

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.

Penmor Lithographers
Lewiston, Maine
2003

this subpart who is not in compliance with a ~~court~~ support order of support is subject to the requirements of Title 19-A, section 2201.

Sec. 5. 12 MRSA §7079-B, sub-§1, ¶¶A and B, as enacted by PL 1993, c. 410, Pt. V, §3, are repealed and the following enacted in their place:

A. "Compliance with a support order" means that the support obligor has obtained or maintained health insurance coverage if required by a support order and is:

(1) No more than 60 days in arrears in making any of the following payments:

(a) Payments in full for current support;

(b) Periodic payments on a support arrearage pursuant to a written agreement with the Department of Human Services; and

(c) Periodic payments as set forth in a support order; and

(2) No more than 30 days in arrears in making payments as described in subparagraph (1) if the obligor has been in arrears for more than 30 days in making payments as described in subparagraph (1) at least 2 times within the past 24 months.

B. "Support order" means a judgment, decree or order, whether temporary, final or subject to modification, issued by a court or an administrative agency of competent jurisdiction for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or a child and the parent with whom the child is living, that provides for monetary support, health care, arrearages or reimbursement and may include related costs and fees, interest and penalties, income withholding, attorney's fees and other relief.

Sec. 6. 12 MRSA §7079-B, sub-§2, as amended by PL 1997, c. 537, §7 and affected by §62, is further amended to read:

2. Noncompliance with a support order. An applicant for the issuance or renewal of a license or an existing licensee who is not in compliance with a ~~court~~ support order of support is subject to the requirements of Title 19-A, section 2201.

Sec. 7. 19-A MRSA §2101, sub-§2, as amended by PL 1997, c. 466, §5 and affected by §28, is repealed and the following enacted in its place:

2. Compliance with a support order. "Compliance with a support order" means that the support obligor has obtained or maintained health insurance coverage if required by a support order and is:

A. No more than 60 days in arrears in making any of the following payments:

(1) Payments in full for current support;

(2) Periodic payments on a support arrearage pursuant to a written agreement with the department; and

(3) Periodic payments as set forth in a support order; and

B. No more than 30 days in arrears in making payments as described in paragraph A if the obligor has been in arrears for more than 30 days in making payments as described in paragraph A at least 2 times within the past 24 months.

Sec. 8. 19-A MRSA §2201, sub-§15, ¶B, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

B. The number of support obligors identified by the department under this section who are not in compliance with a ~~court~~ support order of support; and

See title page for effective date.

CHAPTER 397

H.P. 313 - L.D. 393

An Act Authorizing the Operation of Low-speed Vehicles on Certain Roads

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

Whereas, recent advances in technology have allowed the development of certain low-speed vehicles; and

Whereas, these low-speed vehicles are important as they represent the cutting edge of transportation technology that does not rely solely on gasoline or diesel fuel, reducing both pollution and the State's reliance on oil-based fuel; and

Whereas, the advancement of this technology relies on public relations efforts and competition in the form of rallies and races, which take place primarily during the summer; and

Whereas, the effective date of this legislation would fall after the season for low-speed vehicle rallies and races; 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 §101, sub-§32-A, as enacted by PL 1999, c. 660, §1, is amended to read:

32-A. Low-speed vehicle. "Low-speed vehicle" means a 4-wheeled automobile that is able to attain a speed of at least 20 miles per hour but not more than 25 miles per hour and does not exceed 1800 pounds in unloaded weight. "Low-speed vehicle" does not include an ATV as defined in Title 12, section 7851. A low-speed vehicle must be originally manufactured and maintained in accordance with the Federal Motor Vehicle Safety Standards as a low-speed vehicle pursuant to 49 Code of Federal Regulations, Section 571.500 (1998), as amended.

Sec. 2. 29-A MRSA §102, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

§102. Public way use authorized

Any vehicle may be operated on a public way unless prohibited or restricted by this Title, by special law or municipal ordinance, or by rule of the department.

