

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2008**

hearing that the animal has been ~~cruelly~~ abandoned or cruelly treated by its owner, the court shall declare the animal forfeited and order its sale, adoption or donation or order the animal to be disposed of humanely if a veterinarian determines that the animal is diseased or disabled beyond recovery.

**Sec. 45. 17 MRSA §1031, sub-§1, ¶J**, as amended by PL 2003, c. 452, Pt. I, §13 and affected by Pt. X, §2, is further amended to read:

J. Kills or tortures an animal to frighten or intimidate a person or forces a person to injure or kill an animal. Violation of this paragraph is a Class D crime; ~~or~~

**Sec. 46. 17 MRSA §1031, sub-§1, ¶J-1**, as enacted by PL 2003, c. 452, Pt. I, §13 and affected by Pt. X, §2, is amended to read:

J-1. Violates paragraph J and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime; ~~or~~

**Sec. 47. 17 MRSA §1031, sub-§1, ¶K** is enacted to read:

K. Confines an animal in a building, enclosure, car, boat, vehicle or vessel of any kind when extreme heat or extreme cold will be harmful to its health. Violation of this paragraph is a Class D crime.

**Sec. 48. 17 MRSA §1031, sub-§2**, as amended by PL 2003, c. 414, Pt. B, §31 and c. 452, Pt. I, §17 and affected by Pt. X, §2 and c. 614, §9, is further amended to read:

**2. Affirmative defense.** It is an affirmative defense to prosecution under this section that:

A. The defendant's conduct conformed to accepted veterinary practice or was a part of scientific research governed by accepted standards;

B. The defendant's conduct or that of the defendant's agent was designed to control or eliminate rodents, ants or other common pests on the defendant's own property; ~~or~~

C. The defendant's conduct involved the use of live animals as bait or in the training of other animals in accordance with the laws of the Department of Inland Fisheries and Wildlife, Title 12, Part 13; ~~or~~

D. The animal is kept as part of an agricultural operation and in compliance with best management practices for animal husbandry as determined by the Department of Agriculture, Food and Rural Resources.

Evidence of proper care of any animal is not admissible in the defense of alleged cruelty to other animals.

**Sec. 49. 17 MRSA §1037, sub-§2, ¶B**, as amended by PL 2005, c. 340, §3, is further amended to read:

B. Except as provided in subsections 5 and 7, shelter from inclement weather must be ~~as follows~~ provided according to this paragraph.

(1) An artificial shelter, with a minimum of 3 sides and a waterproof roof, appropriate to the local climatic conditions for the species ~~concerned and breed of the animal~~ must be provided as necessary for the health of the animal.

(2) If a dog is tied or confined unattended outdoors under weather conditions that adversely affect the health of the dog, a shelter ~~of suitable size with a floor above ground and waterproof roof~~ must be provided in accordance with subsection 7, paragraph A to accommodate the dog and protect it from the weather and, in particular, from severe cold. Inadequate shelter may be indicated by the shivering of the dog due to cold weather for a continuous period of ~~30~~ 10 minutes or by symptoms of frostbite or hypothermia. A metal barrel is not adequate shelter for a dog.

**Sec. 50. 17 MRSA §1037, sub-§2, ¶C**, as enacted by PL 1987, c. 383, §4, is repealed.

**Sec. 51. 17 MRSA §1037-A** is enacted to read:

**§1037-A. Affirmative defense**

It is an affirmative defense to alleged violations of sections 1035, 1036 and 1037 that the animal is kept as part of an agricultural operation and in compliance with best management practices for animal husbandry as determined by the Department of Agriculture, Food and Rural Resources.

See title page for effective date.

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**CHAPTER 703**

**H.P. 1459 - L.D. 2075**

**An Act To Amend Motor Vehicle Laws**

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

**Sec. 1. 7 MRSA §242, sub-§10**, as enacted by PL 2007, c. 456, §2, is amended to read:

**10. Receipt of money and property.** The council may accept grants or contributions of money or other things of value from any source, public or private. The council receives funds from the sale of agriculture education plates pursuant to Title 29-A, section

~~456-D~~ 456-F. The grants, receipts and other contributions must be held by the council and used to carry out the purposes of this section, subject to any condition under which the grant or contribution was accepted by the council. Funds may be used to compensate members of the council for expenses in accordance with the council's bylaws. Funds received under this subsection are not state funds.

