

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**November 13, 2002 to November 14, 2002**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 2002 to June 14, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**FEBRUARY 13, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 13, 2003**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2003**

spirits and fortified wines. The commissioner shall prepare and submit legislation to the session of the Legislature during which the contract is successfully negotiated or, if the Legislature is not in session, to the next immediately following session, making the necessary changes to the Maine Revised Statutes to fully implement this Part.

**Sec. LLL-4. Effective date.** This Part takes effect 90 days after adjournment of the First Regular Session of the 121st Legislature.

### PART MMM

**Sec. MMM-1. Transfer of funds.** Notwithstanding any other provision of law, the State Controller shall transfer \$50,000 by June 30, 2004 and \$50,000 by June 30, 2005 from the Division of Forest Protection General Fund program in the Department of Conservation to the unappropriated surplus of the General Fund.

**Sec. MMM-2. Transfer of funds.** Notwithstanding any other provision of law, the State Controller shall transfer \$100,000 by June 30, 2004 and \$100,000 by June 30, 2005 from the Boating Facilities Fund Other Special Revenue Funds program in the Department of Conservation to the unappropriated surplus of the General Fund.

**Sec. MMM-3. Transfer of funds.** Notwithstanding any other provision of law, the State Controller shall transfer \$25,000 by June 30, 2004 and \$25,000 by June 30, 2005 from the Shore and Harbor Management Fund Other Special Revenue Funds program in the Department of Conservation to the unappropriated surplus of the General Fund.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect July 1, 2003, except as otherwise indicated.

Effective July 1, 2003, unless otherwise indicated.

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### CHAPTER 21

H.P. 33 - L.D. 26

#### An Act to Create the Maine Youth Conservation Wildlife Management Area

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

**Sec. 1. 12 MRSA §7652, sub-§3, ¶B,** as repealed and replaced by PL 1995, c. 455, §38, is amended by enacting a new subparagraph (20-A) to read:

(20-A) Maine Youth Conservation WMA -  
T32 MD - Hancock County;

See title page for effective date.

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### CHAPTER 22

H.P. 355 - L.D. 463

#### An Act to Enhance Integration of Transportation and Land Use Planning

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

**Sec. 1. 23 MRSA §73, sub-§4,** as enacted by IB 1991, c. 1, §1, is amended to read:

**4. Rulemaking.** The Department of Transportation shall adopt a rule within one year of the effective date of this Act, in coordination with the Maine Turnpike Authority and state agencies including the Department of Economic and Community Development, the State Planning Office and the Department of Environmental Protection, to implement the statewide comprehensive transportation policy. The rule must incorporate a public participation process that provides municipalities and other political subdivisions of the State and members of the public notice and opportunity to comment on transportation planning decisions, capital investment decisions, project decisions and compliance with the statewide transportation policy.

The Department of Transportation shall adopt a rule, in coordination with the State Planning Office, that establishes linkage between the planning processes outlined in this section and those promoted by Title 30-A, chapter 187, subchapter 2 and that promotes investment incentives for communities that adopt and implement land use plans that minimize over-reliance on the state highway network. This rule is a major substantive rule as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

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### CHAPTER 23

H.P. 262 - L.D. 319

#### An Act to Reenact Standards for Road Construction for Forest Management Activities

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

**Sec. 1.** 38 MRSA §480-E, sub-§11 is enacted to read:

**11. Road construction associated with forest management activities.** A permit by rule for road construction or maintenance associated with a forest management activity becomes effective upon receipt of notification by the department as long as:

A. The road construction or maintenance is eligible for a permit by rule; and

B. The notification is on a form provided by the department and is complete.

See title page for effective date.

**CHAPTER 24**

**H.P. 534 - L.D. 728**

**An Act To Repeal the Crime of Plundering at Fires as Larceny**

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

**Sec. 1.** 25 MRSA §2462 is repealed.

See title page for effective date.

**CHAPTER 25**

**H.P. 434 - L.D. 571**

**An Act To Improve the Safety of Public Roads**

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

**Whereas,** an anomaly exists under current law where a court may restrict or suspend a person's ability to operate a motor vehicle but there is no mechanism for that restriction or suspension to be transmitted to law enforcement agencies; and

**Whereas,** this Act allows the Secretary of State to suspend or restrict without a hearing the license of a person whose motor vehicle operation privilege has been restricted as a condition of bail; 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 §2458, sub-§2, ¶O, as amended by PL 1997, c. 776, §48, is further amended to read:

O. Has a license, permit or the privilege to apply for or obtain a license suspended or revoked by a jurisdiction of the United States or a province; ~~or~~

**Sec. 2.** 29-A MRSA §2458, sub-§2, ¶P, as enacted by PL 1997, c. 776, §49, is amended to read:

P. Has failed to provide a valid social security number pursuant to section 1301-; or

**Sec. 3.** 29-A MRSA §2458, sub-§2, ¶Q is enacted to read:

Q. Has, as a condition of bail pursuant to Title 15, chapter 105-A or, if a juvenile, as a condition of release pursuant to Title 15, chapter 505, been ordered not to operate a motor vehicle. If the conditions of bail or release allow a person to operate a motor vehicle only under certain conditions or with restrictions on time, place or purpose, the Secretary of State may, without hearing, issue a restricted license reflecting the restrictions imposed.

**Sec. 4.** 29-A MRSA §2458, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**4. Notice of hearing.** Upon suspending or revoking a certificate of title, certificate of registration, license or fuel use decal pursuant to subsection 2, the Secretary of State shall notify that person of opportunity for hearing as provided in section 2483, except where the suspension or revocation rests solely upon a conviction in court of an offense that by statute is expressly made grounds for that suspension or revocation, or the basis of the Secretary of State's action is a condition of bail or conditional release pursuant to subsection 2, paragraph Q.

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

Effective April 1, 2003.

**CHAPTER 26**

**H.P. 12 - L.D. 5**

**An Act to Amend the Law Pertaining to Notice of Nonrenewal of an Automobile Insurance Policy**