

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 12, 2009

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

Augusta, Maine
2009

Sec. 10. 7 MRSA §1346, as amended by PL 2003, c. 386, §11, is further amended to read:

§1346. License fees deposited in General Fund

Notwithstanding section 1332, section 1333, subsection 3 and section 1342, subsections 3 and 4, the first \$1,120 collected each year under those sections and under section 1342-A for license fees for domesticated cervid farms and commercial large game shooting areas and transport tag fees must be deposited in the General Fund.

See title page for effective date.

**CHAPTER 250
H.P. 46 - L.D. 53**

**An Act To Permit the Use of a
Common Flue for Oil and Solid
Fuel Burning Equipment**

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

Sec. 1. 25 MRSA §2465, sub-§1-A, as enacted by PL 2005, c. 571, §1, is amended to read:

1-A. Routine technical rules. The Commissioner of Public Safety shall adopt rules pertaining to the construction, installation, maintenance and inspection of chimneys, fireplaces, vents and solid fuel burning appliances. Rules adopted pursuant to this subsection may include rules pertaining to maintenance and inspections, except as provided in subsection 1-B. Rules adopted pursuant to this subsection may not prohibit the continued use of an existing connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use prior to February 2, 1998 as long as sufficient draft is available for each appliance, the chimney is lined and structurally intact and a carbon monoxide detector is installed in the building near a bedroom. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 32 MRSA §2402-A, as enacted by PL 1999, c. 386, Pt. J, §16, is amended to read:

§2402-A. Rules

The board may adopt reasonable rules for the issuance of various types and classes of licenses to cover oil and solid fuel burner installations and to set forth standards and rules for product approval. Rules adopted pursuant to this section may not prohibit the continued use of an existing connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use prior to February 2, 1998 as long as sufficient draft is available for each appli-

ance, the chimney is lined and structurally intact and a carbon monoxide detector is installed in the building near a bedroom. A license may cover one or more types of installations. The board may further adopt reasonable rules concerning the term and type of experience required by candidates for examination.

See title page for effective date.

**CHAPTER 251
S.P. 530 - L.D. 1445**

**An Act To Clarify and
Strengthen the State's Motor
Vehicle Laws**

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

Sec. 1. 29-A MRSA §555, sub-§2, ¶A-2 is enacted to read:

A-2. The bureau may not adopt any rule that exempts motor carriers, vehicles or drivers transporting hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with 49 Code of Federal Regulations, Part 172 from any federal regulation adopted and incorporated by reference into any rule adopted by the bureau pursuant to this subsection. Notwithstanding paragraph A-1, the Maine Administrative Procedure Act does not apply to the amendment of any rule consistent with the prohibition set forth in this paragraph.

Sec. 2. 29-A MRSA §558, sub-§1-B, ¶A, as amended by PL 2007, c. 703, §15, is further amended to read:

A. Except as provided in paragraphs C ~~and~~ D and E, a person who violates this subchapter or a rule adopted pursuant to this subchapter commits a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. 3. 29-A MRSA §558, sub-§1-B, ¶B, as amended by PL 2007, c. 703, §15, is further amended to read:

B. Except as provided in paragraphs C ~~and~~ D and E, a person who knowingly permits a violation of this subchapter or a rule adopted pursuant to this subchapter commits a Class E crime.

Sec. 4. 29-A MRSA §558, sub-§1-B, ¶E is enacted to read:

E. A person who violates this subchapter or a rule adopted pursuant to this subchapter commits a civil violation if the violation is discovered during a compliance review as that term is defined in 49 Code of Federal Regulations, Part 385.3, unless

the compliance review occurs during the course or as a result of a criminal investigation. A violation under this paragraph is subject to a civil fine, which must be determined with due consideration of the Federal Motor Carrier Safety Administration's uniform fine assessment program.

