

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**SECOND SPECIAL SESSION**  
**July 29, 2005**

**SECOND REGULAR SESSION**  
**January 4, 2006 to May 24, 2006**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 28, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 23, 2006**

**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**  
**2006**

**Sec. 1. 32 MRSA §11002, sub-§6**, as amended by PL 1999, c. 184, §20, is further amended to read:

**6. Debt collector.** "Debt collector" means any person conducting business in this State, the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another. "Debt collector" includes persons who furnish collection systems carrying a name that simulates the name of a debt collector and who supply forms or form letters to be used by the creditor even though the forms direct the debtor to make payments directly to the creditor. Notwithstanding the exclusion provided by section 11003, subsection 7, "debt collector" includes any creditor who, in the process of collecting the creditor's own debts, uses any name other than the creditor's that would indicate that a 3rd person is collecting or attempting to collect these debts. ~~For purposes of subchapter II, "debt collector" includes any attorney-at-law whose principal activities include collecting debts as an attorney on behalf of and in the name of clients, except that any such attorney licensed to practice law in this State is subject exclusively to subchapter 2 and any such attorney not licensed to practice law in this State is subject to this entire chapter.~~ "Debt collector" also includes any person regularly engaged in the enforcement of security interests securing debts. "Debt collector" does not include any person who retrieves collateral when a consumer has voluntarily surrendered possession. A person is regularly engaged in the enforcement of security interests if that person enforced security interests more than 5 times in the previous calendar year. If a person does not meet these numerical standards for the previous calendar year, the numerical standards must be applied to the current calendar year.

See title page for effective date.

## CHAPTER 476

H.P. 1212 - L.D. 1705

### **An Act To Require That Automobile Extended Service Warranties Purchased by Maine Citizens Provide for Arbitration in the State**

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

**Sec. 1. 10 MRSA §1471, sub-§2-A** is enacted to read:

**2-A. Extended service warranty.** "Extended service warranty" means a service contract, not a

warranty as that term is used in Title 11, Article 2, that promises service in exchange for a fee and may also be referred to as "extended service contract."

**Sec. 2. 10 MRSA §1471, sub-§8**, as enacted by PL 1975, c. 770, §57, is amended to read:

**8. Warranty.** ~~"Warranty" shall have~~ Except as otherwise provided in this section, "warranty" has the same meaning in this chapter as in Title 11, Article 2, and ~~shall include~~ includes any expression or affirmation of a dealer's willingness or ability to repair the vehicle, or make it conform to other affirmations or expressions of its qualities, communicated in any manner to a purchaser at or before the agreement to sell.

**Sec. 3. 10 MRSA §1475, sub-§5** is enacted to read:

**5. Extended service warranty arbitration location.** An extended service warranty that was sold in this State for a motor vehicle registered in this State that includes a clause indicating that arbitration is required must require the location of the arbitration to be in this State.

See title page for effective date.

## CHAPTER 477

S.P. 740 - L.D. 1939

### **An Act To Revise Certain Fish and Wildlife Laws**

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

**Whereas**, the provisions of this legislation must take effect immediately to ensure the proper management of Maine's fish and wildlife resources; 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. 3 MRSA §959, sub-§1, ¶G**, as amended by PL 2003, c. 600, §1, is further amended to read:

G. The joint standing committee of the Legislature having jurisdiction over inland fisheries and

wildlife matters shall use the following list as a guideline for scheduling reviews:

- (1) Department of Inland Fisheries and Wildlife in ~~2005~~ 2007;
- (2) Advisory Board for the Licensing of Taxidermists in 2007; and
- (3) Atlantic Salmon Commission in 2011.

