

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

SECOND REGULAR SESSION
January 2, 2008 to March 31, 2008

FIRST SPECIAL SESSION
April 1, 2008 to April 18, 2008

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 2008

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 18, 2008

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

Penmor Lithographers
Lewiston, Maine
2008

Sec. 3. 29-A MRSA §504, sub-§1, ¶A, as amended by PL 1999, c. 790, Pt. C, §8 and affected by §19, is further amended to read:

A. For gross weight from 0 to 6,000 pounds, the fee is ~~\$25~~ \$35.

Beginning July 1, 2009, \$10 of the fee must be transferred on a quarterly basis by the Treasurer of State to the TransCap Trust Fund established by Title 30-A, section 6006-G.

Sec. 4. 29-A MRSA §603, sub-§1, as amended by PL 2001, c. 440, Pt. C, §1, is further amended to read:

1. Fee of \$33. A fee of ~~\$23~~ \$33 must be paid to the Secretary of State for the following:

- A. A report of a search of the records of the Bureau of Motor Vehicles for each name or identification number;
- B. Filing an application for a first certificate of title, including security interest;
- C. Filing notice of a security interest after the first certificate of title has been issued;
- D. A certificate of title after a transfer;
- E. A certificate of salvage;
- F. A corrected certificate of title or salvage;
- G. A duplicate certificate; or
- H. Assignment of a new vehicle identification number.

Beginning July 1, 2009, \$10 of the fee must be transferred on a quarterly basis by the Treasurer of State to the TransCap Trust Fund established by Title 30-A, section 6006-G.

For a person who possesses a trailer or semitrailer registration pursuant to section 512, subsection 3, the fee is \$18.

Sec. 5. Authorization to issue TransCap Trust Fund revenue bonds for bridges. Notwithstanding any other provision of law, the Maine Municipal Bond Bank, at the request of the Department of Transportation, is authorized to issue TransCap Trust Fund revenue bonds as provided in the Maine Revised Statutes, Title 30-A, section 6006-G from time to time in amounts that in total do not exceed \$160,000,000 from the effective date of this bill to fiscal year 2012-13 for the purpose of making capital improvements to bridges and minor spans on or over public ways in the State. This section does not limit the ability to authorize additional TransCap Trust Fund revenue bonds for additional bridge needs or any other eligible purpose.

Sec. 6. Bridge innovation and composites initiative. The Department of Transportation, work-

ing with the University of Maine, shall implement a bridge innovation and composites initiative. This initiative seeks to expand the use of composite technologies in bridge maintenance and capital applications, expand markets and research for transportation-related uses of composites, use technology and products to inspect and extend the life of bridges and bridge components and reduce reliance on fossil fuels in the content or the production of bridge components. The initiative also seeks to develop materials, components and delivery models that expedite the design, rehabilitation and construction of bridges, reduce costs and reduce the impact on the traveling public. The delivery models may use a composite content scale and other standards to provide incentives to meet the objectives of this initiative. As used in this section, "bridge" includes minor spans.

Sec. 7. Appropriations and allocations. The following appropriations and allocations are made.

TRANSPORTATION, DEPARTMENT OF Highway and Bridge Capital 0406

Initiative: Allocates additional funds on a one-time basis for the Highway and Bridge Capital program.

HIGHWAY FUND	2007-08	2008-09
Capital Expenditures	\$0	\$12,971,000
HIGHWAY FUND TOTAL	\$0	\$12,971,000

Sec. 8. Effective date. This Act takes effect September 1, 2008.

Effective September 1, 2008.

CHAPTER 648

H.P. 1669 - L.D. 2309

An Act To Enhance the Security of State Credentials

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

Sec. 1. 29-A MRSA §1301, sub-§2-A is enacted to read:

2-A. Legal presence requirement. The Secretary of State may not issue a license to an applicant unless the applicant presents to the Secretary of State valid documentary evidence of legal presence in the United States.

