

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2005**

B. The investigating officer may cause the registered owner of the vehicle to be served with a summons for a violation of this subsection.

C. Except as provided in paragraph D, it is not a defense to a violation of this subsection that a registered owner was not operating the vehicle at the time of the violation.

D. The following are defenses to a violation of this subsection.

(1) If a person other than the registered owner is operating the vehicle at the time of the violation of subsection 4 and is convicted of that violation, the registered owner may not be found in violation of this subsection.

(2) If the registered owner is a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee and the lessor provides the investigating officer with a copy of the lease agreement containing the information required by section 254, the lessee, not the lessor, may be charged under this subsection.

(3) If the vehicle is operated using a dealer or transporter registration plate and at the time of the violation the vehicle was operated by any person other than the dealer or transporter and if the dealer or transporter provides the investigating officer with the name and address of the person who had control over the vehicle at the time of the violation, that person, not the dealer or transporter, may be charged under this subsection.

(4) If a report that the vehicle was stolen is provided to a law enforcement officer or agency before the violation occurs or within a reasonable time after the violation occurs and an investigation determines the vehicle was stolen, the registered owner may not be charged under this subsection.

See title page for effective date.

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**CHAPTER 168**

**S.P. 103 - L.D. 341**

**An Act To Amend the Eligibility Requirements for the Maine Biomedical Research Program**

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

**Sec. 1. 5 MRSA §13103, sub-§1, ¶A-2** is enacted to read:

A-2. "Affiliate" means a corporation, limited liability company or other entity that controls, is controlled by or is under common control with the applicant. A majority of the membership, stock ownership or other voting authority is conclusively presumed to establish control.

**Sec. 2. 5 MRSA §13103, sub-§1-A** is enacted to read:

**1-A. Eligibility and fulfillment of requirements based on prior activity of affiliate.** Until July 1, 2009, any one or more of the requirements of this subchapter, including eligibility requirements under subsection 1, paragraph B, may be satisfied by an applicant created after July 1, 2001 if that requirement is satisfied by one or more affiliates of the applicant and if at least one affiliate of the applicant received funding from the fund prior to July 1, 2005. After July 1, 2009, an applicant that has established eligibility pursuant to this subsection must itself meet all other requirements of this subchapter.

See title page for effective date.

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**CHAPTER 169**

**H.P. 271 - L.D. 358**

**An Act To Limit Property Tax Abatement for Reasons of Poverty or Infirmary to Applicants' Residential Property**

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

**Sec. 1. 36 MRSA §841, sub-§2,** as repealed and replaced by PL 1987, c. 772, §15, is amended to read:

**2. Infirmary or poverty.** The municipal officers or the State Tax Assessor for the unorganized territory, within 3 years from commitment, may, on their own knowledge or on written application therefor, make such abatements as they believe reasonable on the real and personal taxes on ~~all persons~~ the primary residence of any person who, by reason of infirmity or poverty, ~~are~~ is in their judgment unable to contribute to the public charges. The municipal officers or the State Tax Assessor for the unorganized territory may extend the 3-year period within which they may make abatements under this subsection.

Municipal officers or the State Tax Assessor for the unorganized territory shall:

A. Provide that any person indicating an inability to pay all or part of taxes that have been assessed because of poverty or infirmity ~~shall~~ be informed of the right to make application under this subsection;

B. Assist individuals in making application for abatement;

C. Make available application forms for requesting an abatement based on poverty or infirmity and provide that those forms contain notice that a written decision ~~shall~~ will be made within 30 days of the date of application;

D. Provide that persons are given the opportunity to apply for an abatement during normal business hours;

E. Provide that all applications, information submitted in support of the application, files and communications relating to an application for abatement and the determination on the application for abatement ~~shall be~~ are confidential. Hearings and proceedings held pursuant to this subsection ~~shall~~ must be in executive session;

F. Provide to any person applying for abatement under this subsection, notice in writing of their decision within 30 days of application; and

G. Provide that any decision made under this subsection ~~shall~~ include the specific reason or reasons for the decision and ~~shall~~ inform the applicant of the right to appeal and the procedure for requesting an appeal.

**Sec. 2. 36 MRSA §943-A**, as enacted by PL 1985, c. 364, §2, is amended to read:

**§943-A. Application for abatement**

Beginning with taxes that are assessed after April 1, ~~1985~~ 2005, each notice under ~~section~~ sections 942 and 1281 ~~which that~~ is sent by a municipality or the State Tax Assessor to a person ~~against whom on whose primary residence~~ taxes have been assessed; ~~shall~~ must contain a statement that that person may apply for an abatement of those taxes if the person cannot pay the taxes that have been assessed because of poverty or infirmity.

See title page for effective date.

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**CHAPTER 170**

**S.P. 12 - L.D. 13**

**An Act To Amend the Laws Governing Commercial Vehicle Length Limits**

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

**Sec. 1. 29-A MRSA §2390, sub-§1, ¶C**, as amended by PL 1999, c. 753, §6, is further amended to read:

C. A trailer or semitrailer may be greater than 45 feet but not more than 48 feet in structural length ~~provided that only if~~ the distance between the center of the rearmost axle of the truck tractor and the center of the rearmost axle of the trailer or semitrailer does not exceed 38 feet.

The overall length of the combination of truck tractor and trailer or semitrailer in this paragraph may not exceed 69 feet, including all structural parts of the vehicle, permanent or temporary, and any load carried on or in the vehicle, including any rear overhang.

The interaxle distance and overall combination vehicle length maximum limits required by this paragraph do not apply on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411.

**Sec. 2. 29-A MRSA §2390, sub-§1, ¶J**, as amended by PL 2003, c. 166, §§15 and 16 and c. 253, §4 and affected by §5, is further amended by amending the first paragraph to read:

J. Notwithstanding any other provision of this subsection, a single semitrailer whose total structural length exceeds 48 feet but does not exceed 53 feet may be operated in combination with a truck tractor on a highway network and access system designated by the Commissioner of Transportation if the following conditions are met.

See title page for effective date.

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