

# 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**

the commissioner from this district expires in 2004 and every 4 years thereafter.

E. Commissioner District Number 5, in the County of York, consists of the minor civil divisions of Eliot, Kittery, Ogunquit, Wells and York. The term of office of the commissioner from this district expires in 2004 and every 4 years thereafter.

See title page for effective date.

## CHAPTER 292

H.P. 917 - L.D. 1243

### An Act To Exclude Inclined Stairway Chairlifts from the Definition of Elevator

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

**Sec. 1. 32 MRSA §15202, sub-§5,** as amended by PL 1999, c. 386, Pt. X, §2, is further amended to read:

**5. Elevator.** "Elevator" includes an escalator or a manlift and means a guided hoisting and lowering mechanism equipped with a car, platform or load-carrying unit, including doors, well, enclosures, means and appurtenances. "Elevator" does not include an inclined stairway chairlift, a conveyor, chain or bucket hoist or a tiering, piling or feeding device. For the purposes of this subsection, "inclined stairway chairlift" means a mechanized chair apparatus running on a track or rail along the side of a staircase.

See title page for effective date.

## CHAPTER 293

H.P. 739 - L.D. 1018

### An Act To Clarify and Update the Laws Concerning the Types of Transportation Vehicle Used To Transport Children

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

**Sec. 1. 29-A MRSA §2301, sub-§§1-A, 1-B and 6** are enacted to read:

**1-A. Allowable alternative vehicle.** "Allowable alternative vehicle" means a vehicle that:

A. Is designed to carry 10 or more people, including the driver;

B. Meets all the Federal Motor Vehicle Safety Standards of 49 Code of Federal Regulations, Part 571 or as subsequently amended, that are applicable to school buses, except for those provisions pertaining to lamps, reflective devices and associated equipment in 49 Code of Federal Regulations, Part 571.108 and those provisions pertaining to school bus pedestrian safety devices in 49 Code of Federal Regulations, Part 571.131;

C. Meets all the provisions of this Title pertaining to school buses, except for section 2302, subsection 1, paragraphs A to E and G and H; section 2304, subsection 1, paragraphs A to C and E; and section 2308; and

D. Is operated by a full-service transportation provider or urban fixed-route transit provider.

**1-B. Full service transportation provider.**

"Full service transportation provider" has the same meaning as defined in rules adopted by the Department of Human Services pertaining to transportation services for health care providers.

**6. Urban fixed-route transit provider.** "Urban fixed-route transit provider" means a transit district or a regional transportation corporation, as defined in Title 30-A, section 3501, that provides public transportation within one or more municipalities on prescribed routes at prescribed times.

**Sec. 2. 29-A MRSA §2302, sub-§2,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

**Sec. 3. 29-A MRSA §2309,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the following enacted in its place:

#### **§2309. Exemptions**

The following, except for allowable alternative vehicles and school buses, are exempt from this subchapter:

**1. Vehicle used by day care facility.** A vehicle designed to carry 15 or fewer passengers, including the driver, used to transport children by a day care facility, except when transporting children to and from school; and

**2. Vehicle used for transportation to nonschool-based Head Start facility.** Until January 1, 2006 a vehicle designed to carry 15 or fewer passengers, including the driver, used to transport

children to a nonschool-based Head Start facility if the vehicle was placed in service prior to October 1, 2003.

See title page for effective date.

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## CHAPTER 294

S.P. 107 - L.D. 325

### An Act To Clarify the Laws Pertaining to the Surcharge for Records Preservation for the Registry of Deeds

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

**Sec. 1. 33 MRSA §752, sub-§3,** as enacted by PL 1997, c. 503, §1, is amended to read:

**3. Expenditures from account.** The money in the account established in subsection 2 must be used for the restoration, re-creation and preservation of the records recorded in the office of the register of deeds, including preservation by creation of a digital image stored on magnetic or optical media.

**Sec. 2. 33 MRSA §752, sub-§4,** as amended by PL 2001, c. 317, §1, is repealed.

**Sec. 3. 33 MRSA §752, sub-§5** is enacted to read:

**5. Annual report.** The register of deeds for each county shall report annually to the joint standing committee of the Legislature having jurisdiction over state and local government matters on the amount of surcharge funds raised and expended and the use of those funds. The registers of deeds may jointly prepare and submit the report required under this subsection, as long as the required information is separately described for each county.

See title page for effective date.

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## CHAPTER 295

H.P. 780 - L.D. 1062

### An Act To Protect Lienholders of Titled Vehicles

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

**Whereas,** the Secretary of State is releasing liens on titled vehicles that are older than 66 months assuming that they have been satisfied; and

**Whereas,** car loans are for periods that may run longer than 66 months; and

**Whereas,** this legislation needs to take effect immediately so that liens that are on titled vehicles will not be released prior to the loan being satisfied; 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 §705, sub-§3,** as enacted by PL 1995, c. 482, Pt. A, §16, is amended to read:

**3. Assumed release of lien.** ~~Unless notified otherwise, the~~ The Secretary of State, at the Secretary of State's discretion, may assume that any lien with a lien date more than 66 months old has been satisfied as provided in this subsection. The Secretary of State shall provide notice to the lienholder by both regular mail and certified mail, return receipt requested, that the lien will be assumed to be satisfied unless the lienholder objects in writing within 30 days of either receipt of the notice, as evidenced by the return receipt, or 45 days of mailing by the Secretary of State in the event the lienholder refuses delivery of the notice by certified mail. The notice must identify the vehicle by year, make, model and vehicle identification number and must include the date of the lien and the name of the owner as of the date of the lien.

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

Effective May 27, 2003.

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