

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2005

lighting system and must be in operation at all times when the vehicle is used for plowing snow on public ways.

(4) A vehicle equipped and used for plowing snow on other than public ways may be equipped with an auxiliary rotary flashing light that must be mounted on top of the vehicle in such a manner as to emit an amber beam of light over a 360° angle, or an amber strobe, or combination of strobes, that emits at a minimum a beam of 50 candlepower and provides visible light coverage over a 360° range. However, the vehicle must be equipped with and must use such a light whenever the vehicle enters a public way while in the course of plowing private driveways and other off-highway locations. The light may be in use on a public way only when the vehicle is entering the public way in the course of plowing private driveways and other off-highway locations.

(5) A rural mail vehicle may be equipped with auxiliary lights.

(a) The lights used to the front must be white or amber, or any shade between white and amber.

(b) The lights used to the rear must be amber or red, or any shade between amber and red.

(c) The lights, whether used to the front or rear, must be mounted at the same level and as widely spaced laterally as possible.

(d) The lights, whether used to the front or rear, must flash simultaneously.

(e) The lights must be visible from a distance of at least 500 feet under normal atmospheric conditions at night.

(6) A vehicle used or provided by a contract security company to assist in traffic control and direction at construction or maintenance sites on a public way may be equipped with auxiliary lights. Effective July 1, 1996, the auxiliary lights must be amber. Prior to July 1, 1996, the auxiliary lights must be green or amber.

(7) A Department of Public Safety vehicle operated by a motor carrier inspector may

be equipped with auxiliary lights that emit an amber light.

(8) A vehicle used by an animal control officer appointed pursuant to Title 7, section 3947 may be equipped with auxiliary lights that emit a flashing amber light.

(9) A refuse, garbage or trash business vehicle used by an individual to transport refuse, garbage and trash may be equipped with auxiliary lights that emit a flashing amber light.

See title page for effective date.

CHAPTER 16

H.P. 186 - L.D. 247

An Act To Limit Terms for Members of the State Board of Education

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

Sec. 1. 20-A MRSA §401, sub-§4, as amended by PL 1987, c. 851, §4, is further amended to read:

4. Term. The term of office of each member ~~shall be~~ is 5 years. ~~Any vacancy shall~~ A person may not serve more than any 2 5-year terms. A vacancy must be filled for the remainder of the unexpired term. The state board shall promulgate rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, which establishes the procedure and criteria by which the state board may recommend to the Governor the removal of a member from office prior to completion of the term of appointment for failure to perform the duties of office.

Sec. 2. Application. This Act applies with the beginning of the new appointments by the Governor at the expiration of the current board members' terms of office.

See title page for effective date.

CHAPTER 17

S.P. 50 - L.D. 144

An Act To Redefine the Boundaries of the Fairfield Sanctuary

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

Sec. 1. 12 MRSA §12706, sub-§1, ¶G, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed and the following enacted in its place:

G. Fairfield Sanctuary: The following land owned by Good Will-Hinckley within the Town of Fairfield, in Somerset County: Beginning at the west shore of the Kennebec River, thence to Route 201, thence northerly to Kendall Annex Road, thence westerly to Craigin Brook, thence southerly along Craigin Brook to Martin Stream, thence westerly along the south bank of Martin Stream to the Central Maine Power transmission line, thence southerly along the east side of the Central Maine Power line, to discontinued Town Farm Road, to Green Road, across Green Road to Route 23, thence to Route 201, thence northerly 1/2 mile along Route 201 to the southerly line east of Route 201 of Good Will-Hinckley, thence easterly again to the Kennebec River, thence to the starting point.

Land not owned by Good Will-Hinckley within the described areas is not included within the Fairfield Sanctuary. Notwithstanding section 12701, a person may trap wild animals in the sanctuary in accordance with the provisions under chapter 917, and the 40-acre field south of Kendall Annex Road owned by Good Will-Hinckley is available for waterfowl hunting;

See title page for effective date.

CHAPTER 18

H.P. 196 - L.D. 257

An Act To Require Notice prior to Decreases in Wage or Salary Rates

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

Sec. 1. 26 MRSA §621-A, sub-§5 is enacted to read:

5. Change in rate of pay. Notwithstanding the provision of section 623 exempting salaried employees as defined in section 663, subsection 3, paragraph K, payment of wages or salary must be made at the rate previously established by the employer, except that the employer may decrease the rate of pay, effective the next working day, if the employer gives notice to all affected employees prior to the change. When an employer has temporarily increased an employee's wage rate to comply with the prevailing wage requirements of chapter 15; the Davis-Bacon Act, 40 United States Code, Section 276a et seq.; or other applicable federal or state law, an employer need

not provide advance notice prior to returning the employee to the employee's regular wage rate, as long as the employer is in compliance with all posting and notice provisions of the applicable law. Changes of rates of pay made under a collective bargaining agreement are exempt from this requirement.

Sec. 2. 26 MRSA §623, as amended by PL 1999, c. 790, Pt. P, §2 and affected by §3, is further amended to read:

§623. Exemptions

This section and sections 621-A and 622 do not apply to family members and salaried employees as defined in section 663, subsection 3, paragraphs J and K. Sections 621-A and 622 do not apply to an employee of a cooperative corporation or association if the employee is a stockholder of the corporation or association, unless the employee requests the association or corporation to pay that employee in accordance with section 621-A. Except as provided in section 621-A, subsections 3 and 4 and 5, a corporation, contractor, person or partnership may not by a special contract with an employee or by any other means exempt itself from this section and sections 621-A and 622.

See title page for effective date.

CHAPTER 19

S.P. 79 - L.D. 226

An Act To Amend the Applied Technology Development Centers Statutes

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

Sec. 1. 5 MRSA §12004-G, sub-§33-E, as enacted by PL 1999, c. 731, Pt. UUU, §1, is amended to read:

33-E.	Applied	Not	5 MRSA
Technology	Technology	Authorized	§15321
	Development		
	Center		
	System		
	Coordinating		
	Board		

Sec. 2. 5 MRSA §13105, sub-§2, ¶C, as enacted by PL 2003, c. 673, Pt. M, §8, is amended to read:

C. The development of new commercial products and the fabrication of such products in the State through the Maine Technology Institute