**Sec. 2. 12 MRSA §10853, sub-§4**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**4. Resident disabled veteran.** A resident disabled veteran may apply to the commissioner for one or more of the following complimentary permits and licenses: a license to hunt with a firearm, a license to trap, a license to fish, archery hunting licenses as provided in section 11109, subsection 7, a pheasant hunting permit as provided in section 11156 and a muzzle-loading hunting ~~license~~ permit as provided in section 11109, subsection 4, a migratory waterfowl permit under section 11157, a bear hunting permit under section 11151 and, upon meeting the qualifications as established in section 12853, subsection 4, a guide license. The commissioner shall issue the permit, or permits or license or licenses requested under this subsection if the commissioner determines the applicant is a resident disabled veteran and is not otherwise ineligible to hold that permit or license. For the purposes of this subsection, "resident disabled veteran" means a person who:

- A. Is a resident as defined in section 10001, subsection 53;
- B. Is a veteran as defined in Title 37-B, section 505, subsection 2, paragraph A, subparagraph (3); and
- C. Has a service-connected disability evaluated at:
  - (1) One hundred percent; or
  - (2) Seventy percent or more as a result of honorable military service and who has served in a combat zone during any armed conflict in which participants were exposed to war risk hazards as defined in 42 United States Code, Section 1711 (b).

Each application must be accompanied by satisfactory evidence that the applicant meets the requirements of this subsection. A permit or license issued under this subsection remains valid for the life of the permit or license holder, as long as the permit or license holder continues to satisfy the residency requirement in

section 10001, subsection 53 and the permit or license is not revoked or suspended.

**Sec. 3. 12 MRSA §10902, sub-§9, ¶C**, as corrected by RR 2003, c. 2, §19, is amended to read:

C. Operating an ATV under the influence ~~under 21 years of age~~, as prohibited under section 10701, subsection 1-A, paragraph D, ~~subparagraph (3)~~;

**Sec. 4. 12 MRSA §11109-A**, as enacted by PL 2005, c. 12, Pt. III, §6, is repealed and the following enacted in its place:

#### **§11109-A. Super pack license**

A super pack license permits a person to hunt and fish all legal game and fish species, subject to the restrictions placed on the equivalent individual license or permit issued under this Part for that species. All restrictions and conditions on hunting and fishing apply to a super pack licensee, including issuance and eligibility requirements for the equivalent license or permit.

**1. Moose lottery chances.** A super pack license includes, upon application, 6 chances in the moose lottery under section 11154, subsection 6.

**2. Antlerless deer permit.** A super pack license includes an antlerless deer permit as provided under section 11152, except that it is valid only for antlerless deer in wildlife management districts in which at least 5,000 antlerless deer permits are issued. No more than 2.5% of those antlerless deer permits may be in the form of a super pack license. The commissioner shall implement a system for issuing antlerless deer permits under this subsection.

**3. Harvest of 2 deer.** Notwithstanding section 11501, a super pack license authorizes the holder to take one deer during either the regular open firearm season or the special archery season or the special muzzle-loading season in accordance with sections 11401, 11403 and 11404, respectively, and one antlerless deer pursuant to subsection 2.

**4. Licenses not included.** A super pack license does not include a moose permit or trapping privileges.

**5. Fee.** The fee for a super pack license is \$200 for residents and \$175 for a person holding 2 or more lifetime licenses.

**Sec. 5. 12 MRSA §11152, sub-§1**, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §119 and affected by §422, is further amended to read:

**1. Permit required.** Except as otherwise authorized pursuant to this Part, a person may not hunt antlerless deer as authorized in this section unless that person has a valid permit issued under this section.

~~Each day a person violates this subsection that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.~~

A. Except as provided in paragraph B, each day a person violates this subsection that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

B. A violation of this subsection in Washington County is a Class D crime for which a minimum fine of \$1,000 must be imposed, and the court shall impose a sentencing alternative involving a term of imprisonment of at least 3 days, none of which may be suspended.

