

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

unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person not related to the donor of the exempt real estate as provided in this paragraph, then the previously exempt division creates a lot or lots for the purposes of this subsection. "Person related to the donor" means a spouse, parent, grandparent, brother, sister, child or grandchild related by blood, marriage or adoption. A gift under this paragraph can not be given for consideration that is more than 1/2 the assessed value of the real estate.

D-5. A division accomplished by a gift to a municipality if that municipality accepts the gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

D-6. A division accomplished by the transfer of any interest in land to the owners of land abutting that land that does not create a separate lot does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person without all of the merged land, then the previously exempt division creates a lot or lots for the purposes of this subsection.

Sec. 4. 30-A MRSA §4401, sub-§4, ¶H, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is repealed and the following enacted in its place:

H. Nothing in this subchapter may be construed to prevent a municipality from enacting an ordinance under its home rule authority that:

- (1) Expands the definition of subdivision to include the division of a structure for commercial or industrial use; or
- (2) Otherwise regulates land use activities.

A municipality may not enact an ordinance that expands the definition of subdivision except as provided in this subchapter.

This paragraph is repealed October 1, 2002.

Sec. 5. 30-A MRSA §4401, sub-§4, ¶I, as enacted by PL 1991, c. 500, §2, is amended to read:

I. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under ~~paragraph D~~ paragraphs D-1 to D-6, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest,

does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

Sec. 6. Application. This Act does not invalidate any municipal ordinance that expands the definition of "subdivision" if that ordinance took effect prior to the effective date of this Act.

Sec. 7. Study by State Planning Office. The Executive Department, State Planning Office shall conduct a study of the status of municipal subdivision ordinances with respect to the local review of subdivisions as defined by municipal ordinance and the process of conducting a title search in the furtherance of a real estate transaction and providing an opinion on the quality of title. At a minimum the study must include: the cataloging of municipal subdivision ordinances according to the definitions of "subdivision" used, an analysis of the legislative history of Maine's subdivision law with a focus on its relationship to home rule authority and a list of possible strategies to coordinate the subdivision review and title search procedures. The office shall consult with interested parties as necessary. The office shall submit its report to the Joint Standing Committee on Natural Resources before December 15, 2001, and the committee is authorized to report out legislation during the Second Regular Session of the 120th Legislature that will properly coordinate the subdivision review and real estate title search procedures.

Sec. 8. Retroactivity. This Act applies retroactively to June 1, 2001.

See title page for effective date.

CHAPTER 360

H.P. 1223 - L.D. 1664

An Act to Amend Certain Motor Vehicle Laws

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

Sec. 1. 29-A MRSA §101, sub-§64-A is enacted to read:

64-A. Scooter. "Scooter" means a device upon which a person may ride consisting of a footboard between 2 end wheels, controlled by an upright steering handle attached to the front wheel and that is propelled by human power or a motor.

Sec. 2. 29-A MRSA §105, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Scope of inspection. A law enforcement officer who has stopped a motor vehicle pursuant to subsection 1 may demand and inspect the driver's license, certificate of registration, permits and the identification numbers of the motor vehicle. A state police officer who is trained pursuant to the motor carrier safety rules of the motor carrier safety regulations of the United States Department of Transportation may demand and inspect the driver's record of duty status and medical examiner's certificate, if applicable.

Sec. 3. 29-A MRSA §351, sub-§3, ¶A, as amended by PL 1995, c. 247, §1, is further amended to read:

A. An unregistered motor vehicle to be towed either by a regular service wrecker or by the use of a towbar or tow dolly; or

Sec. 4. 29-A MRSA §2052, sub-§5, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

5. Limiting use. The Department of Transportation or a municipality, with respect to a way under that authority's jurisdiction, may prohibit the use of a way by pedestrians, bicycles or other nonmotorized traffic, scooters, motorized bicycles or tricycles, or motor-driven cycles.

On limiting the use, the authority shall erect and maintain official signs stating the prohibition. A person may not disobey the restrictions stated on those signs.

Sec. 5. 29-A MRSA §2054, sub-§1, ¶B, as amended by PL 1999, c. 29, §2, is further amended by amending subparagraphs (8) and (11) to read:

(8) A Department of Public Safety vehicle operated by a liquor enforcement officer, a capital security officer appointed pursuant to Title 25, section 2908, a state fire ~~inspector~~ investigator or a Maine Drug Enforcement Agency officer;

(11) A hazardous material response vehicle, including a vehicle designed to respond to a weapon of mass destruction;

Sec. 6. 29-A MRSA §2054, sub-§2, ¶C, as affected by PL 1995, c. 65, Pt. A, §153 and amended by Pt. C, §6 and affected by §15, is further amended by enacting a new subparagraph (7) to read:

(7) A Department of Public Safety vehicle operated by a motor carrier inspector may be equipped with auxiliary lights that emit an amber light.

