

# 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.**

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**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.

**Sec. 3. 29-A MRSA §2556, sub-§2**, as amended by PL 1999, c. 641, §1, is further amended to read:

**2. Petition.** An habitual offender whose license has been revoked pursuant to section 2552 may petition the Secretary of State for a work-restricted license only after the expiration of ~~8 months~~ 18 months from the date the license was revoked pursuant to section 2552.

See title page for effective date.

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## CHAPTER 515

H.P. 1409 - L.D. 1847

### An Act Regarding Fire Inspections for Foster Homes

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

**Sec. 1. 22 MRSA §8103, sub-§1**, as amended by PL 1997, c. 728, §12, is further amended to read:

**1. Procedures.** All procedures and other provisions included in section 7904-A, subsections 1 and 2, for boarding care facilities also apply to children's homes, except that the written statement referred to in section 7904-A, subsection 1 need not be furnished annually by the Commissioner of Public Safety to the department ~~when a children's home serves only one or 2 children for a facility licensed as a family foster home or a specialized children's home.~~ In these instances an inspection must be performed every 2 years.

See title page for effective date.

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## CHAPTER 516

H.P. 1519 - L.D. 2023

### An Act to Amend the Election Laws

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

**Sec. 1. 21-A MRSA §115, sub-§1**, as amended by PL 1987, c. 188, §2, is repealed.

**Sec. 2. 21-A MRSA §411, sub-§1**, as amended by PL 1995, c. 154, §2, is further amended to read:

**1. Determination of primary.** When the state committee of a political party certifies that there is a

contest among candidates for nomination as the presidential candidate of the party and has notified the State of its intent to participate in a presidential preference primary election, the State shall hold a presidential preference primary election.

**Sec. 3. 21-A MRSA §411-A, sub-§3**, as amended by PL 1997, c. 436, §61, is further amended to read:

**3. Statement of intent.** A statement that the party intends to participate in a presidential preference primary election. Such a statement of intent is irrevocable for that particular presidential preference primary election; and

**Sec. 4. 21-A MRSA §415, sub-§1**, as repealed and replaced by PL 1995, c. 154, §8, is amended to read:

**1. Selection by convention.** Delegates must be selected by state parties meeting in convention pursuant to subchapter I, article III at any time after the presidential preference primary election.

**Sec. 5. 21-A MRSA c. 5, sub-c. VI**, as amended, is repealed.

**Sec. 6. 21-A MRSA §605, sub-§3** is enacted to read:

**3. Poster for prospective registrants and voters.** The Secretary of State shall prepare instruction posters to advise prospective registrants and voters of their rights.

A. An instruction poster advising prospective registrants and voters of their rights must be conspicuously posted at the entrances to all polling places and voter registration places.

**Sec. 7. 21-A MRSA §606, sub-§3**, as amended by PL 1995, c. 459, §43, is further amended to read:

**3. Receipt issued; inspection of ballots in an election.** Upon receipt of a package or box containing absentee ballots or blank absentee ballots for an election, the clerk shall open the sealed package or box of ballots and verify that the ballots do not contain any errors and that the correct number of ballots has been received. The clerk shall immediately notify the Secretary of State if a ballot is incorrect or if the correct number of ballots has not been received and shall also immediately send the Secretary of State a receipt for the absentee ballots the clerk receives received noting any discrepancies on the receipt. The clerk shall then proceed to issue absentee ballots or blank absentee ballots in response to pending requests. Upon receipt of a package or box containing regular ballots for an election, the clerk shall open, in the