

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.

Penmor Lithographers
Lewiston, Maine
2006

Sec. 5. 22 MRSA §3789-C, as enacted by PL 1995, c. 418, Pt. A, §36, is repealed.

See title page for effective date.

CHAPTER 481

S.P. 670 - L.D. 1753

An Act To Set a Maximum on Penalties Imposed for Licensing Violations by Eating Establishments, Eating and Lodging Places, Lodging Places, Recreational Camps or Camping Areas

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

Sec. 1. 22 MRSA §2498, sub-§1, ¶C, as amended by PL 2003, c. 673, Pt. X, §3, is further amended to read:

C. Any person, corporation, firm or copartnership that operates any eating establishment, eating and lodging place, lodging place, recreational camp or camping area without first obtaining a license as required by this chapter must be punished, upon ~~conviction~~ adjudication of unlicensed operation, by a fine of not less than \$25 nor more than \$200, and upon a 2nd or subsequent ~~conviction~~, adjudication of unlicensed operation must be punished by a fine of not less than \$200 nor more than \$500. Each day any such person, corporation, firm or copartnership operates without obtaining a license constitutes a separate offense.

See title page for effective date.

CHAPTER 482

S.P. 667 - L.D. 1750

An Act To Amend Certain Transportation Laws

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

Sec. 1. 23 MRSA §708, sub-§3, as enacted by PL 1991, c. 481, §2, is amended to read:

3. Exceptions. Exceptions from the provisions of this section are permitted only when:

A. Federal laws, rules and regulations take precedence over these provisions; ~~or~~

B. The commissioner determines that there is a compelling safety interest that can not be addressed by any other method; ~~or~~

C. The commissioner determines that a lighting installation is related to a department bridge project of state and regional significance and is supported by municipalities directly affected by the installation.

Sec. 2. 23 MRSA §1912-B, first ¶, as amended by PL 1995, c. 663, §1, is further amended to read:

Pursuant to rules adopted under this section, the commissioner may authorize the placement of logo signs within the right-of-way of the interstate system. A logo sign may not be larger than existing service information signs permitted on the interstate highway. Logo signs may be installed only on portions of the interstate highway that are rural in character or on certain connector highways where it is necessary to establish continuity for logo signs erected on the Maine Turnpike. A logo sign may include only logos for gas, food, lodging ~~and~~ camping and attractions. Applications from at least 3 qualified businesses must be approved before installation of a logo sign panel at an exit. Logos for 2 or more types of service may be displayed on the same sign panel. More than one logo sign panel may be installed at an exit only when 3 or more qualified businesses are available for each of 2 or more types of service. The number of logo sign panels at an exit may not exceed one for each type of service or a total of ~~4~~ 5 for all types of services. Rules adopted under this section must regulate the size, shape, manner and location of logo signs and must describe the procedure for applying to the department for permission to erect a logo sign and the criteria used by the department to select among applicants. The commissioner shall establish ~~an initial fee fees~~ fees for the production and placement of a logo sign and ~~an annual fee fees~~ fees to cover the maintenance costs. ~~Fees charged must approximate direct costs.~~

Sec. 3. 23 MRSA §1914, sub-§11-A, ¶B, as amended by PL 2005, c. 195, §1, is further amended to read:

B. The display on each side of a changeable sign:

- (1) May be changed no more than once every 20 minutes, unless the municipality in which the sign is located adopts an ordinance to the contrary and notifies the Department of Transportation in writing of that ordinance. If a municipal ordinance is adopted, the municipality is responsible for the administration of that ordinance;

(2) Must change as rapidly as technologically practicable, with no phasing, rolling, scrolling, flashing or blending, unless the municipality in which the sign is located adopts an ordinance to the contrary and notifies the Department of Transportation in writing of that ordinance. If a municipal ordinance is adopted, the municipality is responsible for the administration of that ordinance. Notwithstanding this subparagraph, a municipality may not adopt an ordinance that allows the sign to flash; and

(3) May consist only of alphabetic or numeric text on a plain background and may not include any graphic, pictorial or photographic images.

Sec. 4. 29-A MRSA §2054, sub-§2, ¶C, as amended by PL 2005, c. 314, §12, 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 an auxiliary lights mounted on the highest practical point on the vehicle and provide light that provides visible light coverage over a 360° range. The lights light must emit an amber beam of light, be at least 6 inches in diameter and be equipped with a blinking attachments or strobe light function and have sufficient intensity to be visible at 500 feet in normal daylight. 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 pro-

~~vides 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 of 50 candlepower and provides visible light coverage over a 360° range. 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 in normal atmospheric conditions at night daylight.

(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. 5. 29-A MRSA §2380, sub-§3, as amended by PL 2003, c. 452, Pt. Q, §70 and affected by Pt. X, §2, is further amended to read:

3. Maximum width; exceptions. A vehicle that is wider than 102 inches over all may not be operated on a public way or bridge. A portion of a vehicle or load may not project beyond the side of that vehicle to make a total width greater than 102 inches, except as provided in this subsection and ~~subsection subsections 3-A and 4. Reflecting mirrors and turn signal lamps are excluded from measurement of width.~~ The following conditions and appurtenances attached to a commercial motor vehicle are excluded from the measurement of width ~~provided that~~ if they do not extend more than 3 inches from the side of a vehicle:

- A. Corner caps;
- B. Rear and side door hinges and their protective hardware;
- C. Rain gutters;
- D. Side lamp markers;
- E. Lift pads for piggyback trailers;
- F. Hazardous materials placards;
- G. Tarps and tarp hardware;
- H. Tiedown assemblies on platform trailers;
- I. Weevil pins and sockets on lowbed trailers;
- J. Steps and handholds for entry and egress;
- K. Flexible fender extensions;
- L. Mud flaps and splash and spray suppressant devices;
- M. Refrigeration units or air compressors;
- N. Load-induced tire bulge; and

O. Wall variation from true flat.

Sec. 6. 29-A MRSA §2380, sub-§3-A is enacted to read:

3-A. Maximum width; additional exceptions.
In addition to the exceptions in subsection 3, the following are excluded from the measurement of vehicle width:

A. Reflecting mirrors;

B. Turn signal lamps; and

C. Appurtenances on motor homes, truck campers and camp trailers, if such appurtenances extend no more than 6 inches from either side of the body of the vehicle.

See title page for effective date.

CHAPTER 483

S.P. 353 - L.D. 1036

An Act To Amend the Laws Governing the Burial or Cremation of Certain Persons

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

Sec. 1. 22 MRSA §4313, sub-§2, as amended by PL 1993, c. 410, Pt. AAA, §8, is further amended to read:

2. Burial or cremation. In the event of the death of an eligible person, the funeral director shall notify the overseer prior to burial or cremation or by the end of ~~the next 3 business day days~~ following the funeral director's receipt of the body, whichever is earlier. Notwithstanding section 4305, subsection 3, paragraph C, a decision on any application for assistance with burial expenses need not be rendered until the overseer has verified that no relative or other resource is available to pay for the direct burial or cremation costs, but the decision must be rendered within ~~40~~ 8 days after receiving an application. The father, mother, grandfather, grandmother, children, grandchildren or siblings, by consanguinity, living within or owning real or tangible property within the State, are responsible for the burial or cremation costs of the eligible person in proportion to their respective abilities. When no legally liable relative possesses a financial capacity to pay either in lump sum or on an installment basis for the direct costs of a burial or cremation, the contribution of a municipality under this subsection is limited to a reasonable calculation of