

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

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		
TOTAL	\$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-

tion of each appropriate governmental unit over public ways pursuant to this subparagraph is the same as its jurisdiction over the passage of vehicles on public ways pursuant to Title 29-A, section 2395. Municipal or county law enforcement officials having jurisdiction have primary enforcement authority over any route established under this subparagraph.

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

Effective May 25, 1999.

CHAPTER 311

H.P. 1179 - L.D. 1690

An Act Regulating the Transportation of People in Pickup Trucks

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

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

§2085. Passengers restricted to passenger compartment of pickup truck

1. Passengers under 19 years of age. When a passenger under 19 years of age is transported in a pickup truck, that passenger must ride in the passenger compartment of the pickup truck.

2. Exceptions. Subsection 1 does not apply to the following:

A. Workers or trainees, including agricultural workers or trainees, engaged in the necessary discharge of their duties or training or being transported between work or training locations;

B. Licensed hunters being transported to or from a hunting location, as long as those persons are in compliance with all laws pertaining to possession and transportation of firearms in a motor vehicle;

C. Participants in parades; or

D. A passenger secured by a seat belt in a manufacturer-installed seat located outside the passenger compartment.

See title page for effective date.

CHAPTER 312

H.P. 209 - L.D. 287

An Act to Impose Stricter OUI Penalties on Operators of Watercraft, ATVs and Snowmobiles

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

Sec. 1. 12 MRSA §7901, sub-§13, ¶A, as amended by PL 1995, c. 679, §12, is repealed.

Sec. 2. 12 MRSA §7901, sub-§13, ¶¶B, C, D and F, as amended by PL 1995, c. 679, §12, are further amended to read:

B. In the case of a person having no previous convictions of a violation of section 7406, subsection 3; section 7801, subsection 9; section 7827, subsection 9; or section 7857, subsection 10 ~~and having no previous adjudications of~~ within the previous 6-year period, the fine may not be less than \$400. If that person was adjudicated within the previous 6-year period for failure to comply with the duty to submit to and complete a blood-alcohol test under section 7408, 7805, 7828 or 7860 within a 6-year period, the fine may not be less than \$300 and the sentence, the fine may not be less than \$500. A conviction under this paragraph must include a period of incarceration of not less than 48 hours, which penalties may not be suspended, when the person:

- (1) Was tested as having a blood-alcohol level of 0.15% or more;
- (2) Failed or refused to stop upon request or signal of an officer in uniform, as defined in section 6953 or 7060, during the operation that resulted in prosecution for operating under the influence or with a blood-alcohol level of 0.08% or more; or
- (3) Failed to submit to a chemical test to determine that person's blood-alcohol level or drug concentration, at the request of a law enforcement officer on the occasion that resulted in the conviction.

C. In the case of a person having one previous conviction of a violation of section 7406, subsection 3; section 7801, subsection 9; section 7827, subsection 9; or section 7857, subsection 10 ~~or one previous adjudication of~~ within the previous 6-year period, the fine may not be less than \$600. If that person was adjudicated within the previous 6-year period for failure to comply with the duty to submit to and complete a blood-