

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

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April 4, 2005 to June 18, 2005

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FIRST REGULAR SESSION
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facilities and other appurtenances related to those modes.

2. Transportation-related services. "Transportation-related services" means all services necessary or convenient to discharge the powers, duties and responsibilities of the department and the commissioner as provided by law including those provided in section 4206. These services include all services necessary or convenient to plan, design, engineer, construct, improve, demolish, maintain or use transportation infrastructure. These services may include, but are not limited to, planning and feasibility studies, engineering, surveying, mapping, environmental services, architectural-related services, appraisal, title services, right-of-way services, project and program management, construction support services and equal opportunity and civil rights services.

§4242. Contracts for transportation-related services

The department has full power in the procurement and letting of all contracts for transportation-related services. The department may award contracts for these services pursuant to procedures permitted by federal law. The department may solicit statements of qualifications and proposals, and award contracts for services based upon the criteria contained in the solicitations, only if the solicitations are posted electronically on the department's publicly accessible site on the Internet for at least 2 weeks or advertised in newspapers. If advertisements are published in newspapers, they must appear in 2 or more public newspapers circulated wholly or in part in the State and in one public newspaper circulated wholly or in part in the county where the proposed work is to be done, if any such newspaper is circulated in that county.

The department has the full power to maintain qualifications and performance data on firms and individuals that seek to provide transportation-related services. The commissioner may designate projects requiring additional project-specific prequalification standards and procedures for interested firms and individuals.

§4243. Contracts for construction and maintenance

The department has full power in the procurement and letting of all contracts to construct, demolish or maintain transportation infrastructure. The department shall make, or cause to be made, all surveys, plans, estimates, specifications and contracts for all proposed work. If the work is to be contracted, the department shall, except as otherwise provided in this Title, advertise for bids for the proposed work

electronically through the department's publicly accessible site on the Internet or through advertisements in newspapers. If advertisements are published in newspapers, advertisements must appear in 2 or more public newspapers circulated wholly or in part in the State and in one public newspaper circulated wholly or in part in the county where the proposed work is to be done if any such newspaper is circulated in that county. The advertisement must state the place where the bidders may purchase or examine the plans and specifications and the time and place where the bids for the work will be received by the department. Each bidder must accompany its bid with a bid guaranty in accordance with the department's specifications. All bids submitted must be publicly opened and read at the time and place stated in the advertisement. The department has the right to reject any bids and to advertise for new bids if, in the department's opinion, doing so is in the best interest of the department; otherwise, the department shall award the contract to the responsible bidder submitting the lowest bid. A town may submit bids for construction, demolition or maintenance of transportation infrastructure within that town's limits and is subject to all requirements prescribed for other contractors, except that a bond is not required of the town. The department may construct, demolish or maintain transportation infrastructure by day labor without advertising for bids and may, with the approval of the Governor, award contracts for the construction, demolition or maintenance of transportation infrastructure without advertising for bids if doing so is in the best interest of the State.

The department has the full power to prequalify bidders for construction, demolition and maintenance projects based on factors contained in the department's written prequalification procedures. The commissioner may designate projects requiring project-specific prequalification standards and procedures for bidders.

The department may adopt its own standard contract specifications. The department's standard specifications must be used in lieu of federally mandated contract clauses.

See title page for effective date.

CHAPTER 314

S.P. 468 - L.D. 1341

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 §101, sub-§3, ¶D, as amended by PL 1997, c. 653, §2, is further amended to read:

D. Not used as its owner's primary mode of transportation of passengers or goods; ~~and~~

Sec. 2. 29-A MRSA §101, sub-§3, ¶E, as enacted by PL 1997, c. 653, §3, is amended to read:

E. Not a reconstructed vehicle; ~~and~~

Sec. 3. 29-A MRSA §101, sub-§3, ¶F is enacted to read:

F. Not an altered vehicle.

Sec. 4. 29-A MRSA §458-A, as enacted by PL 2001, c. 225, §2, is repealed.