1. Operation of low-speed vehicles; beginning June 1, 2003. Notwithstanding subsection 2, beginning on June 1, 2003, the registration and operation of low-speed vehicles in accordance with section 501, subsection 11 and section 2089 are authorized for use on islands that have public aid roads and do not have motor vehicle access by bridge or causeway and on public roads in:

- A. Bar Harbor;
- B. Biddeford, including Biddeford Pool;
- C. Boothbay Harbor;
- D. Brunswick;
- E. Cape Elizabeth;
- F. Damariscotta;
- G. Kennebunk;

H. Kennebunkport;

I. Kittery, including Kittery Point and the Kittery shipyard;

J. Lewiston;

K. Mt. Desert;

L. Ogunquit;

M. Old Orchard Beach, including Ocean Park;

N. Portland;

O. Saco;

P. South Portland;

Q. Southwest Harbor;

R. Tremont;

S. Waterville;

T. Wells;

U. Wiscasset; and

V. York, including York Beach and York Harbor.

This subsection is repealed on September 1, 2003.

2. Operation of low-speed vehicles; beginning September 1, 2003. The registration and operation of low-speed vehicles in accordance with section 501, subsection 11 and section 2089 are authorized beginning September 1, 2003. A municipality may prohibit the use of low-speed vehicles by municipal ordinance or restrict the use of low-speed vehicles in accordance with section 2089 subsection 2.

Sec. 3. 29-A MRSA §501, sub-§11 is enacted to read:

11. Low-speed vehicles. The Secretary of State may issue a registration for a low-speed vehicle upon application and payment of an annual fee of \$25. The registrant must provide a certificate of title required by section 651, proof of financial responsibility required by section 1601 and evidence of payment of the excise tax required by Title 36, section 1482. A low-speed vehicle registered under this section is issued a registration plate with the word "low-speed" instead of "Vacationland." The Secretary of State may issue a facsimile plate for a 60-day period.

Sec. 4. 29-A MRSA §1301, sub-§8 is enacted to read:

8. Vehicle used for examination. An applicant for a license may not use a low-speed vehicle to

demonstrate ability to operate a motor vehicle as required under subsection 4.

Sec. 5. 29-A MRSA §1752, sub-§8, ¶C, as repealed and replaced by PL 1997, c. 437, §42, is amended to read:

C. Has a partial annual inspection of running gear, steering mechanism, brakes and exhaust system and tires under section 1917, subsection 3; ~~and~~

Sec. 6. 29-A MRSA §1752, sub-§9, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

9. Registered in this State. A motor vehicle registered in this State displaying a valid certificate of inspection from another state or a federally approved commercial vehicle inspection program until its normal expiration;

Sec. 7. 29-A MRSA §1752, sub-§10, as enacted by PL 2003, c. 125, § 4, is amended to read:

10. Experimental motor vehicle. A vehicle registered as an experimental motor vehicle pursuant to section 470. An experimental motor vehicle must meet minimum equipment standards pursuant to section 470, subsection 2; ~~and~~

Sec. 8. 29-A MRSA §1752, sub-§11 is enacted to read:

11. Low-speed vehicle. A low-speed vehicle registered pursuant to section 501, subsection 11. A low-speed vehicle must be equipped in accordance with section 1925.

Sec. 9. 29-A MRSA §1925 is enacted to read:

§1925. Equipment requirements for low-speed vehicles

1. Equipment required. A low-speed vehicle registered pursuant to section 501, subsection 11 must be equipped with:

- A. Brakes for each wheel;
- B. Headlights that comply with section 1904;
- C. An odometer;
- D. One exterior rearview mirror;
- E. One interior rearview mirror;
- F. A parking brake;
- G. Rear reflectors;
- H. A safety glass windshield;

I. A speedometer;

J. Stop lamps;

K. Rear lights that comply with section 1905;

L. Seat belts and child restraint systems that comply with section 2081;

M. Turn signal lamps;

N. Windshield wipers; and

O. A vehicle identification number.

2. Working condition. Equipment required in subsection 1 must be in good working condition.

Sec. 10. 29-A MRSA §2089 is enacted to read:

§2089. Operation of low-speed vehicles

A person operating a low-speed vehicle on a public way shall comply with the provisions of this chapter as they apply to the operator of an automobile and with this section.

