

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

authority or a cancelled check made out to the authority constitutes prima facie evidence of payment.

Sec. 4. 23 MRSA §1980, sub-§2-A, ¶H is enacted to read:

H. Combinations of vehicles involving a motor vehicle and one or more trailers or semitrailers equipped with a total of 3 or more axles, including motor vehicles with 6 or more tires towing a trailer, but not including motor vehicles with 4 tires or fewer towing a trailer, are not subject to an administrative fee under this subsection.

See title page for effective date.

CHAPTER 155

H.P. 730 - L.D. 950

An Act to Eliminate the Fees Imposed on Purple Heart Recipients for Special Registration Plates

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

Sec. 1. 29-A MRSA §515-B, first ¶, as enacted by PL 1999, c. 734, §1, is amended to read:

The Secretary of State, on application and upon evidence of payment of the excise tax required by Title 36, section 1482; and the registration fee required by section 515 and a one-time additional fee of \$5, shall issue a registration certificate and a set of Purple Heart motorcycle registration plates, to be used in lieu of regular registration plates, to a person who is a Purple Heart medal recipient. ~~The one-time additional fee of \$5 is credited to the Highway Fund for administrative and production costs.~~ Notwithstanding section 468, the Secretary of State may issue fewer than 2,000 of the plates authorized by this section, and this plate does not require a sponsor.

Sec. 2. 29-A MRSA §524, sub-§4, as amended by PL 1995, c. 645, Pt. B, §11, is further amended to read:

4. Purple Heart medal recipients; special license plates. The Secretary of State, on application and upon evidence of payment of the excise tax required by Title 36, section 1482; and the registration fee required by section 501 and a one-time additional fee of \$10, shall issue a registration certificate and a set of Purple Heart registration plates, to be used in lieu of regular registration plates, to a person who is a Purple Heart medal recipient. ~~The one-time additional fee of \$10 is credited to the Highway Fund for administrative and production costs.~~

An application for Purple Heart plates must be accompanied by proof that the applicant has been awarded the Purple Heart medal. The Secretary of State shall verify the documentation presented by the applicant. Misrepresentation of documents is in violation of section 2103, subsection 5.

The Secretary of State may only issue Purple Heart plates for display on an automobile or pickup truck. A Purple Heart recipient may be issued Purple Heart plates for no more than 2 vehicles.

The surviving spouse of a Purple Heart recipient issued plates in accordance with this subsection may retain and display the Purple Heart plates as long as the surviving spouse remains unmarried. Upon remarriage, the surviving spouse may not use the Purple Heart plates on a motor vehicle, but may retain them as a keepsake. Upon the death of the surviving spouse, the family may retain the Purple Heart plates, but may not use them on a motor vehicle.

The Secretary of State shall determine the design of the Purple Heart plate. Upon request and as provided by section 453, the Secretary of State shall issue Purple Heart plates that are also vanity plates. Purple Heart vanity plates are issued in accordance with this section and section 453. The annual service fee of \$15 for vanity plates is credited to the Highway Fund.

A Purple Heart recipient or the surviving spouse of a Purple Heart recipient, who does not operate a motor vehicle or register a motor vehicle and who otherwise qualifies for the issuance of special Purple Heart registration plates may apply to the Secretary of State for a special single plate recognizing that award.

The Secretary of State shall design and identify these single plates for recognition purposes only. Single Purple Heart plates may not be attached to a motor vehicle. Only one plate may be issued to each recipient and a one-time fee of \$5 charged.

The Secretary of State shall begin issuing Purple Heart plates in accordance with this subsection no later than November 1, 1995.

See title page for effective date.

CHAPTER 156

H.P. 1110 - L.D. 1479

An Act to Allow Flexibility in Payment of School Year Employee Wages

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

Sec. 1. 26 MRSA §621-A, sub-§4, as enacted by PL 1999, c. 790, Pt. P, §1 and affected by §3, is amended to read:

4. School personnel. Employees of a school administrative unit who work the school year schedule may, upon written agreement ~~with the employer between the employees and the school administrative unit~~, be paid for their work during the school year over 12 months or a shorter period, as provided in the written agreement. For purposes of this subsection, "written agreement" includes but is not limited to a collective bargaining agreement.

See title page for effective date.

CHAPTER 157

S.P. 192 - L.D. 664

An Act to Amend the Employment Tax Increment Financing Program

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

Sec. 1. 36 MRSA §6753, sub-§11, as enacted by PL 1995, c. 669, §5, is amended to read:

11. Qualified business. "Qualified business" means any for-profit business in this State, other than a public utility as defined by Title 35-A, section 102, that adds ~~45~~ 5 or more qualified employees above its base level of employment in this State within any 2-year period commencing on or after January 1, 1996 and that meets one of the following criteria:

- A. The business is not engaged in retail operations;
- B. The business is engaged in retail operations but less than 50% of its total annual revenues from Maine-based operations are derived from sales taxable in this State; or
- C. The business is engaged in retail operations and can demonstrate to the commissioner by a preponderance of the evidence that any increased sales will not include sales tax revenues derived from a transferring or shifting of retail sales from other businesses in this State.

For purposes of this subsection, "retail operations" means sales of consumer goods for household use to consumers who personally visit the business location to purchase the goods.

See title page for effective date.

CHAPTER 158

S.P. 90 - L.D. 317

An Act to Clarify the Maine Turnpike Authority's Power Regarding Confidentiality of Information

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

Sec. 1. 23 MRSA §63, as amended by PL 1971, c. 593, §22, is repealed and the following enacted in its place:

§63. Records of right-of-way division confidential

The records and correspondence of the right-of-way divisions of the Department of Transportation and the Maine Turnpike Authority relating to negotiations for and appraisals of property, pending the final settlement for all claims on the project to which they relate, and the records and data of the department and the Maine Turnpike Authority relating to engineering estimates of costs on projects to be put out to bid are confidential and may not be open for public inspection. The records and correspondence of the right-of-way divisions relating to negotiations for and appraisals of property must be open for public inspection after 9 months following the completion date of the project according to the record of the department or authority. Records of claims that have been appealed to the Superior Court must be open for public inspection following the award of the court.

See title page for effective date.

CHAPTER 159

H.P. 553 - L.D. 708

An Act Concerning Commercial Driver License Certification

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

Sec. 1. 29-A MRSA §1301, sub-§7 is enacted to read:

7. Physical examination. A physical examination that may be required by the Secretary of State for the issuance or renewal of a license may be performed by a licensed physician, physician assistant, nurse practitioner or other competent treatment personnel as determined by the Medical Advisory Board.

See title page for effective date.