**Sec. 6. 12 MRSA §11203, sub-§1**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**1. Hunter orange required.** A person may not hunt with firearms or crossbows during the open firearm season on deer unless that person is wearing 2 articles of hunter orange clothing that are in good, serviceable condition and visible from all sides, except that a person hunting waterfowl from a boat or blind or in conjunction with waterfowl decoys is not required to wear hunter orange clothing. One article of clothing must be a solid-colored hunter orange hat. The other article of clothing must cover a major portion of the torso, such as a jacket, vest, coat or poncho, and must be a minimum of 50% hunter orange in color. The presence of a decal on an article of clothing that is otherwise solid-colored hunter orange does not disqualify that article of clothing from satisfying the requirements of this subsection.

**Sec. 7. 12 MRSA §11208**, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §139 and affected by §422, is further amended to read:

**§11208. Unlawful shooting or discharge of firearm or crossbow**

**1. Shooting or discharge of firearm or crossbow over or near public paved way.** A person may not:

A. Shoot at any wild animal or wild bird from any public paved way or within 10 feet of the edge of the pavement of the public paved way or from within the right-of-way of any controlled access highway;

B. Discharge any firearm or crossbow over a public paved way; or

C. Possess any wild animal or wild bird taken in violation of paragraph A or B, except as otherwise provided in this Part.

This subsection does not prohibit a person who has a valid permit to carry a concealed weapon from possessing that weapon on or near a public paved way as long as it is not used for shooting at wild animals or wild birds or discharged in violation of this subsection.

**2. Penalty.** A person who violates subsection 1 commits a Class E crime.

**Sec. 8. 12 MRSA §11209**, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §140 and affected by §422 and Pt. C, §§1 and 6, is further amended to read:

**§11209. Discharge of firearm or crossbow near dwelling**

**1. Prohibition.** A person may not:

A. Unless a relevant municipal ordinance provides otherwise and except as provided in sections 12401 and 12402, discharge a firearm or crossbow within 100 yards of a residential dwelling or a farm building used for sheltering livestock, machines or harvested crops without the permission of the owner or, in the owner's absence, of an adult occupant of that dwelling; or

B. Possess a wild animal or wild bird taken in violation of this subsection, except as otherwise provided in this Part.

This subsection may not be construed to prohibit a person from killing or taking a wild animal in accordance with sections 12401 and 12402.

**2. Penalty.** A person who violates subsection 1 commits a Class E crime.

**Sec. 9. 12 MRSA §11212, sub-§1**, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §142 and affected by §422, is further amended to read:

**1. Prohibition.** The following provisions apply to shooting from a motor vehicle or motorboat or possessing a loaded firearm or a crossbow in a motor vehicle.

A. A person may not shoot while in or on a motor vehicle or motorboat or while in or on a trailer or other type of vehicle being hauled by a motor vehicle except:

(1) A person may hunt migratory waterfowl from a motorboat in accordance with federal regulations;

(2) Paraplegics and single or double amputees of the legs may shoot from motor vehicles that are not in motion; and

(3) A person may shoot from a motorboat if that boat is not being propelled by its motor.

B. A person may not, while in or on a motor vehicle or in or on a trailer or other type of vehicle being hauled by a motor vehicle, have a cocked and armed crossbow or a firearm with a cartridge or shell in the chamber or in an attached magazine, clip or cylinder or a muzzle-loading firearm charged with powder, lead and a primed ignition device or mechanism, except that a person who has a valid Maine permit to carry a concealed weapon may have in or on a motor vehicle or trailer a loaded pistol or revolver covered by that permit.

C. A person may not possess a wild animal or wild bird taken in violation of paragraph A or B, except as otherwise provided in this Part.

**Sec. 10. 12 MRSA §11214, sub-§1, ¶H,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

H. Use for hunting or possess for hunting an arrow or a bolt having either an explosive or poisonous tip;

**Sec. 11. 12 MRSA §11223, sub-§1,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**1. Duty.** A person who knows or has reason to know that that person has inflicted injury or may have inflicted injury on another person by the use of a firearm ~~or~~ bow and arrow or crossbow shall:

A. Make that person known to the victim;

B. Render first aid and assistance as that person is capable of rendering under the circumstances; and

C. Give notice of the event by the quickest means to a game warden or, in the event that a game warden can not be contacted, to the law enforcement officer nearest the place where the event occurred.

