

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

~~respect to agreements or recommendations for allocation or reallocation of the state ceiling.~~ Except for records containing specific and identifiable personal information acquired from applicants for or recipients of financial assistance, the records of the group of representatives described in this subsection are public records and the meetings of the group of representatives described in this subsection are public proceedings within the meaning of Title 1, chapter 13, subchapter 1.

Sec. 23. 10 MRSA §384, sub-§1, as enacted by PL 1995, c. 699, §3, is amended to read:

1. Establishment; membership. There is established as a body corporate and politic and a public instrumentality of the State the Small Enterprise Growth Board, which consists of 11 members appointed by the Governor as follows:

- A. An experienced commercial lender;
- B. An attorney with knowledge of securities law;
- C. Five members of the public who have knowledge and experience in managing or investing in high-growth small businesses;
- D. Three members of the public who have knowledge and experience in the development of technological innovation; and
- E. The Commissioner of Economic and Community Development or the commissioner's designee, who shall serve as a voting ex officio member of the board.

Sec. 24. 10 MRSA §965, sub-§4, ¶A, as amended by PL 1987, c. 534, Pt. B, §§7 and 23, is further amended to read:

- A. The Commissioner of Economic and Community Development or the commissioner's designee;

Sec. 25. 20-A MRSA §12705, sub-§1, as amended by PL 1995, c. 688, §11 and PL 2003, c. 20, Pt. OO, §2 and affected by §4, is further amended to read:

1. Membership. The board of trustees consists of 13 appointed voting members, one ex officio voting member and ~~2~~ 1 ex officio, nonvoting ~~members~~ member as follows:

- C. Twelve from the field of business and industry, the field of labor, the field of education and the general public;

D. The Commissioner of Education, or the commissioner's successor, who serves as an ex officio voting member;

~~E. The Commissioner of Economic and Community Development, or the commissioner's successor, who serves as an ex officio nonvoting member;~~

F. The Commissioner of Labor, or the commissioner's successor, who serves as an ex officio nonvoting member; and

G. One member who is from the student body of one of the community college campuses at the time of appointment and who is a permanent resident of the State. To be eligible for appointment as a student member, a student must be enrolled for a minimum of 12 credit hours per semester.

The student member is a full voting member of the board of trustees and serves for a 2-year term and until a successor is qualified. By January 1st of every 2nd year, the president of the system shall solicit a list of 6 eligible students from the student governments from 6 of the campuses within the Maine Community College System, the 7th campus being excluded in accordance with this subsection. The Governor shall then nominate a student trustee chosen from the list within 30 days of receiving the list of names. The nomination is subject to review by the joint standing committee of the Legislature having jurisdiction over education matters and to confirmation by the Legislature. The student trustee may not come from the same campus in any 2 consecutive terms. In the event that the student trustee transfers from one campus to another during the student's term of appointment, the student's original campus of enrollment is the campus excluded when the next student trustee is appointed.

See title page for effective date.

CHAPTER 426

H.P. 477 - L.D. 657

An Act To Amend the Axle Weight Laws

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

Sec. 1. 29-A MRSA §2357, sub-§7, as amended by PL 2001, c. 513, §1, is further amended to read:

7. Penalty calculation; fine base and fine schedule. When a weight tolerance established in this section is exceeded, the difference between the actual weight and the fine base for the tolerance must be used as the basis for determining the percentage of overload in the appropriate fine schedule and the tolerance must be disregarded. For a 6-axle combination vehicle described in subsection 4 that is registered for 100,000 pounds, the fine base for the gross vehicle weight is 100,000 pounds and the fine schedule in section 2354 applies. For a 6-axle combination vehicle described in subsection 4 that is registered for less than 100,000 pounds, the fine base for gross vehicle weight is 90,000 pounds and the fine schedule in section 2360 applies. For all other vehicles operating under the gross vehicle weight tolerances in subsection 2, except as provided in subsection 9, and for all vehicles operating under the axle unit weight tolerances in subsection 2, the fine base is the appropriate limit in section 2353 and the fine schedule in section 2360 applies.

Sec. 2. 29-A MRSA §2357, sub-§9 is enacted to read:

9. Penalty calculation; tandem axle fine base for 6-axle special commodity vehicles registered for 100,000 pounds gross weight. For a 6-axle tractor-semitrailer vehicle registered for 100,000 pounds gross weight hauling special commodities with a tandem axle weight for which a Violation Summons and Complaint may be issued, the tandem axle weight fine provided by section 2360 must be based on the difference between the tandem axle weight and 41,000 pounds.

Sec. 3. 29-A MRSA §2360, sub-§16, ¶C is enacted to read:

C. For a 5-axle or 6-axle tractor-semitrailer vehicle registered for less than 100,000 pounds gross weight hauling special commodities with a tandem axle weight of at least 47,000 pounds but not more than 48,260 pounds for which a Violation Summons and Complaint may be issued, the fine is \$731 plus \$136 for every 315 pounds over 47,000 pounds. Subsections 3 and 5 apply to tandem axle weights of less than 47,000 pounds or exceeding 48,260 pounds.

Sec. 4. 29-A MRSA §2360, sub-§17, as enacted by PL 2001, c. 267, §8 and affected by §16, is amended to read:

17. Exception to fine schedule for forest products tri-axle. Notwithstanding subsections 3 and 5, for a 4-axle single unit vehicle hauling forest products with a tri-axle weight for which a Violation Summons and Complaint may be issued, but which is less than 66,500 pounds, the fine is \$220. If the tri-

axle weight is at least 66,500 pounds, but is less than 70,560 pounds, the fine is \$634 plus \$414 for every 580 pounds over 66,500 pounds. Subsection 3 applies to tri-axle weights of 70,560 pounds or more.

Sec. 5. 29-A MRSA §2360-A is enacted to read:

§2360-A. Exception to axle fines during the midwinter season

1. Axle fines waived; midwinter season. The fine is waived and the Violation Summons and Complaint is not issued for violations of axle and axle group weight limits or tolerances provided by sections 2352, 2353, 2354, 2354-A, 2357, 2364 and 2365 for vehicles traveling during the months of January and February.

2. Exceptions. This section does not apply to:

A. Vehicles traveling on the Interstate Highway System, including the portion of the Maine Turnpike designated Interstate 95 and that portion of Interstate 95 from the southern terminus of the Maine Turnpike to the New Hampshire state line; or

B. Vehicles traveling on ways restricted under the provisions of section 2395.

Sec. 6. Repeal. This Act is repealed September 15, 2007.

See title page for effective date.

CHAPTER 427

H.P. 302 - L.D. 399

An Act To Recruit and Retain College Graduates through Loan Repayment

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

Sec. 1. 20-A MRSA c. 428-B is enacted to read:

CHAPTER 428-B

FUTURE FOR YOUTH IN MAINE LOAN REPAYMENT PROGRAM

§12531. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.