

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

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
2002

Sec. 6. 29-A MRSA §2472, sub-§6, as amended by PL 1997, c. 737, §20, is further amended to read:

6. Restoration of license. If a person's license has been suspended under subsection 3 for a first offense, the Secretary of State may issue a license if:

- A. One half of the suspension period has expired; and
- B. The Secretary of State has received notice that the person has completed the alcohol and other drug program of the Office of Substance Abuse ~~as provided in Title 5, section 20071, subsection 4-B.~~

A 2nd or subsequent offender may be issued a license following the completion of the period of suspension provided the Secretary of State has received notice that the person has completed the alcohol and other drug program of the Office of Substance Abuse ~~as provided in Title 5, section 20071, subsection 4-B.~~

Sec. 7. 29-A MRSA §2502, as amended by PL 1999, c. 448, §§11 and 12, is further amended to read:

§2502. Special licenses for driver education evaluation program; suspension

1. Issuance of special license. Following the expiration of the total period of suspension imposed on a first-time offender pursuant to Title 15, section 3314 or sections 2411, 2453, 2472 and 2521, the Secretary of State shall issue a special license or permit to the person if the Secretary of State receives written notice that the person has completed the assessment components of the alcohol and other drug program ~~as set out in pursuant to~~ Title 5, section 20073-B. ~~First offenders with an aggravated offense as defined in Title 5, section 20071, subsection 4-B are entitled to receive a special license after completion of the evaluation provided by the Office of Substance Abuse.~~ First offenders who have registered for the completion of treatment programs as described in Title 5, section 20072, subsection 2 are entitled to receive a special license after completion of a ~~minimum~~ of 3 treatment sessions provided by a counselor or agency approved by the Office of Substance Abuse. A special license or permit may not be issued under this section to 2nd and subsequent offenders.

2. Suspension of special license. If the person refuses or fails to complete the alcohol and other drug program ~~set out in pursuant to~~ Title 5, section 20073-B, within 6 months after receiving a special license, the Secretary of State, following notice of that refusal or failure, shall suspend the special license until the person completes the program. The suspension must continue until the Secretary of State receives

written notification from the Office of Substance Abuse that the person has satisfactorily completed all required components of that program. The Secretary of State shall provide notice of suspension and opportunity for hearing pursuant to Title 5, chapter 375, subchapter IV. The sole issue at the hearing is whether the person has written notification from the Office of Substance Abuse establishing that the person has satisfactorily completed all components of that program ~~as set out in pursuant to~~ Title 5, section 20073-B.

See title page for effective date.

CHAPTER 512

S.P. 713 - L.D. 1915

An Act to Amend the Civil Service Law with Respect to Veterans' Preference

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

Sec. 1. 5 MRSA §7054, sub-§1, ¶D, as amended by PL 1999, c. 462, §1, is repealed.

Sec. 2. 5 MRSA §7054, sub-§2, ¶A, as amended by PL 1993, c. 427, §2, is further amended to read:

A. A veteran who served on active duty in any of the Armed Forces for at least 90 days consecutively ~~during a war, campaign or expedition~~ and who was honorably separated must be accorded a 5-point preference.

~~A 5 point preference must also be accorded a veteran who served on active duty in any of the Armed Forces for at least 90 consecutive days and who, during that time:-~~

~~(1) Served in the expedition to Grenada at any time from October 25, 1983 to November 2, 1983;~~

~~(2) Served in the mission in Lebanon at any time from August 25, 1983 to February 24, 1984; or~~

~~(3) Served in Panama at any time from December 20, 1989 to January 31, 1990.~~

Sec. 3. 5 MRSA §7054, sub-§2, ¶¶E and F, as enacted by PL 1985, c. 785, Pt. B, §38, are amended to read:

E. The widow or widower, who has never remarried, of a veteran who lost his or her life under honorable conditions while serving on active

duty in any of the Armed Forces ~~during the war, campaign or expedition~~, or who died as the result of service-connected disability ~~shall~~ must be accorded a 10-point preference.

F. The natural mother or father of a deceased veteran who lost his or her life under honorable conditions while serving on active duty in any of the Armed Forces ~~during a war, campaign or expedition~~, and who is or was married to the father or mother of the veteran on whose service he or she bases his or her claim; and who is widowed, divorced or separated; or who lives with him or her totally and permanently disabled husband or wife, either the veteran's father or mother or the husband or wife of his or her remarriage, is entitled to a 10-point preference.

See title page for effective date.

CHAPTER 513

H.P. 1419 - L.D. 1863

An Act to Clarify the Overweight Fine Violation for Trucks Carrying Certain Designated Commodities and Registered for 100,000 Pounds

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

Whereas, legislative action is immediately necessary in order to clarify truck weight laws effective January 31, 2002; 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 §2357, sub-§7, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

7. Penalty calculation; fine base and fine schedule. When a weight tolerance established in this section is exceeded, the difference between the actual weight and the fine base for the tolerance must be used as the basis for determining the percentage of overload ~~in section 2360 in the appropriate fine schedule~~ and the tolerance must be disregarded. ~~The fine base for tolerances described in subsection 2 is the appropriate limit in section 2353 and 90,000 pounds is the~~

~~appropriate limit for the 6 axle combination vehicle described in subsection 4. For a 6-axle combination vehicle described in subsection 4 that is registered for 100,000 pounds, the fine base for the gross vehicle weight is 100,000 pounds and the fine schedule in section 2354 applies. For a 6-axle combination vehicle described in subsection 4 that is registered for less than 100,000 pounds, the fine base for gross vehicle weight is 90,000 pounds and the fine schedule in section 2360 applies. For all other vehicles operating under the gross vehicle weight tolerances in subsection 2, and for all vehicles operating under the axle unit weight tolerances in subsection 2, the fine base is the appropriate limit in section 2353 and the fine schedule in section 2360 applies.~~

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

Effective March 7, 2002.

CHAPTER 514

S.P. 653 - L.D. 1832

An Act to Strengthen the Habitual Offender Law

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

Sec. 1. 29-A MRSA §2551, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4. Offenses not included. The following convictions may not be included under subsection 1:

- A. A conviction of operating a motor vehicle without a license if the license had expired, and was not suspended or revoked; ~~or~~
- B. A conviction of operating after suspension when the suspension is based upon a failure to appear in court or failure to pay a fine; ~~or~~
- C. A conviction of operating after suspension when the suspension is based upon a failure to pay child support.

Sec. 2. 29-A MRSA §2554, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Petition for relief. After ~~one year~~ 3 years from the date of revocation, a person may petition for relief from habitual offender status. The petition must be presented to the Secretary of State.