**Sec. 12. 12 MRSA §11454, sub-§1,** as enacted by PL 2003, c. 655, Pt. B, §172 and affected by §422, is amended to read:

**1. Prohibition.** A person may not hunt deer with any firearms using a .17 or .22 caliber rimfire cartridge, except that the use of the .22 caliber rimfire magnum cartridge is not prohibited.

**Sec. 13. 12 MRSA §11603, sub-§1,** as enacted by PL 2003, c. 655, Pt. B, §177 and affected by §422, is amended to read:

**1. Prohibition.** A person may not use a .17 or .22 caliber rimfire firearm ~~or~~ a shotgun using shot loads or a crossbow to hunt moose.

**Sec. 14. 12 MRSA §12404, sub-§6, ¶G,** as enacted by PL 2003, c. 655, Pt. B, §243 and affected by §422, is amended to read:

G. The owner or keeper of a dog is in violation of this paragraph if that owner's or keeper's dog is found killing or wounding a moose, deer or wild turkey at any time or any other wild animal in closed season.

(1) A person who violates this paragraph commits a civil violation for which a fine of not less than ~~\$100~~ \$500 nor more than ~~\$500~~ \$1,000 may be adjudged.

(2) A person who violates this paragraph after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

**Sec. 15. 12 MRSA §12457, sub-§1, ¶A,** as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §245 and affected by §422, is further amended to read:

A. The area within 150 feet of any operational fishway, except:

(1) At the following places, the fishway and the area within 75 feet of any part of the fishway are closed to fishing at all times:

(a) Grand Falls Powerhouse Dam on the St. Croix River in Baileyville; and

(b) Woodland Dam on the St. Croix River in Baileyville;

(2) At the following places, the area within the fishway and within 75 feet of the downstream mouth of the fishway is closed to fishing at all times:

(a) East Grand Lake Dam in Forest City Township, T9 R4 NBPP, except that fishing upstream from the dam at the top of the fishway is lawful; and

~~(b) Spednic Lake Dam in Vanceboro;~~

(2-A) At the following places, the area within 75 feet of the mouth of the fishway is closed to fishing at all times:

(a) Spednic Lake Dam in Vanceboro;

(3) At the so-called ice control dam on the Narraguagus River in the Town of Cherryfield, the area within 100 feet of the dam must be closed to fishing at all times;

(4) At East Outlet Dam in Sapling Township, T1R7, in Somerset County and in Big Moose Township, T2R6, in Piscataquis County at the outlet of Moosehead Lake, the fishway and the area within 50 feet of any part of the fishway must be closed to fishing at all times; and

(5) There is no fishing in or from the fishway at the Sheepscot Lake Dam in the Town of Palermo in Waldo County;

**Sec. 16. 12 MRSA §12654-A, sub-§1**, as enacted by PL 2003, c. 655, Pt. B, §277 and affected by §422, is amended to read:

**1. Prohibition.** A person may not fish with more than 3 unbaited artificial flies individually attached to a line or hook.

**Sec. 17. 12 MRSA §12659-A, sub-§1, ¶¶C and D** are enacted to read:

C. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

D. A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

**Sec. 18. 12 MRSA §12659-A, sub-§3, ¶¶A and B** are enacted to read:

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

B. A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

**Sec. 19. 12 MRSA §12659-A, sub-§4, ¶¶A and B** are enacted to read:

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

B. A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

**Sec. 20. 12 MRSA §12659-A, sub-§5**, as enacted by PL 2005, c. 397, Pt. E, §11, is repealed.

**Sec. 21. 12 MRSA §12708, sub-§1, ¶A**, as amended by PL 2003, c. 587, §1 and affected by §2 and c. 614, §9 and c. 655, Pt. C, §§4 and 6, is further amended to read:

A. The following described territories are classified as wildlife management areas to be managed by the commissioner in accordance with the principles of wildlife management, as defined in section 10001, subsection 73, and subject to the commissioner's authority under section 12701:

(1) Bartlett's Island in Hancock County;

(2) Colby College Area: The Mayflower Hill Campus of Colby College comprising approximately 640 acres of land. It is located west of the center of Waterville bounded in general as follows:

From a stone marker on the west bank of Messalonskee Stream, said marker located across the stream from a point approximately 400 feet north of Riverview Avenue. Runs north along bank of Messalonskee Stream to a point approximately 2,000 feet north of Cedar Bridge (North Street), thence in a northeasterly direction to a cement marker on the Second Rangeway at a point approximately 900 feet northeast of intersection with Rice Rips Road, thence in a southwesterly direction to Rice Rips Road, thence east approximately 300 feet, thence southwesterly again approximately parallel to and west of the Second Rangeway for approximately 1,800 feet to a cement marker, thence easterly to the Second Rangeway, thence in a southerly direction on east side of Second Rangeway for approximately 1,900 feet to a cement marker and college sign; thence southeast approximately 5,400 feet to Mt. Merici property line post and cement marker; thence in easterly direction to and across Mayflower Hill Drive in offset manner (east offset marked with stone or cement marker post) to and across Maine Central railroad to the point of beginning on west bank of Messalonskee Stream;

(3) Deer Isle and Stonington: The Towns of Deer Isle and Stonington, Hancock County;

~~(5) Long Lake Wildlife Management Area, Aroostook County: within the following boundaries in the Towns of St. Agatha and Madawaska, Aroostook County: Beginning in the Village of St. Agatha at the junction of Route 162 and road that is near the northwesterly shore of Long Lake, easterly and northerly along said road to its junction with another road near Brishlotte Lake outlet stream, thence easterly along said road to its junction with the road that is along the easterly side of said Long Lake, thence southerly along said road to its junction with the road leading westerly to Birch Point, so called, thence along said road to its nearest point to said Long Lake, thence westerly to a red painted stake on the east shore of said Long Lake, thence southwest-erly across said Long Lake to a red painted stake on the west shore of said Long Lake, thence in the same direction until this line intersects Route 162, thence northwesterly along said Route 162 to the point of begin-ning. This is intended to include the large and smaller islands in the northerly end of said Long Lake;~~

(6) Lowell E. Barnes Wildlife Management Area: Certain lots or parcels of land situated in Hiram, County of Oxford, State of Maine, bounded and described as follows:

(a) A parcel of land containing 700 acres more or less bounded northerly by land now or formerly of Lusanna Hubbard, Lemuel Cotton and M.L. Wardsworth; easterly by land now or formerly of James Edgecomb; south-erly by land now or formerly owned or occupied by Llewellyn A. Wards-worth, Asbury Huntress and Orison Adams; and westerly by land now or formerly of James Ayer, Harrison Sanburn, James Ayer again, the George F. Brooks place, so called, being the lot next below described and land now or formerly of Fred Small, Seth Spring and Freeman Flye;

(b) A parcel of land containing 25 acres, more or less, situated westerly of the above described lot and known as the George F. Brooks place; and

(c) A parcel of land containing 70 acres, more or less, situated adjacent

to the first parcel above described and bounded north, east and west by said first above described parcel and southerly by land now or formerly of James Ayer and Elmer Hodgdon. Said parcel is known as the Dennis Stanley place;

(7) Marsh Island: Marsh Island in Penob-scot County; and

(8) Oak Grove: The campus and land of Oak Grove School, in the Town of Vassal-boro, County of Kennebec, situated on the east side of Route No. 100; and all the land of said school situated on the west side of Route No. 100. Sebago Lake Basin Wildlife Management Area: All that portion of Se-bago Lake commonly known as Sebago Lake Basin lying below the high water mark in the Towns of Standish and Wind-ham.

