

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2004 to March 30, 2005**

**FIRST SPECIAL SESSION**  
**April 4, 2005 to June 18, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 17, 2005**

**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**  
**2005**

**4. Penalties.** A person who violates this section commits a Class E crime.

**5. Aggravated punishment category.** Notwithstanding subsection 4, a person who intentionally, knowingly or recklessly fails to comply with this section when the accident resulted in serious bodily injury, as defined in Title 17-A, section 2, subsection 23, or death, commits a Class C crime.

**§13157-C. ATV accident reports**

**1. Report requirements.** A person shall give notice of an ATV accident within 72 hours to the commissioner on forms provided by the commissioner if the person is:

A. The operator of an ATV involved in an accident that does not result in injuries requiring the services of a physician or in the death of a person but involves property damage estimated to cost \$1,000 or more;

B. A person acting for the operator of an ATV described in paragraph A; or

C. The owner of an ATV described in paragraph A having knowledge of the accident if the operator of the ATV is unknown.

**2. Penalties.** The following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

B. A person who violates this section after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

See title page for effective date.

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**CHAPTER 437**

**H.P. 738 - L.D. 1085**

**An Act To Require Alcohol Retailers To Post Signs Regarding the Laws Governing Alcohol**

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

**Sec. 1. 28-A MRSA §15** is enacted to read:

**§15. Display of signs**

A licensee under chapter 19 or 45 shall post a sign provided by the commissioner in a conspicuous

location at the licensed premises informing customers of the provisions of sections 2051 and 2081. A person who violates this section commits a civil violation for which a fine of not less than \$50 nor more than \$200 may be adjudged for any one offense.

**Sec. 2. Commissioner to distribute signs.**

Within the existing resources of the Department of Public Safety, the Commissioner of Public Safety shall create a sign that describes the provisions of the Maine Revised Statutes, Title 28-A, sections 2051 and 2081 pursuant to Title 28-A, section 15 and distribute a copy of the sign to all liquor licensees under Title 28-A, chapters 19 and 45.

See title page for effective date.

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**CHAPTER 438**

**S.P. 149 - L.D. 462**

**An Act To Make the 3rd Violation of OUI a Class C Crime**

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

**Sec. 1. 29-A MRSA §2411, sub-§5, ¶C,** as amended by PL 2003, c. 673, Pt. TT, §4, is further amended to read:

C. For a person having 2 previous OUI offenses within a 10-year period, which is a Class C crime:

(1) A fine of not less than \$1,100, except that if the person failed to submit to a test at the request of a law enforcement officer, a fine of not less than \$1,400;

(2) A period of incarceration of not less than 30 days, except that if the person failed to submit to a test at the request of a law enforcement officer, a period of incarceration of not less than 40 days;

(3) A court-ordered suspension of a driver's license for a period of 4 years; and

(4) In accordance with section 2416, a court-ordered suspension of the person's right to register a motor vehicle;

See title page for effective date.