

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Sec. 29. 29-A MRSA §2063, sub-§1, as repealed and replaced by PL 2001, c. 667, Pt. C, §17, is amended to read:

1. Definitions. For the purpose of this section, "bicycle" includes a motorized bicycle ~~or~~ a motorized tricycle or a motorized scooter, ~~"scooter" includes a motorized scooter~~ and "toy vehicle" includes, but is not limited to, skateboards, rollerskates, wagons, sleds and coasters.

Sec. 30. 29-A MRSA §2074, sub-§1, ¶¶D and E, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

D. Forty-five miles per hour on all other public ways unless otherwise posted; and

E. On ways with a higher maximum speed limit, 45 miles per hour for a school bus transporting pupils to and from school. At all other times, a school bus may not exceed 55 miles per hour; and.

Sec. 31. 29-A MRSA §2074, sub-§1, ¶F, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. 32. 29-A MRSA §2080, as amended by PL 1995, c. 584, Pt. B, §10, is further amended to read:

§2080. Operation of all-terrain and off-road vehicles

Notwithstanding any other provision of law, whenever an all-terrain vehicle or off-road vehicle is operated on a way, ~~it is the vehicle and operator~~ are subject to all provisions of this Title, except chapters 5, 7, 13 and 15. Whenever an all-terrain vehicle or off-road vehicle is operated on a way, the operator is not subject to the provisions of chapter 11, except when ~~the an~~ all-terrain vehicle is registered for highway use permitted in accordance with section 501, subsection 8.

Sec. 33. 29-A MRSA §2083, sub-§§1, 2 and 4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

1. Requirement. The following persons must wear protective headgear:

A. If under 15 years of age, a passenger on a motorcycle, ~~motor driven cycle~~ or in an attached side car;

B. If under 15 years of age, an operator of an off-road motorcycle ~~or motor driven cycle~~;

C. An operator of a motorcycle ~~or motor driven cycle~~, operating under a learner's permit or

within one year of successfully completing a driving test; and

D. A passenger of an operator required to wear headgear.

2. Compliance. An operator of a motorcycle ~~or motor driven cycle~~, parent or guardian may not allow a passenger under the age of 15 years to ride in violation of this section.

4. Public program. In furtherance of reasonable protective public policy, the Department of Public Safety, Bureau of Highway Safety must develop and implement a public information and education program designed to encourage helmet utilization by all motorcycle, ~~motor driven cycle~~ and moped riders.

Sec. 34. 29-A MRSA §2092 is enacted to read:

§2092. Operation of off-road vehicles

1. Operation prohibited. Unless the specific type of off-road vehicle is authorized to be operated on a public way by this or any other Title, an off-road vehicle may not be operated on a public way or parking area.

2. Violation. A person who operates an off-road vehicle in violation of subsection 1 commits a traffic infraction.

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

Effective April 13, 2006.

CHAPTER 578

H.P. 174 - L.D. 235

An Act To Increase the Minimum Wage

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

Sec. 1. 26 MRSA §664, sub-§1, as amended by PL 2003, c. 697, §1, is further amended to read:

1. Minimum wage. The minimum hourly wage is \$5.15 ~~\$6.50~~ per hour. ~~Starting January 1, 2002, the minimum hourly wage is \$5.75 per hour. Starting January 1, 2003, the minimum hourly wage is \$6.25 per hour. Starting October 1, 2004, the minimum hourly wage is \$6.35 per hour. Starting October 1, 2005, the minimum hourly wage is \$6.50 per hour. Starting October 1, 2006, the minimum hourly wage is \$6.75 per hour. Starting October 1, 2007, the mini-~~

minimum hourly wage is \$7.00 per hour. If the highest federal minimum wage is increased in excess of the minimum wage in effect under this section, the minimum wage under this section is increased to the same amount, effective on the same date as the increase in the federal minimum wage, but in no case may the minimum wage exceed the minimum wage otherwise in effect under this section by more than \$1 per hour.

Sec. 2. Reprinting of notice. Notwithstanding the Maine Revised Statutes, Title 26, section 42-B, the Department of Labor, Bureau of Labor Standards is not required to modify and redistribute the printed notice required by that section to reflect the changes in the law resulting from this Act. The Bureau of Labor Standards shall modify the printed notice to reflect the changes contained in this Act when it becomes necessary to print additional notices due to an insufficient supply of such notices or due to future changes in law.

See title page for effective date.

CHAPTER 579

H.P. 1310 - L.D. 1870

An Act To Clarify Laws Governing Eminent Domain

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

Sec. 1. 1 MRSA §816 is enacted to read:

§816. Limitations on eminent domain authority

1. Purposes. Except as provided in subsections 2 and 3 and notwithstanding any other provision of law, the State, a political subdivision of the State and any other entity with eminent domain authority may not condemn land used for agriculture, fishing or forestry or land improved with residential homes, commercial or industrial buildings or other structures:

A. For the purposes of private retail, office, commercial, industrial or residential development;

B. Primarily for the enhancement of tax revenue; or

C. For transfer to an individual or a for-profit business entity.

2. Blight exception. Subsection 1 does not apply to the use of eminent domain by any municipality, housing authority or other public entity based upon a finding of blight in an area covered by any redevelop-

ment plan or urban renewal plan pursuant to Title 30-A, chapter 201, 203 or 205, but just compensation, in all cases, must continue to be made to the owner.

3. Utilities exception. Subsection 1 does not limit the exercise of eminent domain by or for the benefit of public utilities or other entities engaged in the generation, transmission or distribution of telephone, gas, electric, water, sewer or other utility products or services.

4. Governmental purposes not affected. Nothing in this section may be interpreted to prohibit a municipal or county governing body from exercising the power of eminent domain for purposes not otherwise prohibited by subsection 1.

Sec. 2. Retroactivity. This Act applies retroactively to June 23, 2005.

See title page for effective date.

CHAPTER 580

H.P. 1333 - L.D. 1892

An Act To Prevent Price Gouging

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

Sec. 1. 10 MRSA §1105, as amended by PL 1979, c. 541, Pt. A, §91, is repealed and the following enacted in its place:

§1105. Profiteering in necessities

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Abnormal market disruption" means a significant disruption to the production, distribution, supply, sale or availability of a commodity or commodities that:

(1) Is caused by an event such as a natural or man-made emergency or disaster, whether local or remote; and

(2) Causes ordinary competitive market forces to cease to function normally.

B. "Cost" means the expense associated with the acquisition, production, distribution or sale of necessities and may include, among other things, replacement costs, taxes and transportation costs.

C. "Necessities" includes food for human or animal consumption; pharmaceutical products, including prescription medications; wearing ap-