

# 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**

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

**Sec. 1. 29-A MRSA §1917**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**§1917. Tires and wheels**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Tread depth" means the amount of tread design on the tire. "Tread depth" includes original, retread and recap tread design and, in respect to a special mileage commercial tire, recut, regrooved and siped tread design.

B. "Special mileage commercial tire" means a tire manufactured with an extra layer of rubber between the cord body and original tread design, which extra layer is designed for the purpose of recutting or regrooving, and which tire is specifically labelled as a "special mileage commercial tire."

**2. Safe tires required.** A motor vehicle may not be operated on a public way unless it is equipped with tires in safe operating condition. A tire mounted on a motor vehicle is not considered to be in safe operating condition unless it meets the visual and tread depth requirements set forth in subsections 3 and 4 and the wheel size requirements in subsection 6. A vehicle may be equipped only with tires that meet or exceed the load and speed rating of the original equipment tires.

**3. Visual requirements.** A tire is not in safe operating condition if that tire has:

- A. A fabric break or a cut in excess of one inch in any direction as measured on the outside of the tire and deep enough to reach the body cords;
- B. A temporary repair by the use of blowout patches or boots;
- C. A bump, bulge or knot related to separation or partial failure of the tire structure;
- D. A portion of the ply or cord structure exposed; or
- E. Sidewalls damaged to the extent that the body cords are damaged.

**4. Tread depth.** A tire is not in safe operating condition if it is worn to the point where less than 2/32 inch of tread design remains at all points at which gauge readings are required. Tread depth must be measured as follows.

A. Tire tread depth must be measured by a tread depth gauge that is calibrated in 1/32 inch.

B. Readings must be taken in 2 adjacent major tread grooves at 2 points in each of the grooves not closer than 15 inches.

C. Readings for a tire that has the tread design running across the tire or for a siped tire must be taken at or near the center of the tire at 2 points of the circumference not closer than 15 inches.

**5. Exemptions.** A farm vehicle used exclusively for agricultural purposes, including, but not limited to, a self-propelled combine, self-propelled corn and hay harvesting machine or tractor used exclusively for agricultural purposes, is exempt from this section.

**6. Wheels.** If the rim size has been altered, the overall diameter of the wheel with the tire must be within the vehicle manufacturer's specifications.

See title page for effective date.

**CHAPTER 147**

**S.P. 283 - L.D. 804**

**An Act To Amend the Standard Water District Enabling Act**

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

**Sec. 1. 35-A MRSA §6401, sub-§2, ¶A**, as enacted by PL 1995, c. 616, §10, is amended to read:

A. The following provisions apply to all water districts, regardless of when chartered, and any portion of a water district charter that is contrary to the provisions is void and of no effect:

- (1) Section 6410, subsection 7; ~~and~~
- (2) Section 6410, subsection 8-~~2~~;
- (3) Section 6413-A; and
- (4) Section 6414-A.

**Sec. 2. 35-A MRSA §6410, sub-§§1 and 7**, as enacted by PL 1995, c. 616, §10, are amended to read:

**1. Standard districts; nominations and elections; vacancies.** Nominations and elections of trustees are conducted in accordance with the laws relating to municipal elections.

When the term of office of a trustee expires, the trustee's successor is elected at large by a plurality vote of the voters of the standard district. For the purpose of election, a special election must be called and held on the date established by the trustees. The election must be called by the trustees of the standard district in the same manner as town meetings are called and, for this purpose, the trustees are vested with the powers of municipal officers of towns. A vacancy is filled in the same manner for the unexpired term by a special election called by the trustees of the standard district.

The trustees shall appoint a registrar of voters for the standard district, who may also be the registrar of voters for any town within the standard district, and fix the registrar's salary. It is the registrar's duty to make and keep a complete list of all the ~~eligible registered voters of resident in~~ the standard district. The list prepared by the registrar governs the eligibility of any voter. Voters who are resident outside the territorial limits of the standard district, as defined in its charter, are not eligible voters and the registrar of voters shall exclude those voters from the registrar's lists. All warrants issued for elections by the trustees must show that only the voters resident within the territorial limits of the standard district are entitled to vote.

#### **7. Water districts; trustees' compensation.**

The trustees of a water district receive compensation as recommended by the trustees and approved by a majority of the municipal officers of the municipality, including compensation for any duties they perform as officers, as well as for their duties as trustees. For districts serving more than one municipality, any change in the compensation received by the trustees for any duties they perform within the district must be recommended by the trustees and approved by majority vote of the municipal officers in each municipality in municipalities representing a majority of the population within the district. Certification of the vote must be recorded with the Secretary of State and recorded in the bylaws. ~~Compensation for duties as trustees must be on the basis of such specific amount as may be specified in the bylaws, for each meeting actually attended and reimbursement for travel and expenses, with the total not to exceed such specific amount as may be specified in the bylaws.~~ Compensation schedules in effect on January 1, 1982 continue in effect until changed.

Notwithstanding section 6401, subsection 2, this subsection does not apply to any water district for which the charter provides for trustee compensation in a manner inconsistent with this subsection and specifically indicates by its own terms that this subsection or former section 6303, subsection 4 does not apply.