**Sec. 2. 29-A MRSA §455**, as amended by PL 2003, c. 414, Pt. B, §45 and affected by Pt. D, §7 and c. 614, §9, is further amended to read:

**§455. Environmental registration plates**

The Secretary of State shall issue Maine Environmental Trust Fund registration plates beginning April 1, 1994 in accordance with this section. Environmental registration plates are not required for registration of a motor vehicle but are to allow citizens to participate voluntarily in the Maine Environmental Trust Fund program. A citizen may apply for environmental registration plates and contribute to the Maine Environmental Trust Fund as provided in this section.

**1. Issuance of environmental registration plates.** The Secretary of State, upon receiving an application and evidence of payment of the excise tax required by Title 36, the registration fee required by this Title and the contribution to the Maine Environmental Trust Fund provided for in subsection 4, shall issue a registration certificate and a set of environmental registration plates to be used in lieu of regular registration plates. The Secretary of State may issue environmental registration plates to a vehicle in any registration class if the designated registration plate for that class does not preclude its use in conjunction with the environmental registration plate design. The Secretary of State may issue environmental registration plates to certain state-owned vehicles in accordance with section 517.

**2. Plate design; optional environmental vanity plates.** The Secretary of State, the Commissioner of Conservation, the Commissioner of Environmental Protection and the Commissioner of Inland Fisheries and Wildlife in consultation with the joint standing committee of the Legislature having jurisdiction over transportation matters shall determine the plate design.

The design must accommodate the use of numbers and letters as provided in section 453. Upon request and as provided by section 453, the Secretary of State shall issue environmental plates that are also vanity plates. Environmental vanity plates are issued in accordance with this section and section 453. The Secretary of State may modify class codes and create unique identifiers for the purpose of expanding the program. The annual service fee of \$15 for vanity plates is credited to the Highway Fund. Rules adopted pursuant to this

subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

**3. Temporary facsimile plate.** The Secretary of State may issue a facsimile plate for temporary use up to a 60-day period until the permanent plate is received. The facsimile plate must be attached to the rear plate bracket.

**4. Initial contribution to Maine Environmental Trust Fund.** In addition to the regular motor vehicle registration fee prescribed by law for the particular class of vehicle registered, the initial contribution for environmental registration plates is \$20, which must be deposited with the Treasurer of State and credited ~~to the Maine Environmental Trust Fund established in Title 12, section 10255~~, as follows:

A. Fourteen dollars to the Maine Environmental Trust Fund established in Title 12, section 10255;

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

C. One dollar to the Specialty License Plate Fund established under section 469.

~~In addition to the regular motor vehicle registration fee prescribed by law for the particular class of vehicle registered, the annual renewal contribution for environmental registration plates is \$15, which must be deposited with the Treasurer of State and credited to the Maine Environmental Trust Fund established in Title 12, section 10255.~~

**4-A. Renewal fee.** In addition to the regular motor vehicle registration fee prescribed by law for the particular class of vehicle registered, the annual renewal contribution for environmental registration plates is \$15, which must be deposited with the Treasurer of State and credited as follows:

A. Fourteen dollars to the Maine Environmental Trust Fund established in Title 12, section 10255; and

B. One dollar to the Specialty License Plate Fund established under section 469.

**5. Reimbursement for production and issuance costs.** ~~The Treasurer of State shall transfer annually from the Maine Environmental Trust Fund to the Highway Fund \$6 for each initial set of environmental registration plates issued and \$1 for each renewal of environmental registration plates. This transfer is to reimburse the Secretary of State for costs associated with production and issuance of the plates.~~

**5-A. Transfer of fees.** On a quarterly basis, the Secretary of State shall transfer the revenue from the issuance and renewal of the environmental registration plates to the Treasurer of State for deposit and crediting pursuant to subsections 4 and 4-A.

**6. Proceeds from sale of products using the environmental plate design.** All proceeds from the sale of products using the environmental registration plate design must be deposited with the Treasurer of State and credited to the Maine Environmental Trust Fund.

**Sec. 3. 29-A MRSA §456**, as amended by PL 2005, c. 109, §§4 and 5, is further amended to read:

**§456. University of Maine System; special registration plates**

**1. University of Maine System plate.** 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 voluntary contribution provided for in subsection 2, shall issue a registration certificate and a set of University of Maine System registration plates to be used in lieu of regular registration plates. These plates must bear identification numbers and letters.