Sec. 7. 29-A MRSA §2054, sub-§5, ¶C, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

C. Exceed the maximum speed limits as long as life or property is not endangered, except that capital security officers and employees of the Department of Corrections may not exercise this privilege;

Sec. 8. 29-A MRSA §2054, sub-§9 is enacted to read:

9. Stationary authorized emergency vehicles. The operator of a vehicle passing a stationary authorized emergency vehicle using an emergency light, with due regard to the safety and traffic conditions, shall:

A. Pass in a lane not adjacent to that of the authorized emergency vehicle, if possible; or

B. If passing in a nonadjacent lane is impossible or unsafe, pass the emergency vehicle at a careful and prudent speed reasonable for passing the authorized emergency vehicle safely.

Sec. 9. 29-A MRSA §2063, as amended by PL 1995, c. 371, §1, is further amended to read:

§2063. Bicycles, toy vehicles and scooters

1. Definitions. For the purpose of this section, "bicycle" includes a motorized bicycle or a motorized tricycle, "scooter" includes a motorized scooter and "toy vehicle" includes, but is not limited to, skateboards, rollerskates, wagons, sleds and coasters.

2. Riding to the right. A person operating a bicycle or scooter shall ride it as far as practicable to the right side of the way, except when making a left turn. This subsection does not apply in a municipality that, by ordinance and with the approval of the Department of Public Safety and the Department of Transportation, makes other provisions for the location of bicycle or scooter traffic.

3. Seating. A person operating a bicycle may not ride other than astride a regular and permanently attached seat. A bicycle may not be used to carry more persons than the number for which it is designed and equipped.

4. Hitching rides. A person riding on a bicycle, scooter or toy vehicle may not attach it to a moving vehicle on a way.

5. Rights and duties. A person riding a bicycle or scooter on a way has the rights and is subject to the duties applicable to the operator of a vehicle, except as to:

- A. Special regulations; and
- B. Provisions in this Title that by their nature can have no application.

6. Speed. A motorized bicycle or motorized scooter may not be operated in excess of 20 miles per hour.

7. Penalties. A person 17 years of age or over who violates this section commits a traffic infraction ~~with a maximum fine of~~ for which a forfeiture of no more than \$10 may be adjudged.

8. Impoundment. The chief of police of a municipality, or if there is no chief of police, the chair of the local legislative body, when satisfied that a juvenile under the age of 17 years has ridden a bicycle or scooter in violation of this section, may impound the bicycle or scooter for a period not to exceed 5 days for the first offense, 10 days for a 2nd offense and 30 days for a subsequent offense.

Sec. 10. 29-A MRSA §2066, sub-§5, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

5. Following fire apparatus; other emergency vehicles. An operator may not follow within 500 feet of fire apparatus traveling in response to a fire alarm or within 150 feet of any other authorized emergency vehicle as defined in section 2054, subsection 1, paragraph B that is using an emergency light as defined in section 2054, subsection 1, paragraph D.

Sec. 11. 29-A MRSA §2067, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

3. Parking or standing. Unless a municipal ordinance specifically provides otherwise, a vehicle may not be parked or stand on or beside the left-hand side of a way during the times when lighted lamps are required in a manner that its lights project in the direction of oncoming traffic.

Sec. 12. 29-A MRSA §2084, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

§2084. Bicycles and scooters

1. Night equipment. A bicycle, scooter or motorized bicycle or tricycle, when in use in the nighttime or at other times when motor vehicles are required to display headlights, must have:

- A. Lighted a front light that emits a white light visible from a distance of at least 200 feet to the front;

- B. A red reflector to the rear that is visible at least 200 feet to the rear; and

- C. Reflector strips on the pedals and handlebars.

2. Brakes. A bicycle, scooter or motorized bicycle or tricycle must be equipped with a brake sufficient to enable the operator to stop the vehicle or device within a reasonable distance.

Sec. 13. 29-A MRSA §2088, sub-§2, ¶¶C and D, as reallocated by RR 1999, c. 1, §41, are amended to read:

- C. Participants in parades; ~~or~~

- D. A passenger secured by a seat belt in a manufacturer-installed seat located outside the passenger compartment; or

Sec. 14. 29-A MRSA §2088, sub-§2, ¶E is enacted to read:

- E. Campers and hikers being transported in Baxter State Park.

Sec. 15. 29-A MRSA §2251, sub-§8, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

8. Violation. A person commits a Class E crime if that person:

- A. Is required to make an oral or written report and knowingly fails to do so within the time required; ~~or~~

- B. Is an operator involved in a reportable accident and knowingly fails to give a correct name and address when requested by an officer at the scene; or

- C. Is the operator involved in a reportable accident or the owner of a vehicle involved in a reportable accident and knowingly fails to produce the vehicle or, if the vehicle is operational, return it to the scene when requested by the investigating officer.

Sec. 16. 29-A MRSA §2396, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

3. Gravel. A load of gravel, sand, crushed stone, rubbish, ~~wood chips,~~ building debris or trash must be covered or otherwise secured or confined to prevent any portion of the load from falling from or spilling out of the vehicle.

See title page for effective date.