

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

gross vehicle weight or axle weight violation is \$40 \$30.

Sec. 8. 29-A MRSA §2360, sub-§§16 and 17 are enacted to read:

16. Exception to fine schedule for special commodities tandem axle and tri-axle. Notwithstanding subsections 3 and 5, the following fines are imposed.

A. For a 4-axle single unit vehicle hauling special commodities other than forest products with a tri-axle weight for which a Violation Summons and Complaint may be issued, but which is less than 58,200 pounds, the fine is \$150.

B. For a 3-axle single unit vehicle hauling special commodities other than forest products with a tandem weight for which a Violation Summons and Complaint may be issued, but which is less than 49,300 pounds, the fine is \$315.

17. Exception to fine schedule for forest products tri-axle. Notwithstanding subsections 3 and 5, for a 4-axle single unit vehicle hauling forest products with a tri-axle weight for which a Violation Summons and Complaint may be issued, but which is less than 66,500 pounds, the fine is \$220.

Sec. 9. 29-A MRSA §2361, as amended by PL 1995, c. 65, Pt. A, §111 and affected by §153 and Pt. C, §15, is repealed.

Sec. 10. 29-A MRSA §2361-A is enacted to read:

§2361-A. Aggravated gross weight violations

The operation of a vehicle exceeding the maximum allowable gross vehicle weight by 20% or more is an aggravated gross weight violation. The penalty for an aggravated gross weight violation is the fine established in section 2360, subsection 3.

Sec. 11. 29-A MRSA §2362, as amended by PL 1995, c. 546, §2, is repealed.

Sec. 12. 29-A MRSA §2390, sub-§1, ¶D, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

D. The load on a combination vehicle transporting tree-length logs exclusively may extend rearward beyond the body of the vehicle by no more than 8 1/2 feet, as long as no more than 25% of the length of the logs extends beyond the body and the total length of the vehicle and load does not exceed 74 feet.

Sec. 13. 29-A MRSA §2390, sub-§1, ¶J, as amended by PL 1999, c. 753, §7, is further amended by repealing subparagraph (7).

Sec. 14. Report. The Commissioner of Transportation, in cooperation with the Commissioner of Public Safety, shall report to the Joint Standing Committee on Transportation by January 2, 2002, including recommended legislation, on holding shippers and brokers of transported cargo responsible for violations of the vehicle weight laws of this State. The report must include an examination of the issues involved and recommendations on the administrative and statutory enforcement mechanisms that would be needed to accomplish the additional responsibility. The Joint Standing Committee on Transportation may report out legislation to the Second Regular Session of the 120th Legislature on the subject matter of this report.

Sec. 15. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

	2001-02	2002-03
SECRETARY OF STATE, DEPARTMENT OF THE Bureau of Motor Vehicles		
Positions	(1,000)	(1,000)
Personal Services	\$13,833	\$33,199
All Other	5,962	834
Allocates funds for one additional Clerk Typist II position and operating costs necessary to process additional truck permit fees.		
DEPARTMENT OF THE SECRETARY OF STATE TOTAL	\$19,795	\$34,033

Sec. 16. Effective date. Except for that section of this Act that directs the Commissioner of Transportation to report to the Joint Standing Committee on Transportation, this Act takes effect January 31, 2002.

See title page for effective date, unless otherwise indicated.

CHAPTER 268

H.P. 1164 - L.D. 1564

**An Act to Amend the Laws Affecting
Changeable Message Signs**

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

Sec. 1. 23 MRSA §1914, sub-§6, ¶¶C and E, as amended by PL 1995, c. 390, §1, are further amended to read:

C. Contains, includes or is illuminated by a flashing, intermittent or moving light or lights, except as provided in subsection ~~++~~ 11-A;

E. Moves, has any animated or moving parts or has the appearance of movement, except as provided in subsection ~~++~~ 11-A.

Sec. 2. 23 MRSA §1914, sub-§11, as amended by PL 1999, c. 123, §1, is repealed.

Sec. 3. 23 MRSA §1914, sub-§11-A is enacted to read:

11-A. Changeable signs. Notwithstanding subsection 6, paragraphs C and E, changeable signs are not prohibited as long as the sign complies with all the terms of this subsection. The Department of Transportation shall administer the provisions of this subsection unless the municipality in which the sign is located and the Department of Transportation have agreed in writing that the municipality shall oversee that particular sign.

A. As used in this subsection, unless the context otherwise indicates, the following terms have the following meanings.

(1) "Changeable sign" means an on-premise sign created, designed, manufactured or modified in such a way that its message may be electronically, digitally or mechanically altered by the complete substitution or replacement of one display by another on each side.

(2) "Display" means that portion of the surface area of a changeable sign that is, or is designed to be or is capable of being periodically altered for the purpose of conveying a message.

(3) "Lot of record" means a lot for which the deed was legally recorded, or which was created by a plan legally recorded, in the registry of deeds for the county where the lot is located. Contiguous lots of record in the same ownership are considered one lot.