Sec. 5. 29-A MRSA §1761, sub-§6, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. 6. 29-A MRSA §1916, sub-§2, ¶B, as amended by PL 1997, c. 129, §1, is further amended to read:

B. The provisions of subsection 1, paragraphs C and D do not apply to side windows behind the operator's seat or the rear window of ~~the following motor vehicles a motor vehicle, provided that as long as~~ the vehicle is equipped with 2 outside rear view mirrors, one on each side, adjusted so that the operator has a clear view of the highway behind the vehicle;

- ~~(1) A bus that transports passengers for hire;~~
- ~~(2) A motor vehicle used to transport human remains by a funeral establishment, as described in Title 32, section 1501, or by a medical examiner appointed pursuant to Title 22, section 3022 or 3023;~~
- ~~(3) A limousine that regularly transports passengers for hire and has a carrying capacity of more than 6 passengers and whose owner is required to obtain an operating permit pursuant to section 552; and~~
- ~~(4) A multi purpose vehicle.~~

Sec. 7. 29-A MRSA §1916, sub-§2-A, as enacted by PL 1997, c. 129, §2, is repealed.

Sec. 8. 29-A MRSA §1917, sub-§2, as amended by PL 2005, c. 66, §1, is further amended to read:

2. Safe tires required. A motor vehicle may not be operated on a public way unless it is equipped with tires in safe operating condition. A tire mounted on a motor vehicle is not considered to be in safe operating condition unless it meets the visual and tread depth requirements set forth in subsections 3 and 4 ~~and the wheel size requirements in subsection 6, the overall diameter of the properly mounted and inflated tire is within 2 inches of the range of sizes recommended by the manufacturer for the model vehicle and the vehicle is in compliance with the frame height requirements provided in section 1920.~~

Sec. 9. 29-A MRSA §1917, sub-§6, as enacted by PL 2003, c. 146, §1, is repealed.

Sec. 10. 29-A MRSA §2054, sub-§2, ¶C, as amended by PL 2007, c. 11, §1, 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 an auxiliary light that provides visible light coverage over a 360° range. The light must emit an amber beam of light and be equipped with a blinking or strobe light function and have sufficient intensity to be visible at 500 feet in normal daylight. 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 a beam 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 in normal 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 amber auxiliary lights.

(7) A Department of Public Safety vehicle operated by a motor carrier inspector or motor vehicle 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.

(10) A vehicle used by an individual to transport and deliver newspapers may be equipped with auxiliary lights that emit a flashing amber light.

Sec. 11. 29-A MRSA §2078, last ¶, as amended by PL 1999, c. 183, §11, is further amended to read:

An operator or pedestrian commits a Class E crime if that operator or pedestrian refuses to follow the directions for the movement of vehicles or pedestrians on request or signal of a law enforcement officer or if the operator or pedestrian knowingly refuses to follow the direction of a sign clearly posted by a law enforcement officer to temporarily close a way to vehicular traffic or to vehicles of a certain description or to divert pedestrian or vehicular traffic during a fire, accident, emergency or special event. For the purposes of this section, a posted sign must include language sufficiently describing the restriction or prohibition and must include the fact that a violation is a Class E crime.

Sec. 12. 29-A MRSA §2307, sub-§1, as amended by PL 2003, c. 633, §7, is further amended to read:

1. Biannual inspection. Notwithstanding chapter 15, a school bus must be inspected biannually by an official inspection station designated by the Chief of the State Police as a school bus inspection station; ~~biannually during each of the 2 months designated by the State Police in consultation with the Department of Education.~~ An inspection sticker issued pursuant to this section is valid for no longer than 6 months from the last day of the month the sticker is issued.

Sec. 13. 29-A MRSA §2307, sub-§2, as amended by PL 2003, c. 633, §7, is further amended to read:

2. Additional inspection. In addition to inspections under subsection 1, a school bus inspection must be conducted by the State Police at least annually ~~within 3 months following one of the inspections required by subsection 1.~~ During such an inspection, an officer or employee of the State Police may remove an inspection sticker issued to a school bus and require the bus to be reinspected for a violation of applicable law or the rules adopted pursuant to section 1769.

Sec. 14. 29-A MRSA §2307, sub-§3, as amended by PL 2003, c. 633, §7, is repealed.

Sec. 15. 29-A MRSA §2358, sub-§2, as amended by PL 2001, c. 687, §§18 and 19, is further amended to read:

2. Weighing points. The Chief of the State Police, or a person designated by the chief, may designate weighing points.

A weighing point must have signs:

- A. Not less than 500 feet from approaching traffic;
- B. Bearing the words "State Police ~~Truck~~ Commercial Vehicle Check - All Trucks and Buses Stop";
- C. Displaying flashing yellow lights, which must operate when the weighing station is open; and
- D. Directing operators of vehicles subject to the GVW restrictions to the weighing point if the weighing point is located on a way that intersects the way where the sign is located.

The placement of signs is prima facie evidence that these signs were displayed in accordance with this section.

An operator of a ~~vehicle subject to GVW restrictions~~ bus or truck with a registered weight or gross vehicle weight rating greater than 10,000 pounds or subject to the Federal Motor Carrier Safety Administration regulations who fails to stop at the weighing point when the signs are operating, unless otherwise directed by a state police officer, commits a traffic infraction for

which a forfeiture fine not to exceed \$500 may be adjudged.

See title page for effective date.

CHAPTER 252

S.P. 510 - L.D. 1391

An Act To Amend the Laws Governing Emergency Management

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

Sec. 1. 37-B MRSA §741, sub-§3, ¶G, as repealed and replaced by PL 2003, c. 510, Pt. A, §34, is amended to read:

G. On behalf of the State, enter into mutual aid arrangements with other states and foreign countries, and their political subdivisions, and coordinate mutual aid plans between political subdivisions of the State. If an arrangement is entered into with a jurisdiction that has enacted ~~the Interstate Civil Defense and Disaster Compact, chapter 15,~~ the Emergency Management Assistance Compact, chapter 16, or the International Emergency Management Assistance Compact, chapter 16-A, any resulting agreement or agreements may be considered supplemental agreements pursuant to those compacts. If the other jurisdiction or jurisdictions with which the Governor proposes to cooperate have not enacted one of those compacts, the Governor may negotiate special agreements with the jurisdiction or jurisdictions. Any agreement, if sufficient authority for its making does not otherwise exist, becomes effective only after approval by the Legislature; and

Sec. 2. 37-B MRSA §745, sub-§2, as amended by PL 2005, c. 634, §13, is further amended to read:

2. Sources of fund. The following must be paid into the fund:

- A. All money appropriated for inclusion in the fund;
- B. All interest from investment of the fund; ~~and~~
- C. Any other money deposited in the fund from the Department of Defense, Veterans and Emergency Management, Disaster Assistance Relief, Other Special Revenue Funds account; ~~and~~
- D. Reimbursement received from the Federal Government or other legal entity for disaster relief expenditures made from the fund.

Sec. 3. 37-B MRSA §745, sub-§3, as amended by PL 2005, c. 634, §13, is further amended to read:

3. Use of fund. The fund must be the first resource used when section 742 or 744 is invoked. ~~The fund may also be used for the purpose of matching federal funds in the event of a federally declared disaster. The fund may be used for any of the following at the discretion of the Governor or Governor's designee:~~

- A. To provide disaster relief to individuals and families when a federal disaster declaration is not received;
- B. To provide disaster relief to local governmental units of the State for infrastructure repair and response when a federal disaster declaration is not received;
- C. Emergency response costs for state agencies;
- D. To provide low-interest loans to businesses for disaster relief when a federal disaster declaration is not received;
- E. Disaster-related unmet needs of individuals and families following a federally declared disaster;
- F. Matching funds for assistance to individuals in a federally declared disaster; and
- G. Matching funds for assistance to state and local governmental units in a federally declared disaster.

Sec. 4. 37-B MRSA §745, sub-§4, as enacted by PL 2005, c. 634, §13, is amended to read:

4. Fund balance. The fund's balance may not exceed \$3,000,000, ~~except by order of the Governor. Any~~ In the absence of such an order, any amount, including interest, that accrues in excess of \$3,000,000 must be transferred by the State Controller to the Maine Budget Stabilization Fund, established in Title 5, section 1532. Beginning July 1, 2010, the fund's maximum allowable balance must be adjusted annually on July 1st by any percentage change in the Consumer Price Index from January 1st to December 31st of the previous year, but only to a maximum increase of 2%.

Sec. 5. 37-B MRSA §797, as amended by PL 2001, c. 533, §1, is further amended to read:

§797. Maine chemical inventory report

A person required to submit a facility emergency response plan, material safety data sheet or list of hazardous chemicals and extremely hazardous substances must submit a Maine chemical inventory ~~reporting form report~~ to the commission, the local emergency planning committee and the local fire department with jurisdiction over the facility. The inventory ~~reporting form report~~ and fee must be submitted by March 1st