

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

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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.

Penmor Lithographers
Lewiston, Maine
2003

2. Contracts. Contracts for the provision of small containerized solid waste hauling service to customers located in this State are governed by the following provisions.

A. If a contract under this subsection contains an automatic renewal provision, the contractor shall notify the customer by mail between 60 and 90 days prior to the contract termination date that if the customer does not, within 60 days of receipt of the contractor's notification, notify the contractor of the customer's intention to terminate the contract, the contract will be automatically renewed. Notice of termination by the customer may be by any reasonable method, including mail, electronically transmitted facsimile and e-mail. A contract may not contain terms that require a customer to provide notice of termination prior to the time frames provided for in this paragraph.

B. The financial charge for early termination of a contract under this subsection may not exceed 3 times the current monthly charge.

C. A contract under this subsection may not require the customer to inform a contractor concerning prices or other terms offered by competitors or require the customer to afford the contractor an opportunity to match or respond to a competitor's offer.

This subsection does not apply to contracts in force on the effective date of this subsection.

Sec. 2. 38 MRSA §2124-A, as enacted by PL 1995, c. 588, §4, is amended by adding at the end a new paragraph to read:

The report must include an analysis of how changes in available disposal capacity have affected or are likely to affect disposal prices. When the office determines that a decline in available landfill capacity has generated or has the potential to generate supra-competitive prices, it shall include this finding in its report and shall include recommendations for legislative or regulatory changes as necessary.

See title page for effective date.

CHAPTER 339

H.P. 1084 - L.D. 1479

An Act To Protect Maine Consumers from Hidden Fees and Charges

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

Sec. 1. 33 MRSA §1952, sub-§§4-A and 5-A are enacted to read:

4-A. Face value. "Face value" means the original purchase price or original issued value of a gift obligation if unused or, if partially used, the remaining balance prior to the deduction of any service charges, fees or dormancy charges.

5-A. Gift obligation. "Gift obligation" means an obligation of a business association arising from a transaction between the business association and a consumer to provide goods or services at a future date. This includes, but is not limited to, a gift certificate, gift card, on-line gift account or other representation or evidence of the obligation.

Sec. 2. 33 MRSA §1953, sub-§1, ¶G, as amended by PL 2003, c. 20, Pt. T, §21, is further amended to read:

G. A gift certificate obligation, 3 years after December 31st of the year in which the certificate was sold; the gift obligation occurred. A period of limitation may not be imposed on the owner's right to redeem the gift obligation. The amount unclaimed is the price paid by the purchaser for face value of the gift certificate obligation, except that the amount unclaimed is 60% of the certificate's gift obligation's face value if the issuer of the certificate gift obligation does not impose a dormancy charge or period of limitations on the owner's right to redeem the certificate at 100% of face value. Fees or charges may not be imposed on gift obligations unless they are noted on the gift obligation and are in accordance with section 1956. The amount of these charges or fees may not be unconscionable;

See title page for effective date.

CHAPTER 340

H.P. 1113 - L.D. 1520

An Act To Amend the Motor Vehicle Laws

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

Sec. 1. 29-A MRSA §555, sub-§2-B, as enacted by PL 2001, c. 507, §1, is amended to read:

2-B. Participation in federal pilot program; temporary exemptions from hours-of-service regulations. The ~~Commissioner of Public Safety~~ shall bureau may grant temporary exemptions from the weekly restrictions in the intrastate hours-of-service regulations for the transportation of home heating oil

during the winter months for the purpose of enabling intrastate motor carriers conducting such operations to do so under terms and conditions identical to those used in the Pilot Program for Drivers Delivering Home Heating Oil published in the Federal Register Vol. 66, No. 135. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

Sec. 2. 29-A MRSA §1769, sub-§2, as repealed and replaced by PL 1999, c. 183, §4, is amended to read:

2. Review of rules by Legislature. Rules adopted under this section are ~~major substantive~~ routine technical rules pursuant to Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

Sec. 3. 29-A MRSA §1909-A is enacted to read:

§1909-A. Fog lights

1. Fog lights. A motor vehicle may be equipped with 2 fog lights upon the front of the motor vehicle that emit amber or white light as long as the rays from the lights do not shine more than 2 feet above the road at a distance of 30 feet. A fog light mounted higher than the center of the main headlights may not be illuminated while a motor vehicle is being operated on a public way.

Sec. 4. 29-A MRSA §1925 is enacted to read:

§1925. Nitrous oxide system

1. Definition. For the purposes of this section, "nitrous oxide system" means a device installed in a motor vehicle that allows nitrous oxide to combine with gasoline for the purpose of increasing engine power.

2. Use prohibited. Except as provided in subsection 3, a person may not operate a motor vehicle that is equipped with a nitrous oxide system on a public way.

3. Exceptions. A person may operate a motor vehicle equipped with a nitrous oxide system on a public way if:

A. All canisters of nitrous oxide have been removed from the vehicle; or

B. The motor vehicle is en route to or from a track where the motor vehicle is used for racing and;

(1) The nitrous oxide system is made inoperative by disconnecting the line feeding nitrous oxide to the engine; or

(2) All containers of nitrous oxide have been removed from the motor vehicle.