1. License required. A person operating a low-speed vehicle must possess a valid Class A, Class B or Class C driver's license pursuant to section 1252.

2. Road restrictions. A low-speed vehicle may be operated only on a road or street where the posted speed limit is 35 miles per hour or less. A low-speed vehicle may cross, at an intersection, a road or street with a posted speed limit of more than 35 miles per hour. The department may prohibit the operation of a low-speed vehicle on any highway or segment of highway under its jurisdiction if it determines that the prohibition is necessary in the interest of public safety. A municipality may prohibit the operation of a low-speed vehicle on any road under its jurisdiction if it determines that the prohibition is necessary in the interest of public safety.

3. Violation. A person who operates a low-speed vehicle in violation of subsection 2 commits a traffic infraction.

4. Rulemaking. The Secretary of State, in consultation with the Commissioner of Transportation and the Commissioner of Public Safety, may adopt rules in accordance with Title 5, chapter 375 to implement this section, monitor the registration and use of low-speed vehicles and provide for the safe operation of low-speed vehicles.

Sec. 11. Appropriations and allocations. The following appropriations and allocations are made.

SECRETARY OF STATE, DEPARTMENT OF THE
Administration - Motor Vehicles 0077

Initiative: Allocates funds on a one-time basis for the costs of revising the Bureau of Motor Vehicles' automated system to accommodate the registration of low-speed vehicles.

Highway Fund	2003-04	2004-05
All Other	\$5,000	\$0
Highway Fund Total	\$5,000	\$0

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

Effective June 3, 2003.

CHAPTER 398

S.P. 418 - L.D. 1287

An Act To Amend the Life Safety Requirements for Residential Care Facilities

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

Whereas, under current law and Life Safety Code provisions, the continued operation of smaller residential care facilities whose residents have prompt evacuation capability is in jeopardy; and

Whereas, amendment of the Life Safety Code requirements for smaller residential care facilities whose residents have prompt evacuation capability is necessary to enable those facilities to continue to serve their communities; 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. 22 MRSA §7855, sub-§4, as enacted by PL 2001, c. 596, Pt. A, §1 and affected by Pt. B, §25, is amended to read:

4. Requirements for residential care facilities. Residential care facilities must comply with the following provisions chapters of the National Fire Protection Association Life Safety Code relating to new and existing residential board and care occupan-

cies adopted by the Department Commissioner of Public Safety, Office of the State Fire Marshal. Residential care facilities must comply as follows.

A. A residential care facility that has one to 3 beds must comply with the one-family and 2-family dwelling chapter of the Life Safety Code.

A-1. A residential care facility with 4 to 6 beds whose residents have prompt evacuation capability, as defined in the Life Safety Code, must comply with the one-family and 2-family dwellings chapter of the Life Safety Code if that residential care facility was licensed under that chapter prior to October 1, 2002.

B. ~~A~~ Except as provided in paragraph A-1, a residential care facility with 4 to 16 beds must comply with the sections of the Life Safety Code that apply to small facilities and with the chapter relating to new residential board and care occupancy chapter if that facility is a new facility that was constructed on or after July 25, 2002 or with the existing residential board and care occupancy chapter if that facility is an existing facility was licensed before July 25, 2002.

C. A residential care facility with more than 16 beds must comply with the sections of the Life Safety Code that apply to large facilities and with the chapter relating to new residential board and care occupancy chapter if that facility is a new facility constructed on or after July 25, 2002 or with the chapter relating to existing residential board and care occupancy chapter if that facility is an existing facility was licensed before July 25, 2002.

D. Notwithstanding any other provision of law or rule a residential care facility with 4 or fewer beds is not required to obtain certification from a design specialist to satisfy the requirements of this section or Title 5, section 4594-F.

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

Effective June 3, 2003.

CHAPTER 399

H.P. 968 - L.D. 1314

An Act To Improve Out-of-home Abuse and Neglect Investigations

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