(4) "Message" means a communication conveyed by means of a visual display of text.

(5) "Sign assembly" means the display, border, trim and all supporting apparatus, including posts, columns, pedestals and foundation.

(6) "Time and temperature sign" means a changeable sign that electronically or mechanically displays the time and temperature by the complete substitution or replacement of a display showing the time with a display showing the temperature.

B. The display on each side of a changeable sign:

(1) May be changed no more than once every 20 minutes;

(2) Must change as rapidly as technologically practicable, with no phasing, rolling, scrolling, flashing or blending; and

(3) May consist only of alphabetic or numeric text on a plain background and may not include any graphic, pictorial or photographic images.

C. The display may comprise no more than 50% of the surface area of a changeable sign.

D. No more than one changeable sign with 2 sides is allowed per lot of record.

E. Changeable signs may not be located so that the message is readable from a controlled-access highway or ramp.

F. The highest point of the display of a changeable sign may not exceed a height of 25 feet above either the centerline of the nearest public way or actual ground level adjacent to the sign, whichever is lower.

G. Changeable message board signs existing in accordance with the requirements of former subsection 11 continue to exist if the signs:

(1) Are reasonably incapable of being modified or reprogrammed to comply with this section as amended; and

(2) Are not replaced, substantially rebuilt, reconstructed or repaired beyond routine maintenance.

H. The size, intensity of illumination and acceptable rate of change between the time display and the temperature display of a time and temperature sign must comply with rules, policies or guidelines adopted by the Department of Transportation. Rules adopted pursuant to this section are routine technical rules as defined in Title 5,

chapter 375, subchapter II-A. Time and temperature signs erected prior to September 29, 1995 need not comply with those rules, policies or guidelines.

See title page for effective date.

CHAPTER 269

H.P. 1268 - L.D. 1726

An Act to Clarify Laws Pertaining to the Permit Process for Wildlife Possession

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

Sec. 1. 12 MRSA §7077, sub-§1-A, ¶G, as enacted by PL 1993, c. 136, §1, is repealed.

Sec. 2. 12 MRSA §7231, as amended by PL 1999, c. 403, §11, is repealed.

Sec. 3. 12 MRSA §7232, as amended by PL 1981, c. 12, §4, is repealed.

Sec. 4. 12 MRSA §7233, as amended by PL 1981, c. 12, §5, is repealed.

Sec. 5. 12 MRSA §7234, as amended by PL 1981, c. 12, §6, is repealed.

Sec. 6. 12 MRSA §7235-A, as amended by PL 1995, c. 455, §17, is repealed.

Sec. 7. 12 MRSA §7235-B, as enacted by PL 1999, c. 403, §12, is repealed.

Sec. 8. 12 MRSA §§7235-C and 7235-D are enacted to read:

§7235-C. Permit to possess wildlife in captivity

1. Affected species. Except as otherwise provided in this Part, this section applies to the possession of any wildlife regulated by the State that is held in captivity and to the importation of wildlife from an area outside the State, including:

A. All species listed under state law as threatened or endangered;

B. All other species not included on a list of unregulated, nonnative species that is maintained by the commissioner to facilitate the issuance of importation permits; and

C. Other species identified in rules adopted by the commissioner.

2. Issuance. The commissioner may issue a permit to a person permitting the possession and use of wildlife with the following exceptions.

A. A propagation, rearing and sale permit does not authorize the permittee to possess, propagate or sell deer, bear, moose, wild turkey, hybrid wild turkey or wild turkey-domestic turkey cross nor does it authorize the permittee to possess, propagate or sell any wild animal taken in accordance with section 7501, 7502 or 7504.

B. A commercial exhibition permit does not authorize the permittee to import any species of wild turkey, hybrid wild turkey or wild turkey-domestic turkey cross or the eggs of these species.

C. A general possession permit does not authorize the permittee to possess, propagate or sell deer, bear, moose, wild turkey, hybrid turkey or wild turkey-domestic turkey cross nor does it authorize the permittee to possess, propagate or sell any wild animal taken in accordance with section 7501, 7502 or 7504.

D. A rehabilitation permit does not authorize the permittee to possess, propagate or sell any wild animal taken in accordance with section 7501, 7502 or 7504.

3. Fees. Permit fees are as follows:

A. Propagation, \$25 for 2 calendar years;

B. Commercial exhibition or attracting trade, \$145 every 2 years from July 1st to June 30th;

C. Personal use, professional or vocational husbandry, therapy or aid to disabled persons, \$25 every 2 calendar years; and

D. Rehabilitation, renewable every 2 years, no fee.

4. Rules. The commissioner may adopt rules necessary for the administration of this section, including provisions to ensure that all wildlife possessed under these permits receives humane treatment and proper husbandry and security, and to safeguard the interests of the wildlife and citizens of the State. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

5. Permit administration. In addition to the provisions adopted under subsection 4, the commissioner may assign permit conditions or requirements designed to mitigate potential impacts or risks that may arise from the possession of specific wildlife