

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2010 to June 29, 2011**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 28, 2011**

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

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**Augusta, Maine**  
**2011**

C. The employer, if organized as a corporation, is subject to administrative dissolution as provided in Title 13-C, section 1421 or revocation of its authority to do business in this State as provided in Title 13-C, section 1532. The employer, if organized as a ~~domestic~~ limited liability company, is subject to administrative dissolution as provided in Title 31, section ~~608-B~~ 1592. The employer, if licensed, certified, registered or regulated by any board authorized by Title 5, section 12004-A or whose license may be revoked or suspended by proceedings in the District Court or by the Secretary of State, is subject to revocation or suspension of the license, certification or registration.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect July 1, 2011.

Effective July 1, 2011.

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**CHAPTER 114  
H.P. 608 - L.D. 812**

**An Act To Allow  
Municipalities the Option To  
Subsidize Publicly Owned Bus  
Stops through Advertising**

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

**Sec. 1. 23 MRSA §1908-A** is enacted to read:  
**§1908-A. Outdoor advertising; publicly owned bus  
stops**

A municipality may erect and maintain at a publicly owned bus stop outdoor advertising signs visible to the traveling public from a public way. For purposes of this section, "bus stop" means a place where a public transport bus stops for the purpose of allowing passengers to board or leave the bus. The municipality is responsible for the administration of outdoor advertising signs under this section. Any revenue collected under this section by a municipality must be used for transportation purposes, including, but not limited to, maintenance of a publicly owned bus stop.

See title page for effective date.

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**CHAPTER 115  
H.P. 403 - L.D. 520**

**An Act To Allow a Waiver for  
On-premises Signs**

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

**Sec. 1. 23 MRSA §1903, sub-§8**, as repealed and replaced by PL 1981, c. 318, §1, is amended to read:

**8. On-premises sign.** ~~"On-premise~~ On-premises sign" means a sign ~~which that~~ is erected and maintained according to the standards set forth in section 1914 upon the ~~same~~ real property ~~that upon which~~ the business, facility or point of interest advertised by the sign is located or an approach sign as permitted by section 1914, subsection 10. ~~The signs shall only sign~~ may advertise only the business, facility or point of interest ~~conducted thereon at~~, or the sale, rent or lease of, the property upon which it is located.

**Sec. 2. 23 MRSA §1914, sub-§4**, as repealed and replaced by PL 1981, c. 318, §4, is amended to read:

**4. Location, relation to public way.** ~~No on-premise~~ On-premises signs ~~may be permitted~~ are prohibited:

- A. Within 33 feet of the center line of any public way if the highway is less than 66 feet in width;
- B. ~~Within~~ Except as provided in subsection 4-A, within 20 feet from the outside edge of the paved portion of any public way with more than 2 travel lanes and a total paved portion in excess of 24 feet in width; ~~or and~~
- C. Within the full width of the right-of-way of any public way.

Paragraphs A and B ~~shall do~~ not apply to signs erected before September 1, 1957.

**Sec. 3. 23 MRSA §1914, sub-§4-A** is enacted to read:

**4-A. Waiver.** The commissioner may grant a person a written waiver of the prohibition under subsection 4, paragraph B for an on-premises sign when the owner of property on which the on-premises sign is to be located assumes all costs for removal and installation of the on-premises sign and provides a written statement of this fact to the registry of deeds for the county where the on-premises sign is to be located if:

- A. The majority of on-premises signs on either edge of the public way within 1,000 feet of the location of the proposed on-premises sign are located within 20 feet from the outside edge of the paved portion of the public way; or
- B. The proposed on-premises sign replaces an existing on-premises sign at the same location within 20 feet from the outside edge of the paved portion of the public way.

If an on-premises sign is granted a waiver under this subsection, the owner of the on-premises sign does not gain any permanent property rights relating to the

right-of-way of the public way by installing the on-premises sign within the right-of-way of the public way. The department is not responsible for loss or damage to an on-premises sign under this subsection from the use of the right-of-way of the public way for highway purposes. An on-premises sign under this subsection may be removed by the department at any time without compensation to the owner of the on-premises sign and at the owner's expense to accommodate highway uses.

The commissioner may adopt rules necessary for the implementation of this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 4. Maine Revised Statutes amended; revision clause.** Wherever in the Maine Revised Statutes, Title 23, chapter 21 the term "on-premise" appears, it is amended to read "on-premises," and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

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**CHAPTER 116**

**H.P. 152 - L.D. 175**

**An Act To Create a Short-term  
All-terrain Vehicle  
Registration System**

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

**Sec. 1. 12 MRSA §13155, sub-§5,** as amended by PL 2005, c. 12, Pt. III, §43, is repealed and the following enacted in its place:

**5. Fees.** The ATV registration fee is:

A. For a resident, \$33 annually. The registration for an ATV owned by a resident is valid for one year, beginning on July 1st of each year; and

B. For a nonresident:

(1) Fifty-three dollars for a registration valid for 7 consecutive days. A person may purchase more than one 7-day registration in any season; and

(2) Sixty-eight dollars for a registration valid for one year.

The registration for an ATV owned by a nonresident must specify the dates for which the registration is valid.

**Sec. 2. Effective date.** This Act takes effect May 1, 2012.

Effective May 1, 2012.

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**CHAPTER 117  
H.P. 349 - L.D. 456**

**An Act Relating to Temporary  
Disability Parking Permits**

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

**Sec. 1. 29-A MRSA §521, sub-§6-A** is enacted to read:

**6-A. Parking permit.** The Secretary of State shall create a 21-day parking permit for a person with a disability to be used while a person is waiting to receive a disability registration plate or placard and may appoint a licensed physician, physician assistant, nurse practitioner or registered nurse as an agent authorized solely to issue such a permit. The Secretary of State shall determine by rule qualifications and requirements for an agent authorized under this subsection. The 21-day parking permit must be in a form prescribed by the Secretary of State by rule and convey the privileges and restrictions authorized under this section. The 21-day parking permit must be displayed in a manner so that it may be viewed from the front of the vehicle whenever the vehicle is parked in a parking space for a person with a disability. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Agents appointed pursuant to this subsection may not charge a fee for issuing a 21-day parking permit for a person with a disability.

See title page for effective date.

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**CHAPTER 118  
S.P. 57 - L.D. 207**

**An Act To Amend the Laws  
Regarding Tips Used in  
Payment of Service Employees**

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

**Sec. 1. 26 MRSA §663, sub-§8,** as amended by PL 2007, c. 367, §1, is further amended to read:

**8. Service employee.** "Service employee" means any employee engaged in an occupation, ~~such as waiters, waitresses, bellhops, counter personnel and bartenders who serve customers,~~ in which the employee customarily and regularly receives more than \$30 a month in tips.

**Sec. 2. 26 MRSA §663, sub-§15** is enacted to read:

**15. Tip.** "Tip" means a sum presented by a customer in recognition of services performed by one or