**Sec. 22. 12 MRSA §12763, sub-§4**, as af-fected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §307 and affected by §422, is further amended to read:

**4. Permits allowing use of gill nets by federal agencies or other state agencies.** The department may authorize the use of gill nets by federal agencies or other state agencies for purposes of scientific research or public safety projects. Any authorization by the department for a federal agency or another state agency to utilize gill nets must be given through written permit.

A. The authority granted to the department under this subsection is subject to the following constraints.

(2) Both ends of the gill net must be marked with buoys that are clearly visible from a distance of 300 feet and that identify the state or federal agency responsible for setting the net.

(3) The results of each netting must be forwarded on a weekly basis to the depart-ment, and the records of the results must be available for public inspection at the de-partment.

B. The following penalties apply to violations of paragraph A.

(1) A person who violates paragraph A commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.



(2) A person who violates paragraph A after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

**Sec. 23. 12 MRSA §12808, sub-§1-A, ¶C,** as enacted by PL 2003, c. 655, Pt. B, §312 and affected by §422, is amended to read:

C. Possess, process, sell, offer for sale, deliver, carry, transport or ship, by any means whatsoever, any endangered or threatened species or any part of an endangered or threatened species. A person who violates this paragraph commits a Class D crime; or

**Sec. 24. 12 MRSA §12955, sub-§3,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**3. Expiration.** All licenses issued under this section are valid for a period commencing ~~September~~ August 1st and ending December 31st of the year in which the license is issued.

**Sec. 25. 12 MRSA §13058, sub-§1,** as repealed and replaced by PL 2005, c. 397, Pt. E, §13, is amended to read:

**1. Prohibition.** A person may not place or operate a motorboat or personal watercraft on the inland waters of the State unless a valid lake and river protection sticker issued annually under subsection 3 is permanently affixed to each side of the bow above the water line and approximately 3 inches behind the validation sticker required under section 13056. This sticker is nontransferable.

**Sec. 26. 16 MRSA §357, last ¶,** as enacted by PL 1987, c. 791, §3, is amended to read:

Notwithstanding this section, the result of a laboratory or any other test kept by a hospital or other medical facility, ~~which that~~ reflects blood-alcohol concentration, ~~shall may~~ not be excluded as evidence in a criminal or civil proceeding by reason of any claim of confidentiality or privilege and may be admitted provided that the result is relevant and reliable evidence if the proceeding is one in which the operator of a motor vehicle, snowmobile, all-terrain vehicle or watercraft is alleged to have operated under the influence of intoxicating liquor or drugs, and the court is satisfied that probable cause exists to believe that the operator committed the offense charged.

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

Effective March 8, 2006.

## CHAPTER 478

### H.P. 1209 - L.D. 1702

#### An Act To Increase Efficiency in Truck Hauling

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

**Whereas,** to keep Maine truck drivers competitive and employed during the winter and spring seasons, this issue of restricting the use of larger trailers to haul certain products must be resolved before the end of the legislative session; 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 §2390, sub-§1, ¶J,** as amended by PL 2005, c. 170, §2, is further amended 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.

(1) The wheelbase of the semitrailer, measured as the distance from the kingpin to the center of the rearmost axle of the semitrailer, may not exceed 43 feet.

(2) The kingpin setback of the semitrailer, measured as the distance from the kingpin to the front of the semitrailer, may not exceed 3 1/2 feet in length.

(3) The rear overhang of the semitrailer, measured as the distance from the center of the rear tandem axles of the semitrailer to the rear of the semitrailer, may not exceed 35% of the wheelbase of the semitrailer.

(4) The semitrailer must be equipped with a rear underride guard that is of sufficient strength to prevent a motor vehicle from penetrating underneath the semitrailer, extends across the rear of the semitrailer to