Sec. 2. 29-A MRSA §1406, sub-§9 is enacted to read:

9. Expiration of license; lawfully present non-citizens. Notwithstanding any law to the contrary, a license issued to an applicant who is not a citizen or a legal permanent resident of the United States expires coterminously with the applicant's authorized duration of stay or the otherwise applicable expiration date of the license under this section, whichever occurs first. A license issued under this subsection must be valid for a period of at least 120 days.

Sec. 3. 29-A MRS §1410, sub-§8 is enacted to read:

8. Legal presence requirement. The Secretary of State may not issue a nondriver identification card to an applicant unless the applicant presents to the Secretary of State valid documentary evidence of legal presence in the United States.

Sec. 4. 29-A MRS §1410, sub-§9 is enacted to read:

9. Expiration of nondriver identification card; lawfully present noncitizens. Notwithstanding any law to the contrary, a nondriver identification card issued to an applicant who is not a citizen or a legal permanent resident of the United States expires coterminously with the applicant's authorized duration of stay or 6 years, whichever is the shorter period of time. A nondriver identification card issued under this subsection must be valid for a period of at least 120 days.

Sec. 5. Rulemaking; legal presence for license and identification cards; draft rules. No later than November 15, 2008, the Secretary of State shall adopt rules governing what documents constitute valid documentary evidence to establish legal presence pursuant to the Maine Revised Statutes, Title 29-A, section 1301, subsection 2-A and Title 29-A, section 1410, subsection 8. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 6. Participation in verification program; report. Notwithstanding the Maine Revised Statutes, Title 29-A, section 1411, the Secretary of State shall by December 1, 2009 participate in the federal Systematic Alien Verification for Entitlements Program maintained by United States Citizenship and Immigration Services for the exclusive purpose of verifying the lawful presence of noncitizen applicants for driver's licenses or nondriver identification cards.

No later than January 30th of each year, beginning in 2010, the Secretary of State shall report to the joint standing committee of the Legislature having jurisdiction over transportation matters regarding the operation and effectiveness of the Systematic Alien Verification for Entitlements Program.

Sec. 7. Development of method to avoid duplication. Notwithstanding the Maine Revised Statutes, Title 29-A, section 1411, the Secretary of

State shall study the most cost-effective way, such as facial recognition or fingerprint technology, to ensure that an applicant does not have more than one driver's license or nondriver identification card issued by the State. The Secretary of State shall make a written report of findings and recommendations to the Governor and to the joint standing committee of the Legislature having jurisdiction over transportation matters no later than October 1, 2009.

Sec. 8. Photographs. Notwithstanding the Maine Revised Statutes, Title 29-A, section 1411, the Secretary of State shall study the most cost-effective way to develop and implement policies and procedures in order to take and maintain photographs of applicants at the time an application for a driver's license or nondriver identification card is submitted. The Secretary of State shall make a written report of findings and recommendations to the Governor and to the joint standing committee of the Legislature having jurisdiction over transportation matters no later than October 1, 2009.

Sec. 9. Federal REAL ID Act of 2005; repeal. If the United States Congress repeals the federal REAL ID Act of 2005, the Secretary of State shall submit proposed legislation to the joint standing committee of the Legislature having jurisdiction over transportation matters that returns Maine law regarding the issuance of driver's licenses and nondriver identification cards to what it was prior to the effective date of this Act. Upon receipt and review of that proposed legislation, the joint standing committee may submit a bill to the session of the Legislature in which the Secretary of State submits that proposed legislation.

See title page for effective date.

CHAPTER 649

S.P. 591 - L.D. 1684

An Act To Create the Maine Agriculture Protection Act

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

Whereas, maintaining a base of commercially viable agricultural land is vital to rural communities and the State's economy; and

Whereas, thoughtful policies are needed to address the impact of development on working farms and farmland; and

Whereas, convening a commission for this purpose as soon as possible will allow more time for thoughtful examination of the issues; and