**2. Administrative fee and contribution to University of Maine System Scholarship Fund.** University of Maine System special registration plates are not required for registration of a motor vehicle. A person may contribute to the University of Maine System Scholarship Fund by applying for the special registration plates and submitting, in addition to the regular motor vehicle registration fee, a sum of \$20, which must be deposited with the Treasurer of State and credited as follows:

A. Fourteen dollars to the University of Maine System Scholarship Fund established in Title 20-A, section 10909; ~~and~~

B. ~~Six~~ Five dollars to the Highway Fund for administrative and production costs; and

C. One dollar to the Specialty License Plate Fund established under section 469.

**3. Design.** The Secretary of State shall determine a design for the special University of Maine System plates. If the design accommodates the use of numbers and letters as provided in section 453, the Secretary of State shall issue upon request University of Maine System plates that are also vanity plates. University of Maine System vanity plates are issued in accordance with the provisions of this section and section 453.

**5. Renewal fee.** In addition to the regular motor vehicle registration fee prescribed by law, the annual renewal contribution for University of Maine System registration plates is \$15, which must be deposited with the Treasurer of State and credited as follows:

A. ~~Fourteen~~ Thirteen dollars to the University of Maine System Scholarship Fund established in Title 20-A, section 10909; ~~and~~

B. One dollar to the Highway Fund ~~for administrative and production costs;~~ and

C. One dollar to the Specialty License Plate Fund established under section 469.

**6. Reimbursement for production and issuance costs.** ~~The Treasurer of State shall transfer annually from the University of Maine System Scholarship Fund to the Highway Fund \$6 for each initial set of University of Maine System registration plates issued and \$1 for each renewal of University of Maine System registration plates. This transfer is to reimburse the Secretary of State for costs associated with production and issuance of plates.~~

**6-A. Transfer of fees.** On a quarterly basis, the Secretary of State shall transfer the revenue from the issuance and renewal of the University of Maine System registration plates to the Treasurer of State for deposit and crediting pursuant to subsections 2 and 5.

**Sec. 4. 29-A MRSA §456-A**, as amended by PL 2007, c. 383, §3, is further amended to read:

**§456-A. Lobster registration plates**

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

**2. Contribution to Lobster Research, Education and Development Fund.** In addition to the regular motor vehicle registration fee prescribed by law for the particular class of vehicle registered, the initial contribution for lobster plates is \$20, which must be deposited with the Treasurer of State and credited as follows:

A. Ten dollars to the Lobster Research, Education and Development Fund established in Title 12, section 6465; ~~and~~

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

C. One dollar to the Specialty License Plate Fund established under section 469.

**3. Design.** The Secretary of State, in consultation with the Lobster Promotion Council under Title 12, section 6455, shall determine a design for the lobster special registration plates. The joint standing committee of the Legislature having jurisdiction over transportation matters shall review the final design prior to manufacture of the plates. The Secretary of State shall issue upon request lobster plates that are also vanity plates. Lobster plates are issued in accordance with the provisions of this section and section 453.

**4. Renewal fee.** In addition to the regular motor vehicle registration fee prescribed by law, the annual renewal contribution for lobster special registration plates is \$15, which must be deposited with the Treasurer of State and credited as follows:

A. Ten dollars to the Lobster Research, Education and Development Fund established in Title 12, section 6465; ~~and~~

B. ~~Five~~ Four dollars to the Highway Fund for administrative and production costs; ~~and~~

C. One dollar to the Specialty License Plate Fund established under section 469.

~~**5. Reimbursement for production and issuance costs for first 2,000 plates.** The sponsor of the lobster plate pursuant to section 468, subsection 1 shall provide \$20,000 to the Secretary of State on or before December 1, 2002 for costs associated with the production and issuance of plates. The Secretary of State shall deposit these funds in the Specialty License Plate Fund in accordance with section 469, subsection 2. The Secretary of State shall then deposit fees collected through the sale of the first 2,000 plates in the Lobster Research, Education and Development Fund established in Title 12, section 6465. Subsequently, the Treasurer of State shall reimburse the sponsor for the initial payment of \$20,000 from the Lobster Research, Education and Development Fund.~~

~~**6. Reimbursement for production and issuance costs for plates produced after first 2,000 plates.** The Secretary of State shall deposit to the Lobster Research, Education and Development Fund established in Title 12, section 6465 \$20 for each initial set of lobster registration plates and \$15 for each renewal of lobster registration plates. The Treasurer of State shall transfer annually from the Lobster Research, Education and Development Fund to the Highway Fund \$10 for each initial set of lobster registration plates issued and \$5 for each renewal of lobster registration plates. This transfer is to reimburse the Secretary of State for costs associated with production and issuance of plates.~~

~~**6-A. Transfer of fees.** On a quarterly basis, the Secretary of State shall transfer the revenue from the issuance and renewal of the lobster registration plates to the Treasurer of State for deposit and crediting pursuant to subsections 2 and 4.~~

**7. Duplicate plates.** The Secretary of State shall issue a lobster plate in a 3-number and 3-letter combination sequence. Vanity plates may not duplicate vanity plates issued in another class of plate.

**8. Weight limit.** A lobster 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.

**9. Date of first issue.** The Secretary of State shall issue the first lobster plate on or after May 1, 2003.

**Sec. 5. 29-A MRSA §456-B,** as amended by PL 2007, c. 383, §4, is further amended to read:

**§456-B. Maine Black Bears registration plates**

**1. Maine Black Bears plates.** The Secretary of State, upon receiving an application and evidence of payment of the excise tax required by Title 36, section 1482, the annual motor vehicle registration fee required by section 501 and the contribution provided for in subsection 2, shall issue a registration certificate and a set of Maine Black Bears special registration plates to be used in lieu of regular registration plates. These plates must bear identification numbers and letters.

**2. Contribution to Maine Black Bears Scholarship Fund.** In addition to the regular motor vehicle registration fee prescribed by law for the particular class of vehicle registered, the initial contribution for Maine Black Bears plates is \$20, which must be deposited with the Treasurer of State and credited as follows:

A. Ten dollars to the Maine Black Bears Scholarship Fund established in Title 20-A, section 10971; ~~and~~

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

C. One dollar to the Specialty License Plate Fund established under section 469.

**3. Design.** The Secretary of State, in consultation with the alumni association of the University of Maine, shall determine a design for the Maine Black Bears special registration plates. The joint standing committee of the Legislature having jurisdiction over transportation matters shall review the final design prior to manufacture of the plates. The Secretary of State shall issue upon request Maine Black Bears plates that are also vanity plates. Maine Black Bears plates are issued in accordance with the provisions of this section and section 453.

**4. Renewal fee.** In addition to the regular motor vehicle registration fee prescribed by law, the annual renewal contribution for Maine Black Bears special registration plates is \$15, which must be deposited with the Treasurer of State and credited as follows:

A. Ten dollars to the Maine Black Bears Scholarship Fund established in Title 20-A, section 10971; ~~and~~

B. ~~Five~~ Four dollars to the Highway Fund for administrative and production costs; ~~and~~

C. One dollar to the Specialty License Plate Fund established under section 469.

~~**5. Reimbursement for production and issuance costs for first 2,000 plates.** The sponsor of the Maine Black Bears plate pursuant to section 468, subsection 1 shall provide \$20,000 to the Secretary of State on or before June 1, 2003 for costs associated with the production and issuance of plates. The Secretary of State shall deposit these funds in the Specialty License Plate Fund in accordance with section 469, subsection 2. The Secretary of State shall then deposit fees collected through the sale of the first 2,000 plates in the Maine Black Bears Scholarship Fund established in Title 20-A, section 10971. Subsequently, the Treasurer of State shall reimburse the sponsor for the initial payment of \$20,000 from the Maine Black Bears Scholarship Fund.~~

~~**6. Reimbursement for production and issuance costs for plates produced after first 2,000 plates.** The Secretary of State shall deposit to the Maine Black Bears Scholarship Fund established in Title 20-A, section 10971 \$20 for each initial set of Maine Black Bears registration plates and \$15 for each renewal of Maine Black Bears registration plates. The Treasurer of State shall transfer annually from the Maine Black Bears Scholarship Fund to the Highway Fund \$10 for each initial set of Maine Black Bears registration plates issued and \$5 for each renewal of Maine Black Bears registration plates. This transfer is to reimburse the Secretary of State for costs associated with production and issuance of plates.~~

**6-A. Transfer of fees.** On a quarterly basis, the Secretary of State shall transfer the revenue from the issuance and renewal of the Maine Black Bears special registration plates to the Treasurer of State for deposit and crediting pursuant to subsections 2 and 4.

