

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 20, 2007

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2007

equipment dealer or trailer dealer is exempt from this subsection if the sales promotion does not include motor vehicles and does not exceed 90 continuous days. The fee for a ~~30-day~~ 90-day attended sales promotion license permit is ~~\$75 per location~~ \$150. The ~~license for a location permit~~ may be renewed ~~2 times~~ in a calendar year.

Sec. 2. 29-A MRSA §957, sub-§4, as amended by PL 2001, c. 361, §27, is further amended to read:

4. Unattended sales promotion. The Secretary of State may issue to a dealer a license permit to operate an unattended sales promotion. A request for an unattended sales promotion must be submitted to the Secretary of State at least 48 hours before the proposed promotion ~~date~~ and contain the proposed promotion ~~date and location~~ dates and, if applicable, a copy of a contract between the dealer and the promotion sponsor. The promotion and any use of a location must comply with applicable building codes and zoning and land use ordinances. A new vehicle dealer who requests a license permit under this subsection for a promotion involving new vehicles may not locate the promotion outside that dealer's area of responsibility as defined by the dealer's franchise agreement. An equipment dealer or trailer dealer is exempt from this subsection if the sales promotion does not include motor vehicles and does not exceed 90 continuous days. The fee for an unattended sales promotion is:

A. Fifty dollars if the promotion runs 7 days or less;

B. One hundred dollars if the promotion runs between 8 and 60 days; or

C. One hundred fifty dollars if the promotion runs more than 60 days.

Sec. 3. 29-A MRSA §957, sub-§5, as enacted by PL 1997, c. 437, §26, is amended to read:

5. Penalty. A person commits a Class E crime if that person conducts an activity authorized by a license or permit under this section without obtaining that license or permit.

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

Effective March 14, 2007

CHAPTER 6

S.P. 48 - L.D. 140

An Act To List the Shortnose Sturgeon as a Marine Endangered Species

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

Sec. 1. 12 MRSA §6975, sub-§7, as enacted by PL 2003, c. 573, §1, is amended to read:

7. Atlantic ridley turtle. Atlantic ridley turtle, *Lepidochelys kempii*, endangered; ~~and~~

Sec. 2. 12 MRSA §6975, sub-§8, as enacted by PL 2003, c. 573, §1, is amended to read:

8. Loggerhead turtle. Loggerhead turtle, *Caretta caretta*, threatened; ~~and~~

Sec. 3. 12 MRSA §6975, sub-§9 is enacted to read:

9. Shortnose sturgeon. Shortnose sturgeon, *Acipenser brevirostrum*, endangered.

See title page for effective date.

CHAPTER 7

S.P. 69 - L.D. 231

An Act To Modify the Laws Regarding Garnishment of Wages

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

Sec. 1. 9-A MRSA §5-105, sub-§2, as amended by PL 1995, c. 614, Pt. A, §5, is repealed and the following enacted in its place:

2. The maximum part of the aggregate disposable earnings of an individual for any workweek that is subjected to garnishment to enforce payment of a judgment arising from a consumer credit transaction may not exceed the lesser of:

A. Twenty-five percent of the individual's disposable earnings for that week; and

B. The amount by which the individual's disposable earnings for that week exceed 40 times the federal minimum hourly wage prescribed by Section 6(a)(I) of the Fair Labor Standards Act of 1938, 29 United States Code, Section 206(a)(I), or the state minimum wage prescribed by Title 26, section 664, whichever is higher, in effect at the time the earnings are payable.

In the case of earnings for a pay period other than a week, the administrator shall prescribe by rule a

multiple of the minimum hourly wage equivalent in effect to that set forth in this paragraph.

See title page for effective date.

CHAPTER 8

S.P. 17 - L.D. 23

An Act To Clarify the Use and Purpose of Center Turn Lanes

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

Sec. 1. 29-A MRSA §2051, sub-§2, as amended by PL 1997, c. 653, §7, is further amended to read:

2. Two-way lane. On a public way that is divided into 3 more than 2 lanes and ~~provides one of those lanes provides~~ for 2-way movement of traffic, a vehicle may not be operated in ~~the center~~ that lane except:

A. When overtaking and passing another vehicle when the way is clearly visible and the ~~center 2-way traffic~~ lane is clear of traffic for a safe distance, unless an official sign or traffic control device limits the use of ~~the center~~ that lane to turning only;

B. In preparation for a left turn from the 2-way traffic lane; ~~or~~

C. ~~Where~~ When the ~~center 2-way traffic~~ lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is posted to give notice of that allocation; ~~or~~

D. As part of a 2-part turn when the vehicle turning left from a driveway or entrance uses the 2-way traffic lane until the travel lane in the direction the vehicle is proceeding can be entered safely by the vehicle.

See title page for effective date.

CHAPTER 9

S.P. 49 - L.D. 141

An Act To Clarify the Process for Public Improvement Construction Contracts

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

Sec. 1. 5 MRSA §1743, sub-§2, as enacted by PL 2001, c. 271, §1, is amended to read:

2. Competitive bids. A public improvement contract may be awarded under a system of competitive bidding in accordance with this Part and such other conditions as the Governor may prescribe. The competitive bidding process may be waived in individual cases involving emergency circumstances with the written approval of the director.

See title page for effective date.

CHAPTER 10

S.P. 59 - L.D. 177

An Act To Clarify the Requirements for Temporary Licensure of Psychologists

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

Sec. 1. 32 MRSA §3824, sub-§5, as amended by PL 1991, c. 144, §1, is further amended to read:

5. Temporary licensure. The board shall provide rules for the granting of a temporary license to enable psychologists to practice in this State under supervision prior to full licensure by the board. An applicant who possesses at least 1,500 hours of post-doctoral experience and fulfills all the requirements for licensure, except the written examination, may apply to the board for a temporary license. Upon receiving a completed application and fee and upon the applicant's successful completion of an oral examination, the board shall issue a temporary license that entitles the applicant to practice as a psychologist or psychological examiner under supervision while completing the requirements for permanent licensure. The temporary license is effective for one year.

See title page for effective date.

CHAPTER 11

H.P. 155 - L.D. 173

An Act To Allow a Newspaper Carrier To Use Flashing Amber Lights on That Carrier's Vehicle

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

Sec. 1. 29-A MRSA §2054, sub-§2, ¶C, as amended by PL 2005, c. 482, §4, is further amended to read:

C. The use of amber lights on vehicles is governed by the following.