

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

(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

the funeral director's direct costs, less any and all contributions from any other source.

See title page for effective date.

CHAPTER 484

S.P. 700 - L.D. 1783

An Act To Amend the Maine Consumer Credit Code as It Relates to Finance Charges for Loans on Open-end Credit

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

Sec. 1. 9-A MRSA §2-402, sub-§4, as amended by PL 1995, c. 137, §4, is further amended to read:

4. With respect to loans made pursuant to a lender credit card, except for cash advances, and except when there is an outstanding balance from the prior billing cycle at the beginning of a billing cycle, no finance charge may be imposed on purchases or leases of goods or services purchased during the billing cycle, ~~provided that if they are paid for not later than 25 days after the closing date of the billing cycle in which the purchase or lease occurred.~~ This subsection does not apply to open-end credit plans secured by a consumer's principal dwelling or by any 2nd or vacation home of the consumer.

Sec. 2. 9-A MRSA §2-402, sub-§5, as enacted by PL 1993, c. 618, §2, is amended to read:

5. With respect to loans made pursuant to a lender credit card, a creditor may not impose a finance charge if it is in excess of that set forth in the agreement between the consumer and the creditor. This subsection does not apply to open-end credit plans secured by a consumer's principal dwelling or by a 2nd or vacation home of the consumer.

See title page for effective date.

CHAPTER 485

H.P. 1295 - L.D. 1855

An Act To Establish the Securities Investor Education and Training Fund

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

Sec. 1. 32 MRSA §16601, sub-§7 is enacted to read:

7. Securities Investor Education and Training Fund. The Securities Investor Education and Training Fund, referred to in this subsection as "the fund," is established to provide funds for the purposes specified in subsection 4. The fund consists of all grants or donations accepted by the administrator pursuant to subsection 4 and all payments received by the administrator for investor education and training that have been designated in a consent order or consent agreement resulting from a multistate investigation or a joint investigation with the federal Securities and Exchange Commission or a court order or court judgment to be credited to the fund. Any balance in the fund does not lapse but must be carried forward to be used for the same purposes.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Securities Investor Education and Training Fund

Initiative: Allocates funds for the development and implementation of investor education initiatives to inform the public about investing in securities.

OTHER SPECIAL REVENUE

FUNDS	2005-06	2006-07
All Other	\$0	\$20,000

OTHER SPECIAL REVENUE		
FUNDS TOTAL	\$0	\$20,000

See title page for effective date.

CHAPTER 486

H.P. 1296 - L.D. 1856

An Act To Conform the Maine Tax Laws for 2005 to the United States Internal Revenue Code

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

Whereas, the processing of the year 2005 income tax returns would be delayed by waiting for the 90-day period to expire; and

Whereas, legislative action is immediately necessary to ensure continued and efficient administration of the Maine income tax laws and certain other state taxes; and