sunset to sunrise;

(5) ATV's may be operated on streets and public ways during a period of emergency when the emergency has been so declared by a police agency having jurisdiction and when travel by conventional motor vehicles is not practicable;

(6) ATV's may be operated on streets and public ways in special events of limited duration conducted according to a prearranged schedule, under a permit from the governmental unit having jurisdiction; ~~and~~

(7) An ATV may be operated on a public way on the extreme right of the traveled way by a law enforcement officer for the sole purpose of traveling between the place where the ATV is usually stored and an area to be patrolled by the law enforcement officer; ~~and~~

(8) Notwithstanding subparagraphs (1) to (7), ATV's may be operated on the extreme right of a public way of a municipality, unorganized or unincorporated township if the appropriate governmental unit has designated the public way as an ATV-access route. A public way designated by an appropriate governmental unit as an ATV-access route must be posted conspicuously at regular intervals by that governmental unit with highly visible signs designating the ATV-access route. Before designating a public way as an ATV-access route, the appropriate governmental unit shall make appropriate determinations that ATV travel on the extreme right of the public way may be conducted safely and will not interfere with vehicular traffic on the public way. For purposes of this subparagraph, "appropriate governmental unit" means the Department of Transportation, county commissioners or municipal officers within their respective jurisdictions. The jurisdic-