

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 5, 2000 to May 12, 2000**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 11, 2000**

**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**  
**2000**

excess of the limits prescribed in sections 2352 to 2355, 2357 or 2365, as appropriate.

This schedule is cumulative:

Percent over allowed basic weight	Fine for each percent
1-10%	\$10 for each percent
11-20%	\$100 + \$15 for each percent over 10%
21-30%	\$250 + \$20 for each percent over 20%
31-40%	\$450 + \$25 for each percent over 30%
41-50%	\$700 + \$30 for each percent over 40%
more than 50%	\$1,000 + \$10 for each percent over 50%

**Sec. 10. 29-A MRSA §2365, sub-§1**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**1. Registration.** The trailer unit is registered for a minimum of 28,000 pounds gross weight and the combined registered weight of the truck and trailer unit is at least ~~85,000~~ 94,000 pounds gross weight; or the truck is registered for at least 94,000 pounds;

**Sec. 11. 29-A MRSA §2365, sub-§2**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

**Sec. 12. 29-A MRSA §2365, sub-§8**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

**Sec. 13. 29-A MRSA §2382, sub-§2**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**2. Permit fee.** The Secretary of State, with the advice of the Commissioner of Transportation, may set the fee for ~~these single trip~~ permits, at not less than \$3, nor more than \$15, based on weight, height, length and width. The Secretary of State may, by rule, implement fees that have been set by the Commissioner of Transportation for multiple trip, long-term overweight movement permits. Rules established pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

**Sec. 14. Effective date.** Those sections of this Act that amend the Maine Revised Statutes, Title 10, section 1191, subsection 2, Title 29-A, sections 504 and 2352, section 2353, subsection 1, paragraph D

and sections 2354, 2357 and 2365 take effect April 1, 2001.

See title page for effective date, unless otherwise indicated.

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**CHAPTER 581**

**S.P. 903 - L.D. 2355**

**An Act to Repeal Certain Archaic and Unenforced Laws Related to the Duties of the Secretary of State**

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

**Sec. 1. 26 MRSA §1308, sub-§§2 and 3**, as amended by PL 1997, c. 757, §7, are further amended to read:

**2. Certified copies.** A copy of any determination made at the request of the public authority must be certified by the director and filed immediately with the public authority ~~and with the Secretary of State.~~ Copies must be supplied by the bureau to all persons requesting same within 10 days after the filing.

**3. Appeal.** Any person affected by the determination of the director, whether or not that person participated in the proceedings resulting in the determination, may appeal to the commissioner from that determination by filing a written notice with the commissioner stating the specific grounds of that person's objection within 10 days from the filing of the copy of the determination with the ~~Secretary of State~~ public authority. The commissioner shall hold a hearing on the appeal, pursuant to Title 5, chapter 375, subchapter IV, within 20 days from the receipt of notice of appeal. The hearing by the commissioner must be held in Augusta. The commissioner has the authority to affirm, reverse or amend the determination of the director. The commissioner shall render a decision within 10 days after the conclusion of the hearing.

**Sec. 2. 30-A MRSA §3010, sub-§3**, as enacted by PL 1989, c. 352, is repealed.

See title page for effective date.

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**CHAPTER 582**

**S.P. 868 - L.D. 2278**

**An Act to Amend the Low-emission Vehicle Program**

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

**Sec. 1. 38 MRSA §585-D**, as amended by PL 1997, c. 364, §§37 and 38, is further amended to read:

**§585-D. New motor vehicle emission standards**

Subject to the provisions of this section, the Board may adopt and enforce standards that meet the requirements of the federal Clean Air Act, Section 177, 42 United States Code, Section 7507 relating to control of emissions from new motor vehicles or new motor vehicle engines. These standards, known as a "low-emission vehicle program," must be designed to prevent air pollution and achieve and maintain ambient air quality standards within the State. ~~The board may implement a low emission vehicle program only when:~~

~~1. **New England states adoption.** Massachusetts, Connecticut and at least one other New England state, excluding this State, have adopted a low-emission vehicle program that meets the requirements of the federal Clean Air Act, Section 177, 42 United States Code, Section 7507 and the first motor vehicle model year that is required to meet standards under the low emission vehicle program in Maine is not an earlier model year than the first model year required to meet standards under a low-emission vehicle program in any of those 3 New England states; and~~

~~2. **Ozone transport region adoption.** Jurisdictions comprising more than 60% of the total registrations of new passenger cars in the ozone transport region have adopted a low emission vehicle program that meets the requirements of the federal Clean Air Act, Section 177, 42 United States Code, Section 7507 and the first model year required to meet standards under the low emission vehicle program in any of those states is not later than motor vehicle model year 2000. For purposes of this paragraph, "ozone transport region" means the states of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont, and the consolidated metropolitan statistical area that includes the District of Columbia.~~

The department may not implement the low-emission vehicle program if the implementation of that program includes the adoption, sale, or use of any type of the reformulated gasoline other than the federal reformulated gasoline that is certified by the United States Environmental Protection Agency under 42 United States Code, Section 7545(k) approved for sale and use in states other than California.

~~The commissioner shall complete a study of zero emission vehicles and submit a report to the joint standing committee of the Legislature having jurisdic-~~

~~tion over natural resources matters no later than January 1, 2000. By December 1, 2000, the board shall evaluate the feasibility of the State's zero-emission vehicle mandate in existence on March 1, 2000. This study evaluation must include an examination of zero-emission vehicle technology, price, performance and consumer acceptability and implementation issues relating to use of those vehicles in the State. The study must recommend any rulemaking necessary for the board to establish a zero emission vehicle program that is appropriate for the State and a schedule that provides the automobile manufacturers with a minimum 2 year lead time prior to implementation of such a program. Any rules establishing~~ Following this evaluation, any rule adopted by the board containing a zero-emission vehicle program are mandate is a major substantive rule pursuant to Title 5, chapter 375, subchapter II-A.

See title page for effective date.

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**CHAPTER 583**

**S.P. 896 - L.D. 2315**

**An Act to Amend the Department of Corrections Statutes**

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

**Sec. 1. 14 MRSA §5545, 2nd ¶**, as amended by PL 1989, c. 722, §4 and PL 1995, c. 560, Pt. K, §82 and affected by §83, is further amended to read:

Whenever, under this section or under any other section in this chapter, a court issues a writ of habeas corpus ordering before it a prisoner confined in any penal or correctional institution under the control of the Department of Mental Health, Mental Retardation and Substance Abuse Services or the Department of Corrections, or confined in any county jail, its order as to the transportation of the prisoner to and from the court ~~shall~~ must be directed to the sheriff of the county in which the court is located. It ~~shall be~~ is the responsibility of the sheriff or any one or more of the sheriff's authorized deputies pursuant to any such order to safely transport a prisoner to and from the court and to provide safe and secure custody of the prisoner during the proceedings, as directed by the court. At the time of removal of a prisoner from an institution, the transporting officer shall leave with the head of the institution an attested copy of the order of the court, and upon return of the prisoner shall note that return on the copy. This paragraph as it relates to the responsibility for transportation ~~shall be~~ is applicable to the transportation of prisoners transferred from the county jail to the State Prison under Title 15, section 453, and to transfers from the county jail to