

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

before ~~November~~ May 15th. The county commissioners shall act on the budget in a timely fashion and, in any event, not later than ~~December~~ June 15th prior to the beginning of the budget year.

Sec. 3. Transition. The Sagadahoc County commissioners, in order to facilitate the change in fiscal year made by this Act, shall submit a budget for the period of January 1, 2002 to June 30, 2002 and for the period of July 1, 2002 to June 30, 2003.

Sec. 4. Effective date. Those sections of this Act that amend the Maine Revised Statutes, Title 30-A, section 883, subsection 2, paragraph A and section 884 take effect January 1, 2002.

See title page for effective date, unless otherwise indicated.

CHAPTER 144

S.P. 293 - L.D. 1004

An Act to Amend the Covered Load Laws

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

Sec. 1. 29-A MRSA §2358, sub-§11 is enacted to read:

11. Unsecured load. If a state police officer requires a vehicle to stop and submit to weighing pursuant to this section and that vehicle is carrying a load, the officer shall check to ensure that the load is secure pursuant to section 2396, subsection 2.

Sec. 2. 29-A MRSA §2396, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Unsecured load. A person may not operate on a public way a vehicle with a load that is not fastened, secured, confined or loaded to reasonably prevent a portion from falling off.

For the purposes of this section, "load" includes, but is not limited to, firewood, pulpwood, logs, bolts or other material, but does not include loose hay, pea vines, straw, grain or cornstalks.

When the load consists of sawdust, shavings or wood chips, and a reasonable effort has been made to completely cover the load, minor amounts blown from the vehicle while in transit do not constitute a violation.

A violation of this section is a traffic infraction subject to a forfeiture of not less than \$150 nor more than \$500.

See title page for effective date.

CHAPTER 145

H.P. 643 - L.D. 843

An Act to Clarify when Reduced Speed Limits are in Effect in School Zones

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

Whereas, in order to assist motor vehicle operators in determining when school zone speed limits are in effect and thereby ensure the safety of children around school, it is necessary that this bill take effect prior to the beginning of the school year; 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. 29-A MRSA §101, sub-§28-B is enacted to read:

28-B. Improved school property. "Improved school property" means the developed portion of school property including driveways, parking lots, playgrounds, athletic fields or school buildings.

Sec. 2. 29-A MRSA §101, sub-§§64-A and 64-B are enacted to read:

64-A. School. "School" has the same meaning as in Title 20-A, section 6353, subsection 7.

64-B. School zone. "School zone" means the portion of the public highway abutting improved school property or 300 feet on either side of a school entrance, whichever is greater.

Sec. 3. 29-A MRSA §2074, sub-§1, ¶A, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the following enacted in its place:

A. Fifteen miles per hour when traveling in a school zone:

- (1) During recess;
- (2) When children are going to or leaving school during school opening or closing hours. For purposes of this paragraph, school opening and closing hours are 1/2 hour before and 1/2 hour after the beginning of the school day and 1/2 hour before and 1/2 hour after the end of the school day;
- (3) When school speed limit signs are flashing during school opening or closing hours; or
- (4) At other times designated by a municipal traffic ordinance that regulates town ways that are classified as local by the Department of Transportation in accordance with the federal functional classification system.

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

Effective May 14, 2001.

CHAPTER 146

H.P. 140 - L.D. 151

An Act to Ensure that Fishways on Inland Waters are Working

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

Sec. 1. 12 MRSA §7701-A, sub-§2-A is enacted to read:

2-A. Monitoring program. The commissioner shall, in cooperation with the Department of Marine Resources and the Atlantic Salmon Commission, establish a program to ensure fishways are functioning properly and remain sufficient or suitable for the passage of anadromous or migratory fish. The commissioner has sole authority to take corrective action at fishways as prescribed under this section.

Sec. 2. 12 MRSA §7701-A, sub-§7, as enacted by PL 1983, c. 374, §2, is amended to read:

7. Privileged entry. The commissioner, ~~his~~ the commissioner's agents or subcontractors ~~shall be privileged to may~~ may enter upon any private land in order to ~~periodically~~ periodically examine, at least annually, fishways in dams or other artificial obstructions and the examination of dams provided in subsection 2. The commissioner shall notify the landowner, lessee or other person in control of the dam when the examination

will take place and the time required to complete the examination. The commissioner shall make every effort to preserve private land and shall restore surrounding lands to the grade and condition existing prior to entry, if economically feasible.

Sec. 3. 12 MRSA §7701-C, as enacted by PL 1989, c. 275, §2, is amended to read:

§7701-C. Violations; fines

It ~~shall be~~ is considered a violation of this subchapter if a fish kill results from the improper operation of a fishway required pursuant to this subchapter. The department may assess a fine equivalent to the value of the fish killed but not more than \$10,000 for each day of that violation. The department shall adopt rules to establish a schedule of fines for each violation involving the improper operation of a fishway. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 147

H.P. 961 - L.D. 1274

An Act to Increase the Dedicated Wild Blueberry Tax

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

Whereas, Maine wild blueberry growers have petitioned the Legislature to increase the blueberry tax in order to provide additional funding for the Wild Blueberry Commission of Maine to conduct increased advertising and promotion of wild blueberries; and

Whereas, Maine wild blueberry growers produced a record crop of blueberries in 2000 and expect another large crop in 2001; and

Whereas, additional advertising and promotion funds are needed before and during the 2001 growing season in order to increase markets for wild blueberries; and

Whereas, it is necessary for the tax increase proposed in this Act to take effect for the 2001 growing season in order to provide additional funds in a timely manner; 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 preserva-