

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 20, 2007

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

Penmor Lithographers
Lewiston, Maine
2007

debtor in the financing statement record without that person's authorization; or

(3) Was filed or presented for filing with the intent that the financing statement record be used to defraud any person.

B. A person who violates this subsection is liable to each debtor under paragraph A for:

- (1) The greater of:
 - (a) \$10,000; and
 - (b) The actual damages caused by the violation;
- (2) Court costs;
- (3) Reasonable attorney's fees;
- (4) Related expenses of bringing the action, including investigative expenses; and
- (5) Punitive damages in the amount determined by the court.

C. The following persons may bring an action to enjoin a violation of this subsection or to recover damages under this subsection:

- (1) The natural person whose name was provided as an individual debtor in the financing statement record filed without that person's authorization under Title 11, section 9-1509 or 9-1708 or any guardian, conservator, executor, administrator or other legal representative of that person, a person who owns an interest in the collateral described or indicated in the financing statement record or a person directly harmed by the filing of the financing statement record; and
- (2) The Attorney General.

D. A filing officer may refer a matter to the Attorney General for filing the legal actions under this subsection.

E. An action under this subsection may be brought in any court in Kennebec County or in a county where any of the persons named in the cause of action under this subsection resides.

F. The fee for filing an action under this subsection is \$25. The plaintiff must pay the fee to the clerk of the court in which the action is filed. The plaintiff may not be assessed any other fee, cost, charge or expense by the clerk of the court.

G. A plaintiff who is unable to pay the filing fee and fee for service of notice may follow the court procedures to waive such fees.

H. If the fee imposed under paragraph F is less than the filing fee the court imposes for filing

other similar actions and the plaintiff prevails in the action, the court may order a defendant to pay to the court the difference between the fee paid under paragraph F and the filing fee the court imposes for filing other similar actions.

I. This subsection is cumulative of other law under which a person may obtain judicial relief with respect to any filed or recorded document. This subsection is not intended to be an exclusive remedy.

Sec. 2. 17-A MRSA §706-A is enacted to read:

§706-A. Falsely filing a recordable instrument

1. A person is guilty of falsely filing a recordable instrument if, with intent to defraud, harass or intimidate, the person files or causes to be filed a will, deed, mortgage, security instrument or other writing for which the law provides public recording, knowing or believing the writing to be false or without legal authority.

2. Falsely filing a recordable instrument is a Class D crime.

See title page for effective date.

CHAPTER 229

H.P. 724 - L.D. 964

An Act To Establish a Special License Plate To Honor Maine Residents Serving Our Country

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

Whereas, Maine residents serving in conflicts throughout the world need our support; and

Whereas, the need to support our troops and assist their families is urgent and important; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 5 MRSA §12004-I, sub-§84-A is enacted to read:

84-A.

Transportation:	We	Not	29-A MRSA
Motor	Support	Authorized	§456-D
Vehicles	Our		
	Troops		
	Advisory		
	Board		

Sec. 2. 29-A MRSA §456-D is enacted to read:

§456-D. We Support Our Troops registration plates

The Secretary of State shall issue registration plates, referred to in this section as "We Support Our Troops plates," to support Maine troops and their families in accordance with this section and section 468, except that the provisions of section 468, subsection 7 do not apply.

1. We Support Our Troops plates. The Secretary of State, upon receiving an application and evidence of payment of the excise tax required by Title 36, section 1482, the registration fee required by section 501 and the administrative fee and contribution provided for in subsection 2, shall issue a registration certificate and a set of We Support Our Troops plates to be used in lieu of regular registration plates. These plates must bear identification numbers and letters.

2. Administrative fee and contribution to special programs. A person may contribute funds for the purposes of providing financial assistance to members of the Maine National Guard and their families or residents of the State who are members of the Reserves of the Armed Forces of the United States and their families for emergencies and other special needs by applying for the We Support Our Troops plates and submitting, in addition to the regular motor vehicle registration fee required under section 501, a sum of \$20, which must be deposited with the Treasurer of State and credited as follows:

A. Ten dollars to the Maine National Guard Foundation Fund Special Revenue Funds account in the Department of Defense, Veterans and Emergency Management, referred to in this section as "the fund," for use in accordance with subsection 7; and

B. Ten dollars to the Highway Fund for administrative and production costs.

3. Renewal fee. In addition to the regular motor vehicle registration fee required under section 501, the annual renewal contribution for We Support Our Troops plates is \$15, which must be deposited with the Treasurer of State and credited as follows:

A. Ten dollars to the fund for use in accordance with subsection 7; and

B. Five dollars to the Highway Fund established in section 469 for administrative and production costs.

4. Design. A sponsor must submit a design for the We Support Our Troops plates to the Secretary of State for approval or modification in accordance with section 468, subsection 5. The design must include the shape of the boundaries of the State of Maine, with an image of a curled ribbon superimposed over the shape of the State, with the words "We Support Our Troops" printed along the bottom of the plate. The Secretary of State shall provide the final design to the joint standing committee of the Legislature having jurisdiction over transportation matters prior to manufacture of the plates. The Secretary of State shall issue upon request We Support Our Troops plates that are also vanity plates. We Support Our Troops plates are issued in accordance with the provisions of this section and section 453.

5. Duplicate plates prohibited. The Secretary of State shall issue a We Support Our Troops plate in a 3-number and 3-letter combination sequence. Vanity plates may not duplicate vanity plates issued in another class of plate.

6. Weight limit. A We Support Our Troops plate may be issued for a motor vehicle that does not exceed 10,000 pounds. A motor vehicle that exceeds 6,000 pounds is subject to the fees in section 504.

7. Administration of fees. The Secretary of State shall deposit to the Highway Fund \$20 for each initial set of We Support Our Troops plates and \$15 for each renewal of We Support Our Troops plates. The Treasurer of State shall transfer quarterly from the Highway Fund to the fund \$10 for each set of We Support Our Troops plates issued and for each renewal of We Support Our Troops plates.

The Treasurer of State shall reimburse the sponsor \$20,000 of the original payment from the Highway Fund after the issuance of the first 2,000 registration plates under this section.

Revenue in the fund must be used to provide financial assistance to members of the Maine National Guard, residents of the State who are members of the Reserves of the Armed Forces of the United States and the families of those members of the Maine National Guard or Reserves of the Armed Forces of the United States for emergencies and other special needs as determined by the We Support Our Troops Advisory Board established in Title 5, section 12004-I, subsection 84-A.

8. We Support Our Troops Advisory Board. The We Support Our Troops Advisory Board, as established by Title 5, section 12004-I, subsection 84-A and referred to in this section as "the board," consists of 9 members. Membership of the advisory board is as follows:

A. Eight members appointed by the Governor, in consultation with the Adjutant General of the State of Maine, as follows:

- (1) Two persons, each representing the interests of the Maine National Guard;
- (2) Two persons, each representing the interests of Maine residents in the Reserves of the Armed Forces of the United States; and
- (3) Four persons representing the interests of the public; and

B. The Adjutant General of the State of Maine.

The Adjutant General serves during the Adjutant General's term of office. The terms of members appointed under paragraph A are for 3 years. Members may be reappointed for subsequent terms. A vacancy must be filled in the same manner as an original appointment for the remainder of the unexpired term.

The board shall determine the use of the revenue in the fund. Revenue in the fund must be used to provide financial assistance in the form of loans or grants to members of the Maine National Guard, residents of the State who are members of the Reserves of the Armed Forces of the United States and the families of those members of the Maine National Guard or Reserves of the Armed Forces of the United States for emergencies and other special needs.

The board shall submit a report to the joint standing committee of the Legislature having jurisdiction over transportation matters by June 30th of each year. The report must provide a detailed account of funds for each fiscal year and include the number of loans and grants awarded, the names of those who received loans and grant money, a description of the process for awarding loans and grants and the total amount of loan and grant money awarded.

Sec. 3. Staggered terms for We Support Our Troops Advisory Board members. Notwithstanding the Maine Revised Statutes, Title 29-A, section 456-D, subsection 8, the first members appointed under Title 29-A, section 456-D, subsection 8, paragraph A, subparagraph (1) serve for 1 year, the first members appointed under Title 29-A, section 456-D, subsection 8, paragraph A, subparagraph (2) serve for 2 years and the first members appointed under Title 29-A, section 456-D, subsection 8, paragraph A, subparagraph (3) serve for 3 years.

Sec. 4. Timing of issuance of plates. The Secretary of State shall begin issuing We Support Our Troops plates under the Maine Revised Statutes, Title 29-A, section 456-D on November 1, 2007 if the sponsor of the plate who is registered under Title 29-A, section 468, subsection 1 provided to the Secretary of State by May 1, 2007 the sum of \$18,018 for deposit in the Specialty License Plate Fund established under Title 29-A, section 469. This amount represents the

incremental cost of issuing the specialty plate beginning November 1, 2007. If the full specified sum was not provided by the specified date, the Secretary of State shall begin issuing We Support Our Troops plates by April 1, 2008.