Sec. 5. 29-A MRSA §1251, sub-§1, ¶¶C and D, as enacted by PL 2003, c. 452, Pt. Q, §17 and affected by Pt. X, §2, are amended to read:

C. Without a license issued by this State if a resident of this State for more than 30 days but fewer than 90 days. Violation of this paragraph is a traffic infraction; ~~or~~

D. Without a license issued by this State if a resident of this State for more than 90 days. Violation of this paragraph is a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A; ~~or~~

Sec. 6. 29-A MRSA §1251, sub-§1, ¶E is enacted to read:

E. With a license issued by this State that expired within the previous 90 days. Violation of this paragraph is a traffic infraction.

Sec. 7. 29-A MRSA §1752, sub-§4, ¶B, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

B. Has a partial annual inspection of the running gear, steering mechanism, brakes, exhaust system and lights; safety glass under section 1915; and tires under section 1917; ~~subsection 3;~~ and

Sec. 8. 29-A MRSA §1752, sub-§7, ¶B, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

B. Has a partial annual inspection consisting of the running gear, steering mechanism, brakes, exhaust system and lights; safety glass under section 1915; and tires under section 1917, subsection 3; and

Sec. 9. 29-A MRSA §1752, sub-§9, as repealed and replaced by PL 2003, c. 688, Pt. A, §34, 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~~ for one year after the date of inspection;

Sec. 10. 29-A MRSA §1905, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Requirement. Except as provided in subsection 3, a motor vehicle with 3 or more wheels or a trailer or semitrailer must have on the rear 2 lights, one on each side of the axis, each capable of displaying a red light visible for a distance of at least 100 feet behind the vehicle.

Sec. 11. 29-A MRSA §1912, sub-§6, as enacted by PL 2003, c. 140, §1, is amended to read:

6. Exception. Subsections 1 and 3 do not apply to a muffler or exhaust system that does not emit noise in excess of 95 decibels as measured in accordance with standards and specifications outlined in standard J-1169 adopted by the Society of Automotive Engineers in May 1998. A person served with a Violation Summons and Complaint charging a violation of subsection 1 or 3 must provide satisfactory evidence that the muffler or exhaust system does not emit a noise in excess of 95 decibels as measured in accordance with standards and specifications outlined in standard J-1169 adopted by the Society of Automotive Engineers in May 1998. Measurements must be made by participating certified inspection stations.

This subsection applies to motor vehicles as defined in section 101, subsection 42, except that it does not apply to motorcycles.

Sec. 12. 29-A MRSA §2054, sub-§2, ¶C, as amended by PL 2005, c. 15, §1, is further amended to read:

C. The use of amber lights on vehicles is governed by the following.

(1) A vehicle engaged in highway maintenance or in emergency rescue operations by civil defense and public safety agencies and a public utility emergency service vehicle may be equipped with auxiliary lights that emit an amber light.

(2) A wrecker must be equipped with a flashing light mounted on top of the vehicle

in such a manner as to emit an amber light over a 360° angle. The light must be in use on a public way or a place where public traffic may reasonably be anticipated when servicing, freeing, loading, unloading or towing a vehicle.

(3) A vehicle engaged in snow removal or sanding operations on a public way must be equipped with and display at least 2 auxiliary lights mounted on the highest practical point on the vehicle and provide visible light coverage over a 360° range. The lights must emit an amber beam of light, be at least 6 inches in diameter and be equipped with blinking attachments. In lieu of the lights specified, a vehicle may be equipped with at least one auxiliary rotating flashing light having 4-inch sealed beams and showing amber beams of light over a 360° range or an amber strobe, or combination of strobes, that emits at a minimum a beam of 1,000,000 candlepower and provides visible light coverage over a 360° range. When the left wing of a plow is in operation and extends over the center of the road, an auxiliary light must show the extreme end of the left wing. That light may be attached to the vehicle so that the beam of light points at the left wing. The light illuminating the left wing may be controlled by a separate switch or by the regular 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.

Sec. 13. 29-A MRSA §2358, sub-§10, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. 14. 29-A MRSA §2381, sub-§2, ¶B, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

B. Overwidth mowing machines, light farm tractors or other lightweight farming vehicles and equipment not customarily operated over public ways, if equipped with lights pursuant to section 1906, subsection 1, or reflectors at least 12 inches by 12 inches, to the front and rear ade-

quately warning, during nighttime, other highway users of the extreme width; or

See title page for effective date.

CHAPTER 315

S.P. 537 - L.D. 1548

An Act To Amend the Laws Concerning Registration of Engineers

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

Sec. 1. 5 MRSA §12004-A, sub-§16, as amended by PL 1999, c. 687, Pt. B, §1, is further amended to read:

16. State Board of <u>Registration Licensure</u> for Professional Engineers	\$35/Day	32 MRSA §1301
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Sec. 2. 32 MRSA §1251, sub-§1 is amended to read:

1. Board. ~~The term "board" shall mean "Board"~~ means the State Board of ~~Registration Licensure~~ Registration Licensure for Professional Engineers.

Sec. 3. 32 MRSA §1253, as amended by PL 1983, c. 413, §40, is further amended to read:

§1253. Corporations, partnerships and associations

A firm, copartnership, corporation or joint stock association may engage in the practice of professional engineering in this State, provided that the practice is carried on only by professional engineers ~~registered~~ licensed in this State.

Sec. 4. 32 MRSA §1254, as repealed and replaced by PL 1997, c. 304, §1, is amended to read:

§1254. Public works

1. Use of licensed professional engineer not required. Except as provided in subsection 2, any department of this State or any of its political subdivisions; ~~or any county, city, town, township or plantation~~ may engage in construction of any public work involving professional engineering without procuring the services of a ~~registered licensed~~ professional engineer, as long as the contemplated expenditure for the completed project does not exceed \$100,000 and the work, both as performed and as completed, does not create an undue risk to public safety or welfare.

2. Exception. A department of this State may require the services of a ~~registered licensed~~ professional engineer for any public works project if the services of the professional engineer are required to comply with any provision of law or rule.

Sec. 5. 32 MRSA §1255, sub-§1, as amended by PL 1999, c. 186, §1, is further amended to read:

1. Limited practice by nonresident. A person not a resident of and not having established a place of business in this State, practicing or offering to practice the profession of engineering when such practice does not exceed more than 30 consecutive days in any calendar year, if the person is legally qualified by ~~registration licensure~~ registration licensure to practice the profession in that person's own state or country in which the requirements and qualifications for ~~obtaining a certificate of registration licensure~~ registration licensure are not lower than those specified in this chapter. To practice under this section, the person must apply in writing and receive authorization;

Sec. 6. 32 MRSA §1255, sub-§2, as amended by PL 1999, c. 186, §2, is further amended to read:

2. Nonresident becoming resident. A person not a resident of and not having established a place of business in this State, or who has become a resident of this State, practicing or offering to practice in the State for more than 30 days in any calendar year the profession of engineering, and having filed with the board an application for a ~~certificate of registration license~~ license and having paid the fee required by this chapter. The exemption continues only for such time as the board requires for the consideration of the application for ~~registration licensure~~ license, if the person is legally qualified to practice the profession of engineering in the state or country of residence in which the requirements and qualifications for obtaining a ~~certificate of registration license~~ license are not lower than those specified in this chapter;

A person must apply in writing and receive authorization in order to practice pursuant to the provisions of this subsection;

Sec. 7. 32 MRSA §1255, sub-§3, as amended by PL 1995, c. 355, §3, is further amended to read:

3. Certain employees. An employee or a subordinate of a person holding a ~~certificate of registration license~~ license under this chapter, or an employee of a person exempted from ~~registration licensure~~ license by subsections 1 and 2; provided that the practice does not include responsible charge or design or supervision by the employee or subordinate;