**Sec. 3. 35-A MRSA §6413-A** is enacted to read:

#### **§6413-A. Water districts; authority to increase debt limits**

Notwithstanding any provision of its charter to the contrary, a water district may increase its debt limit by referendum in accordance with this section. A water district is not required to use this section and may seek to increase its debt limit by any other lawful means, including pursuant to any other means described in its charter or by seeking legislative amendment to its charter.

If a water district chooses to increase its debt limit pursuant to this section, the governing body of the water district shall propose a new debt limit and submit the proposal for approval at a referendum within the district. The referendum must be called, advertised and conducted according to the law relating to municipal elections, except the registrar of voters is not required to prepare or the clerk to post a new list of voters. For the purpose of registering voters, the registrar of voters must be in session on the regular work day preceding the election. The question presented must conform to the following form:

"Do you favor changing the debt limit of the (insert name of district) from (insert current debt limit) to (insert proposed debt limit)?"

The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion on the question.

The results must be declared by the governing body of the district and entered upon the district's records. Due certificate of the results must be filed by the clerk with the Secretary of State.

A debt limit proposal becomes effective upon its acceptance by a majority of the legal voters within the district voting at the referendum. Failure of approval by the majority of voters voting at the referendum does not prevent subsequent referenda from being held for the same purpose. The costs of referenda are borne by the district.

**Sec. 4. 35-A MRSA §6414-A** is enacted to read:

#### **§6414-A. Water utilities; rate collection and liens**

All persons, firms and corporations, whether public, private or municipal, shall pay to the treasurer of any water district the rates established pursuant to chapter 61 for the water service used with respect to their real estate.

There is a lien on real estate served by a water district to secure the payment of unpaid rates. The method for obtaining, enforcing and receiving payment on the lien must be in the same manner and has the same effect and creates the same rights as provided in Title 38, section 1208, pertaining to the collection of unpaid rates by a sanitary district, except that the sanitary district lien created under Title 38, section 1208 continues with priority over the district's water utility lien created under this section and the notice of impending automatic foreclosure must be substantially in the following form:

**STATE OF MAINE**

**WATER DISTRICT**

**NOTICE OF IMPENDING AUTOMATIC  
FORECLOSURE WATER LIEN**

**Title 35-A M.R.S.A., section 6414-A**

**IMPORTANT: DO NOT DISREGARD THIS  
NOTICE YOU WILL LOSE YOUR PROPERTY  
UNLESS YOU PAY THE CHARGES, COSTS  
AND INTEREST FOR WHICH A LIEN ON  
YOUR PROPERTY HAS BEEN CREATED BY  
THE WATER DISTRICT.**

TO: \_\_\_\_\_

You are the party named on the Water Lien Certificate filed on \_\_\_\_\_, 20\_\_\_\_ and recorded in Book \_\_\_\_\_, Page \_\_\_\_\_ in the \_\_\_\_\_ County Registry of Deeds. This \_\_\_\_\_ Water District filing created a lien mortgage on the real estate described in the Water Lien Certificate.

On \_\_\_\_\_, 20\_\_\_\_, the water lien mortgage will be foreclosed and your right to redeem the mortgage and recover your property by paying the district's charges and interest that are owed will expire.

**IF THE LIEN FORECLOSES,  
THE WATER DISTRICT WILL  
OWN YOUR PROPERTY, SUBJECT ONLY  
TO SANITARY DISTRICT AND  
MUNICIPAL TAX LIENS.**

If you can not pay the outstanding charges, costs and interest that are the subject of this notice or the subject of installment payment arrangements that you have made with the district, please contact me immediately to discuss this notice.

\_\_\_\_\_  
District Treasurer

See title page for effective date.

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**CHAPTER 148**

**H.P. 934 - L.D. 1262**

**An Act To Implement the Maine  
Assistance Program for Lawyers**

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

**Sec. 1. 14 MRSA §164-A** is enacted to read:

**§164-A. Maine Assistance Program for Lawyers;  
immunity**

**1. Definition.** As used in this section, unless the context otherwise indicates, the following term has the following meaning.

A. "Program" means the Maine Assistance Program for Lawyers established by court order pursuant to Title 4, section 421 to provide help to lawyers and judges who suffer from the effects of chemical dependency or mental conditions that result from disease, disorder, trauma or other infirmity and that impair a lawyer's or judge's ability to practice law or serve in a judicial capacity.

**2. Receive or report information; take or not take action.** A person or an organization receiving information, reporting information, taking action or taking no action on behalf of or in connection with the activities of the program is immune from all civil liability. The immunity provided by this subsection must be liberally construed to accomplish the purposes of the program. The immunity provided by this subsection is in addition to any other immunity provided by law.

**3. Information confidential.** All proceedings, communications and records, including the identity and treatment of a person seeking or being furnished assistance, connected in any way with the program are confidential and are not subject to compulsory legal process or otherwise discoverable or admissible in evidence in any civil action unless the confidentiality is waived by the affected person. Statistical data not identifying a person involved in the program may be made available for statistical evaluation as a professional aid in furtherance of the goals of the program.

See title page for effective date.

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