Sec. 5. Appropriations and allocations.

The following appropriations and allocations are made.

CORRECTIONS, DEPARTMENT OF State Prison 0144

Initiative: Allocates for the cost of the stock needed to produce "We Support Our Troops" specialty registration plates.

PRISON INDUSTRIES FUND	2007-08	2008-09
All Other	\$2,000	\$2,060
PRISON INDUSTRIES FUND TOTAL	\$2,000	\$2,060

CORRECTIONS, DEPARTMENT OF

DEPARTMENT TOTALS	2007-08	2008-09
PRISON INDUSTRIES FUND	\$2,000	\$2,060
DEPARTMENT TOTAL - ALL FUNDS	\$2,000	\$2,060

SECRETARY OF STATE, DEPARTMENT OF Administration - Motor Vehicles 0077

Initiative: Allocates for the cost of manufacturing "We Support Our Troops" specialty registration plates.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
All Other	\$58,018	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$58,018	\$0

SECRETARY OF STATE, DEPARTMENT OF

DEPARTMENT TOTALS	2007-08	2008-09
OTHER SPECIAL REVENUE FUNDS	\$58,018	\$0

DEPARTMENT TOTAL - ALL FUNDS	\$58,018	\$0
SECTION TOTALS	2007-08	2008-09
OTHER SPECIAL REVENUE FUNDS	\$58,018	\$0
PRISON INDUSTRIES FUND	\$2,000	\$2,060
SECTION TOTAL - ALL FUNDS	\$60,018	\$2,060

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

Effective June 5, 2007.

**CHAPTER 230
S.P. 332 - L.D. 1015**

**An Act To Amend the
Unemployment Laws**

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

Sec. 1. 26 MRSA §1043, sub-§11, ¶F, as amended by PL 2005, c. 35, §1 and c. 119, §2, is further amended to read:

F. The term "employment" ~~shall~~ does not include:

- (1) Service performed in the employ of this State, or of any political subdivision thereof, or of any instrumentality of this State or its political subdivisions, except as provided by this subsection;
- (2) Service performed in the employ of the United States Government or an instrumentality of the United States immune under the Constitution of the United States from the contributions imposed by this chapter, except that on and after January 1, 1940 to the extent that the Congress of the United States has permitted states to require any instrumentalities of the United States to make payments into an unemployment compensation fund under a state unemployment compensation or employment security law, all of the provisions of this chapter ~~shall be~~ are applicable to such instrumentalities and to services performed for such instrumentalities; in the same manner, to the same extent and on the same

terms as to all other employers, employing units, individuals and services. If this State ~~shall~~ is not ~~be~~ certified for any year by the Secretary of Labor under section 3304 of the Federal Internal Revenue Code, the payments required of such instrumentalities with respect to ~~such~~ that year ~~shall~~ must be refunded by the commissioner from the fund in the same manner and within the same period as is provided in section 1225, subsection 5, with respect to contributions erroneously collected;

(3) Service with respect to which unemployment compensation is payable under an unemployment compensation system or employment security system established by an Act of Congress. The commissioner is authorized and directed to enter into agreements with the proper agencies under such an Act of Congress, which agreements ~~shall~~ become effective 10 days after publication thereof in the manner provided in section 1082, subsection 2, for regulations, to provide reciprocal treatment to individuals who have, after acquiring potential rights to benefits under this chapter, acquired rights to unemployment compensation under such an Act of Congress, or who have, after acquiring potential rights to unemployment compensation under such an Act of Congress, acquired rights to benefits under this chapter;

(4) Agricultural labor as defined in subsection 1, except as provided in paragraph A-2;

(4-1) Agricultural labor, if performed by an individual who is an alien, other than a citizen of a contiguous country with which the United States has an agreement with respect to unemployment compensation, admitted to the United States to perform agricultural labor pursuant to the United States Immigration and Nationality Act, Sections 214(c) and 101(a) (15) (H);

(5) Domestic service in a private home, except as provided in paragraph A-3;

(6) Service performed by an individual in the employ of ~~his~~ that individual's son, daughter or spouse; and service performed by a child under the age of 18 in the employ of ~~his~~ that child's father or mother, except for periods of such service for which unemployment insurance contributions are paid;

(6-1) Services performed by a student attending an elementary, secondary or postsecondary school while participating in a cooperative program of education and occupa-