Sec. 5. 29-A MRSA §1954 is enacted to read:

§1954. Dump body support

1. Equipment. A truck with a dump body must be equipped with a positive means of support, permanently attached and capable of being locked in position to prevent lowering of the body while being maintained, inspected or repaired or while the truck is unattended.

2. Required. A truck dump body must be either fully lowered, locked by means of equipment required in subsection 1 or physically blocked from lowering while being maintained, inspected or repaired or while the truck is unattended.

3. Penalty. A person who violates this section commits a Class E crime.

Sec. 6. 29-A MRSA §2052, sub-§8 is enacted to read:

8. Breakdown lanes. The operator of a vehicle may not overtake another vehicle on a limited-access way by driving on the shoulder or in the breakdown lane located on the right or the left of the travel lanes.

Sec. 7. 29-A MRSA §2054, sub-§2, ¶E, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. 8. 29-A MRSA §2067, sub-§2, as amended by PL 1997, c. 653, §9, is further amended to read:

2. Dimming. When a vehicle equipped with multiple-beam road lights approaches an oncoming vehicle within 500 feet or follows a vehicle within 300 feet, the operator shall dim the headlights or switch to a low beam and shall turn off a fog or auxiliary light allowed by section ~~2054, subsection 2, paragraph E~~ 1909-A, unless the fog light or auxiliary light was installed by the vehicle manufacturer at the time the vehicle was originally manufactured.

Sec. 9. 29-A MRSA §2251, sub-§3, ¶A, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

A. Shall prepare and supply forms for reports and approve the format for the submission of electronic reports that require sufficiently detailed information to disclose the cause, conditions, persons and vehicles involved;

Sec. 10. 29-A MRSA §2251, sub-§4, ¶B, as amended by PL 1997, c. 178, §3, is further amended to read:

B. Within 5 days from the time of notification of the accident, transmit the original written report or an electronic report containing all available information to the Chief of the State Police.

Sec. 11. 29-A MRSA §2358, sub-§5, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

5. Seals. When examination requires the breaking of a seal previously placed on a vehicle, a new seal must be placed on it.

The officer shall make a complete record and forward it to the Chief of the State Police.

~~A seal on a truck having an exposed refrigeration unit may not be broken.~~

See title page for effective date.

CHAPTER 341

H.P. 1132 - L.D. 1546

**An Act To Amend Certain Provisions
Relating to a Permit To Carry
Concealed Firearms To Be
Consistent with Changes to the
Statute Relating to Possession of
Firearms by Prohibited Persons**

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

Sec. 1. 25 MRSA §2002, sub-§1-A is enacted to read:

1-A. Conviction. "Conviction" means the acceptance of a plea of guilty or nolo contendere or a verdict or finding of guilty, or the equivalent in a juvenile case, by a court of competent jurisdiction.

Sec. 2. 25 MRSA §2002, sub-§§10-A, 13 and 14 are enacted to read:

10-A. Not criminally responsible by reason of mental disease or defect. "Not criminally responsible by reason of mental disease or defect" has the same meaning as used in Title 17-A, section 39 and includes the former finding in this State under former provisions of Title 15, section 103 of "not guilty by reason of mental disease or defect excluding responsibility" as well as any comparable finding under the laws of the United States or any other state.

13. State and state. "State" means the State of Maine and "state" means any other state of the United States and includes the District of Columbia, the Commonwealth of Puerto Rico and the possessions of the United States.

14. Use of a dangerous weapon. "Use of a dangerous weapon" has the same meaning as in Title 17-A, section 2, subsection 9, paragraph A.

Sec. 3. 25 MRSA §2003, sub-§1, ¶B, as enacted by PL 1985, c. 478, §2, is repealed and the following enacted in its place:

B. Is not disqualified to possess a firearm pursuant to Title 15, section 393 and is not disqualified as a permit holder under that same section.

Sec. 4. 25 MRSA §2003, sub-§1, ¶D, as amended by PL 1993, c. 524, §§6 and 7, is further amended by repealing and replacing subparagraph (5) to read:

(5) Answers to the following questions:

(a) Are you less than 18 years of age?

(b) Is there a formal charging instrument now pending against you in this State for a crime under the laws of this State that is punishable by imprisonment for a term of one year or more?

(c) Is there a formal charging instrument now pending against you in any federal court for a crime under the laws of the United States that is punishable by imprisonment for a term exceeding one year?

(d) Is there a formal charging instrument now pending against you in another state for a crime that, under the laws of that state, is punishable by a term of imprisonment exceeding one year?

(e) If your answer to the question in division (d) is "yes," is that charged crime classified under the laws of that state as a misdemeanor punishable by a term of imprisonment of 2 years or less?

(f) Is there a formal charging instrument pending against you in another state for a crime punishable in that state by a term of imprisonment of 2 years or less and classified by that state as a misdemeanor, but that is substantially similar to a crime that under the laws of this State is punishable by imprisonment for a term of one year or more?

(g) Is there a formal charging instrument now pending against you under