

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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Lewiston, Maine
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which the agreement is ratified by the parties. If the Legislature rejects any of the cost items submitted to it, all cost items submitted must be returned to the parties for further bargaining. "Cost items" includes salaries, pensions and insurance.

Cost items related to a collective bargaining agreement reached under this chapter and submitted to the Legislature for its approval under this subsection may not be submitted in the same legislation that contains cost items for employees exempted from the definition of "technical college employee" under section 1022, subsection 11, ~~except that cost items for those employees exempted under section 1022, subsection 11, paragraph D need not be excluded.~~

Sec. 3. 26 MRSA §1027, sub-§3-A is enacted to read:

3-A. Negotiation of initial probationary period. The length and terms of an employee's probationary period upon initial employment is a negotiable item in accordance with the procedures set forth in section 1026, except that, at a minimum, the probationary period must include the first 6 months of the employee's active employment. During the initial 6 months of active employment, an employee may be terminated without just cause.

Sec. 4. Application. This Act applies to all collective bargaining contracts executed or renewed on or after September 1, 2003 by parties subject to the Maine Revised Statutes, Title 26, chapter 12.

See title page for effective date.

CHAPTER 77

H.P. 127 - L.D. 168

An Act To Allow a Municipality To Dispose of Unclaimed Bicycles by Means in Addition to Public Auction

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

Sec. 1. 25 MRSA §3503-B is enacted to read:

§3503-B. Bicycle disposal

Notwithstanding section 3503, a local legislative body in a municipality may dispose of unclaimed bicycles in a manner decided by that body and is exempt from Title 33, chapter 41 with respect to unclaimed bicycles.

See title page for effective date.

CHAPTER 78

H.P. 356 - L.D. 464

An Act To Allow Fire and Emergency Medical Services Response Vehicles To Display One Blue Light at the Rear of the Vehicle

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

Sec. 1. 29-A MRSA §2054, sub-§2, ¶D, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

D. Emergency lights used on a police vehicle; a Department of Corrections vehicle as described in subsection 1, paragraph B, subparagraph (6); a vehicle operated by a chief of police, a sheriff or a deputy sheriff; and a vehicle operated by a qualified deputy sheriff or other qualified individual performing court security-related functions and services must emit a blue light or a combination of blue and white light. ~~No other vehicle may be equipped with or display a blue light, except that on~~ On any vehicle, or replica of a vehicle, manufactured prior to 1952 and registered under section 457, the taillight may contain a blue or purple insert of not more than one inch in diameter.

Sec. 2. 29-A MRSA §2054, sub-§2, ¶F, as amended by PL 1995, c. 22, §1, is further amended to read:

F. Only vehicles listed in this paragraph, rural mail vehicles as provided in paragraph C, subparagraph (5) and school buses may be equipped with, display or use a red auxiliary or emergency light.

(1) Emergency lights used on an ambulance, an emergency medical service vehicle, a fire department vehicle, a fire vehicle or a hazardous material response vehicle must emit a red light or a combination of red and white light and may be equipped with one blue light mounted at the rear of the vehicle so that the light is visible to approaching traffic.

(2) The municipal officers or a municipal official designated by the municipal officers, with the approval of the fire chief, may authorize an active member of a municipal or volunteer fire department to use a flashing red signal light not more than 5 inches in diameter on a vehicle. The light may be displayed but may be used only while the member is en route to or at the

scene of a fire or other emergency. The light must be mounted as near as practicable above the registration plate on the front of the vehicle or on the dashboard. A light mounted on the dashboard must be shielded so that the emitted light does not interfere with the operator's vision.

(3) Members of an emergency medical service licensed by Maine Emergency Medical Services may display and use on a vehicle a flashing red signal light of the same proportion, in the same location and under the same conditions as those permitted municipal and volunteer firefighters, when authorized by the chief official of the emergency medical service.

See title page for effective date.

CHAPTER 79

H.P. 54 - L.D. 46

An Act To Allow Free Clinics To Purchase Medications and Supplies through State Contracts

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

Sec. 1. 5 MRSA §1811, sub-§8, as amended by PL 1991, c. 780, Pt. Y, §65, is further amended to read:

8. Cooperative purchasing. To permit any political subdivision or ~~School Administrative District~~ school administrative district in the State of Maine or nonprofit free health care clinic that provides free primary or preventative services to make purchases of foodstuffs, materials, equipment and supplies through the Bureau of General Services, subject to such procedures, rules and regulations as may be prescribed by the director. This subsection applies to a municipality notwithstanding any provision in its municipal charter to the contrary; and

See title page for effective date.

CHAPTER 80

S.P. 290 - L.D. 895

An Act To Clarify the Responsibilities of Contract Law Enforcement Officers

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

Sec. 1. 30-A MRSA §3009, sub-§4 is enacted to read:

4. Enforcement of municipal ordinances. A municipality lacking an organized police department may contract with the State Police or a sheriff's department to enforce ordinances enacted by the municipality. State Police officers and deputy sheriffs are authorized to enforce municipal ordinances as agreed to in the contract.

See title page for effective date.

CHAPTER 81

H.P. 346 - L.D. 454

An Act To Clarify Campaign Finance Penalty Provisions

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

Sec. 1. 21-A MRSA §1127, sub-§1, as enacted by IB 1995, c. 1, §17, is amended to read:

1. Civil penalty. In addition to any other penalties that may be applicable, a person who violates any provision of this chapter or rules of the commission adopted pursuant to section 1126 is subject to a civil penalty not to exceed \$10,000 per violation payable to the fund. This penalty is recoverable in a civil action. In addition to any fine, for good cause shown, a candidate found in violation of this chapter or rules of the commission may be required to return to the fund all amounts distributed to the candidate from the fund. If the commission makes a determination that a violation of this chapter or rules of the commission has occurred, the commission shall assess a fine or transmit the finding to the Attorney General for prosecution. Fines paid under this section must be deposited in the fund. In determining whether or not a candidate is in violation of the expenditure limits of this chapter, the commission may consider as a mitigating factor any circumstances out of the candidate's control.

See title page for effective date.

CHAPTER 82

S.P. 115 - L.D. 333

An Act To Clarify the Laws Regarding Reports to the State Auditor

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