

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**November 13, 2002 to November 14, 2002**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 2002 to June 14, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**FEBRUARY 13, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 13, 2003**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2003**

plate may not be loaned, used in place of registration plates on another vehicle, used for personal reasons or used on the towing vehicle. Issuance of a trailer transit license and plate does not exempt the holder from compliance with any state law or municipal ordinance governing the movement of mobile homes, storage trailers, modular homes or frames for transporting modular homes or light trailers over the highways of this State and does not exempt the holder from required permits or certificates prior to moving the vehicles. Trailer transit plates issued pursuant to this subsection may only be used subject to the following conditions.

- A. A storage trailer must be empty during transportation.
- B. A light trailer may be transported with a load appropriate for the light trailer, provided that the load is owned by or in the custody of the transporting business.
- C. A light trailer may be transported with a trailer transit plate only if the business owner or an employee of the business accompanies the vehicle transporting the light trailer.

Fees for trailer transit licenses and plates are established in section 852. Trailer transit licenses are exempt from section 951, subsection 6.

For purposes of this subsection, "business" means a corporation, firm, partnership, joint venture, sole proprietorship or other commercial entity. For the purposes of this subsection, "modular home" has the same meaning as in Title 30-A, section 4358, subsection 1, paragraph A, subparagraph (2).

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

Effective May 13, 2003

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## CHAPTER 133

S.P. 148 - L.D. 430

### An Act To Clarify Ownership Rights to Repossessed Vehicles

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

**Sec. 1. 29-A MRSA §665, sub-§6** is enacted to read:

**6. Repossession.** Upon the exercise of the right to take possession of a vehicle by a lienholder that is a supervised financial organization as defined in Title

9-A, section 1-301, ownership of the vehicle vests in the lienholder, subject to the rights granted to the owner and the duties imposed on the lienholder under Title 9-A, Article 5, Part 1 and Title 11, Article 9-A, Part 6.

See title page for effective date.

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## CHAPTER 134

S.P. 247 - L.D. 709

### An Act To Require Public Meetings prior to Dam Removal

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

**Sec. 1. 38 MRSA §480-E, sub-§12** is enacted to read:

**12. Dam removal.** A person intending to file an application for a permit to remove an existing dam must attend a preapplication meeting with the department and must hold a public informational meeting prior to filing the application. The preapplication meeting and the public informational meeting must be held in accordance with the department's rules on the processing of applications.

**Sec. 2. 38 MRSA §634, sub-§4** is enacted to read:

**4. Dam removal.** A person intending to file an application for a permit to remove an existing dam must attend a preapplication meeting with the department and must hold a public informational meeting prior to filing the application. The preapplication meeting and the public informational meeting must be held in accordance with the department's rules on the processing of applications.

See title page for effective date.

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## CHAPTER 135

H.P. 374 - L.D. 485

### An Act Clarifying the Maine Consumer Credit Code

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

**Sec. 1. 9-A MRSA §2-502, sub-§3,** as amended by PL 1977, c. 564, §44, is repealed.

**Sec. 2. 9-A MRSA §2-502, sub-§3-A** is enacted to read:

3-A. In connection with collecting a debt, a delinquency charge under subsection 1, paragraph A may not be collected on a payment if the only delinquency is attributable to late fees or delinquency charges assessed on earlier installments, and the payment is otherwise a full payment for the applicable period and is paid on its due date, or within the applicable grace period. For the purposes of this subsection, "collecting a debt" means any activity, other than the use of judicial process, that is intended to bring about or does bring about repayment of all or part of the money due or alleged to be due from a consumer.

See title page for effective date.

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**CHAPTER 136**

**S.P. 245 - L.D. 707**

**An Act Regarding the Development and Implementation of an Eradication Plan for Invasive Aquatic Plants**

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

**Sec. 1. 38 MRSA §410-N, sub-§3, ¶C** is enacted to read:

C. The department may study and develop a plan that includes the use of water level draw-down for the eradication of invasive aquatic plants. If determined feasible by the department, the department may implement a plan developed pursuant to this paragraph. The department may seek funding from private sources to support the activities described in this paragraph.

See title page for effective date.

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**CHAPTER 137**

**S.P. 205 - L.D. 596**

**An Act To Improve the Effectiveness of the Maine Coastal and Inland Surface Oil Clean-up Fund**

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

**Sec. 1. 38 MRSA §551, sub-§1-B,** as enacted by PL 1993, c. 720, §3, is amended to read:

**1-B. Research and development.** The Legislature may allocate not more than ~~\$100,000~~ **\$250,000** per annum of the amount currently in the fund to be

devoted to research and development in the causes, effects and removal of pollution caused by oil, petroleum products and their by-products on the marine environment. Researchers receiving funds under this subsection shall use vessels based in this State as platforms when practicable. Such allocations must be made in accordance with section 555. This subsection takes effect July 1, 1996.

See title page for effective date.

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**CHAPTER 138**

**H.P. 528 - L.D. 722**

**An Act to Protect Against Unlawful Sexual Touching**

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

**Sec. 1. 17-A MRSA §251, sub-§1, ¶G** is enacted to read:

G. "Sexual touching" means any touching of the breasts, buttocks, groin or inner thigh, directly or through clothing, for the purpose of arousing or gratifying sexual desire.

**Sec. 2. 17-A MRSA §254, sub-§1, ¶¶D and E,** as enacted by PL 2001, c. 383, §21 and affected by §156, are amended to read:

D. The person violates paragraph C and the actor knows that the student is related to the actor within the 2nd degree of consanguinity. Violation of this paragraph is a Class D crime; or

E. The person violates paragraph C and the actor is at least 10 years older than the student. Violation of this paragraph is a Class D crime; or

**Sec. 3. 17-A MRSA §254, sub-§1, ¶F** is enacted to read:

F. The person intentionally subjects another person, not the actor's spouse, who is either 14 or 15 years of age to any sexual contact and the actor is at least 10 years older than the other person. Violation of this paragraph is a Class D crime.

**Sec. 4. 17-A MRSA §254, sub-§2,** as amended by PL 2001, c. 383, §21 and affected by §156, is further amended to read:

**2.** It is a defense to a prosecution under subsection 1, paragraphs A, A-1 ~~and~~, A-2 ~~and~~ F, that the actor reasonably believed the other person is at least 16 years of age.

**Sec. 5. 17-A MRSA §260** is enacted to read: