

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

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.