

# 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**

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**Sec. 1.** 25 MRSA §2462 is repealed.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

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

**Sec. 1. 24-A MRSA §2916-A, sub-§2,** as amended by PL 1999, c. 617, §2, is further amended to read:

**2. Accidents.** When a named insured or any other person who operates a motor vehicle insured under the policy is individually or are aggregately involved in 2 or more vehicle accidents while operating a motor vehicle insured under the policy or under another policy issued by the same insurer for a motor vehicle in the same household, resulting in either personal injury or property damage in excess of the amount defined as a reportable accident under Title 29-A, section 2251, subsection 1. For the purpose of this subsection any of the following occurrences involving a motor vehicle operated by a named insured or such other person is not considered an accident when:

- A. The motor vehicle was struck from the rear;
- B. The motor vehicle was struck while parked;
- C. Only the operator of another motor vehicle involved in the accident was convicted of a crime, offense or violation contributing to the accident; or
- D. The named insured or other operator of the motor vehicle insured under the policy or the insurer of the policy, was reimbursed by or on behalf of, a person responsible for the accident or has a judgment against that person.

When more than one motor vehicle in a household is insured by the same insurer, the aggregate number of accidents that would permit nonrenewal of the policy or policies insuring those vehicles must, ~~for the aggregate,~~ be increased by one for each additional motor vehicle insured.

See title page for effective date.

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**CHAPTER 27**

**H.P. 91 - L.D. 82**

**An Act Regarding Fish Stocking Decisions**

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

**Sec. 1. 12 MRSA §7013-A,** as enacted by PL 1999, c. 416, §1, is repealed.

See title page for effective date.

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**CHAPTER 28**

**H.P. 92 - L.D. 83**

**An Act To Expand Unemployment Benefits**

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

**Whereas,** voluntary layoffs may ensure continued employment for others; and

**Whereas,** the present economy should allow for voluntary layoffs to occur immediately; 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. 26 MRSA §1193, sub-§1, ¶A,** as repealed and replaced by PL 1991, c. 560, §2, is amended to read:

A. For the week in which the claimant left regular employment voluntarily without good cause attributable to that employment. The disqualification continues until the claimant has earned 4 times the claimant's weekly benefit amount in employment by an employer. A claimant may not be disqualified under this paragraph if:

- (1) The leaving was caused by the illness or disability of the claimant or an immediate family member and the claimant took all reasonable precautions to protect the claimant's employment status by promptly notifying the employer of the reasons for the absence and by promptly requesting reemployment when again able to resume employment;
- (2) The leaving was necessary to accompany, follow or join the claimant's spouse in a new place of residence and the claimant can clearly show within 14 days of arrival at the new place of residence an attachment to the new labor market, and the claimant is in all respects able, available and actively seeking suitable work;
- (3) The leaving was in good faith in order to accept new employment on a permanent