

MAINE STATE LEGISLATURE

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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

Sec. 2. 30-A MRSA §896, sub-§2, as amended by PL 1995, c. 359, §1, is repealed.

See title page for effective date.

CHAPTER 151

H.P. 300 - L.D. 378

An Act to Allow Individuals with Disability Registration Plates or Placards to Park Where There is a Parking Meter Without a Charge

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

Sec. 1. 29-A MRSA §521, sub-§12 is enacted to read:

12. Parking at meters. Pursuant to Title 30-A, section 3009, subsection 1, paragraph C, subparagraph (4), a vehicle that exhibits a permanent placard, a temporary placard or a disability registration plate may park at a parking area with a meter without a charge and may park a length of time that does not exceed twice the limit otherwise allowed.

Sec. 2. 30-A MRSA §3009, sub-§1, ¶C, as amended by PL 1995, c. 65, Pt. A, §127 and affected by §153 and Pt. C, §15, is further amended to read:

C. The municipal officers may regulate the parking of motor vehicles on any public way or public parking area, including, but not limited to, providing for the installation of parking meters, providing the fact that any vehicle is illegally parked or is in a metered space when the time signal on the parking meter for that space indicates no parking permitted without the deposit of a coin or coins is prima facie evidence that the vehicle has been parked illegally by the person in whose name the vehicle is registered, and establishing reasonable charges for metered parking.

(1) Illegal parking of a vehicle in violation of any ordinance authorized by this paragraph is a civil violation.

(2) The municipal officers may establish a method by which persons charged with the violation of parking regulations may waive all court action by payment of specified fees within stated periods of time.

(3) The revenue collected from parking meters must be used:

(a) To purchase, maintain and police the meters;

(b) To construct and maintain public ways;

(c) To acquire, construct, maintain and operate public parking areas; and

(d) For no other purpose.

(4) ~~Any motor A vehicle or motorcycle registered by a handicapped person is exempt from any parking meter fare when that vehicle properly displays special designating plates or a that exhibits a permanent placard, a temporary placard or a disability registration plate issued under Title 29-A, section 521 or 523, may park at a parking area with a meter without a charge and may park a length of time that does not exceed twice the time limit otherwise applicable allowed.~~

See title page for effective date.

CHAPTER 152

S.P. 250 - L.D. 882

An Act to Enhance Participation in the Agricultural Marketing Loan Fund

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

Whereas, interest rates established for loans from the Agricultural Marketing Loan Fund are significantly higher than interest rates for other state agricultural loan programs; and

Whereas, affordable financing is important to agricultural enterprises and our rural economies; and

Whereas, the Agricultural Marketing Loan Fund has been underutilized due to the interest rates; 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. 7 MRSA §434, sub-§1, as repealed and replaced by PL 1999, c. 504, §1, is amended to read:

1. Agricultural enterprise. "Agricultural enterprise" means a person or business located in this State and engaged in the commercial growing or harvesting of plants; raising of animals; growing or obtaining plant or animal by-products; aquaculture, as defined in Title 12, section 6001, subsection 1; or further processing, storing, packaging or marketing a raw product derived from plants, animals, plant or animal by-products or aquaculture, as defined in Title 12, section 6001, subsection 1, with the intent that the product be sold or otherwise disposed of to generate income. "Agricultural enterprise" includes a business or activity that attracts visitors to a farm for the purpose of supplementing income from the primary crop or livestock operation. "Agricultural enterprise" does not include a business engaged primarily in the growing, harvesting or further processing of forest species of trees for the purpose of producing pulp or other materials used in the paper manufacturing or wood manufacturing process.

Sec. 2. 7 MRSA §435, sub-§3, as enacted by PL 1995, c. 658, §1, is amended to read:

3. Interest rate. ~~The commissioner, by rule, may establish an interest rate for a loan, except that this rate may not be less than loans is 5% per year. If the commissioner does not establish an interest rate, the rate on a loan is a rate that is 2% less than the prime rate of interest as is determined by the commissioner.~~

Sec. 3. 7 MRSA §435, sub-§5 is enacted to read:

5. Report. The commissioner shall submit an annual report on or before March 1st of each year to the joint standing committee of the Legislature having jurisdiction over agricultural matters. The report must include a summary of loans made during the previous calendar year and loans outstanding categorized by the types of agricultural enterprises receiving the loans.

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

Effective May 14, 2001.

CHAPTER 153

H.P. 502 - L.D. 642

An Act Concerning the Administration of Medications in County Jails

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

Sec. 1. 30-A MRSA §1559, sub-§§1 and 2, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, are further amended to read:

1. Administration of medication by sheriff or deputy. The sheriff of any county may administer to any prisoner in custody any oral or topical medication as prescribed by a licensed physician, nurse practitioner, physician assistant or dentist and approved by the facility health care provider or, if requested by a prisoner, any nonprescription medication in accordance with the directions on its container. The sheriff may delegate this authority to administer medication to the ~~deputy who is in charge of the county jail or to the master or keeper of the county jail administrator or the jail administrator's designee or the facility health care provider.~~

2. Limitations on administration of medication. The sheriff or the sheriff's delegate may not administer any prescription or nonprescription medication to any prisoner who has been incarcerated in the county jail for less than 24 hours, unless the sheriff or the delegate has consulted with and received permission to administer that medication from a licensed physician, nurse practitioner, physician assistant or dentist or the facility health care provider.

See title page for effective date.

CHAPTER 154

S.P. 417 - L.D. 1361

An Act to Allow the Maine Turnpike Authority to Levy an Administrative Fee against Toll Evaders

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

Sec. 1. 23 MRSA §1980, sub-§2-A, ¶A, as enacted by PL 1993, c. 698, §2, is amended to read:

A. If an operator of a vehicle fails to pay a toll, the registered owner of that vehicle is liable for payment of the toll and an administrative fee. If the registered owner fails to pay the toll, the registered owner is subject to a civil penalty as follows:

- (1) Fifty dollars, except as provided in subparagraph (2) or (3);
- (2) One hundred dollars, if a failure to pay occurs within 18 months of a prior failure to pay; or