**7. Duplicate plates.** The Secretary of State shall issue a Maine Black Bears plate in a 3-number and 3-letter combination sequence. Vanity plates may not duplicate vanity plates issued in another class of plate.

**8. Weight limit.** A Maine Black Bears 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.

**9. Date of first issue.** The Secretary of State shall issue the first Maine Black Bears plate on or after November 1, 2003.

**Sec. 6. 29-A MRSA §456-C,** as amended by PL 2007, c. 240, Pt. LLLL, §2, is further amended to read:

**§456-C. Sportsman registration plates**

**1. Sportsman registration plates.** The Secretary of State, upon receiving an application and evidence of payment of the registration fee required by section 501 and the excise tax required by Title 36, section 1482, shall issue a registration certificate and a set of sportsman plates to be used in lieu of regular registra-

tion plates. These plates must bear identification numbers and letters. Vanity plates may not duplicate vanity plates issued in another class of plate. The Secretary of State shall begin issuing sportsman registration plates by April 1, 2008.

**2. Initial registration fee.** A person may apply for the special registration plates by paying a sum of \$20 credited to the Boat Launch Facilities Fund established in Title 12, section 10261. In addition to the regular motor vehicle registration fee prescribed by law, the initial contribution for the sportsman registration plate is \$20, which must be deposited with the Treasurer of State and credited as follows:

A. Fourteen dollars to the Boat Launch Facilities Fund established in Title 12, section 10261;

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

C. One dollar to the Specialty License Plate Fund established under section 469.

**3. Renewal fee.** In addition to the regular motor vehicle registration fee prescribed by law, the annual renewal contribution for sportsman registration plates is \$20. Fifty percent of that sum is credited to the fish hatchery maintenance fund established in Title 12, section 10252, 15% is credited to the Boat Launch Facilities Fund established in Title 12, section 10261, 10% is credited to the Maine Endangered and Nongame Wildlife Fund established in Title 12, section 10253 and 25% is credited to the Support Landowners Program in Title 12, section 10108, subsection 4, paragraph A, which must be deposited with the Treasurer of State and credited as follows:

A. Eighteen dollars credited as follows:

(1) Fifty percent to the fish hatchery maintenance fund established in Title 12, section 10252;

(2) Fifteen percent to the Boat Launch Facilities Fund established in Title 12, section 10261;

(3) Ten percent to the Maine Endangered and Nongame Wildlife Fund established in Title 12, section 10253; and

(4) Twenty-five percent to the Support Landowners Program in Title 12, section 10108, subsection 4, paragraph A;

B. One dollar to the Highway Fund for administrative and production costs; and

C. One dollar to the Specialty License Plate Fund established under section 469.

**4. Issuance.** The Secretary of State shall issue a sportsman registration plate in a number or letter sequence or a combination of a number and letter sequence.

**5. Design and approval.** Notwithstanding section 468, subsection 5, the Commissioner of Inland Fisheries and Wildlife shall submit a new proposed design for the sportsman registration plate every 6 years for approval or modification by the Secretary of State.

**6. Transfer of fees.** ~~The~~ On a quarterly basis, ~~the~~ Secretary of State shall transfer the revenue from the issuance and renewal of the sportsman registration plates ~~as provided in~~ to the Treasurer of State for deposit and crediting pursuant to subsections 2 and 3 ~~on a quarterly basis~~.

**Sec. 7. 29-A MRSA §456-D**, as enacted by PL 2007, c. 229, §2 and c. 456, §3 and amended by RR 2007, c. 1, §13, is repealed and the following enacted in its place:

**§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;

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

C. One dollar to the Specialty License Plate Fund established under section 469.

**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;

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

C. One dollar to the Specialty License Plate Fund established under section 469.

**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.** On a quarterly basis, the Secretary of State shall transfer the revenue from the issuance and renewal of the We Support Our Troops plates to the Treasurer of State for deposit and crediting pursuant to subsections 2 and 3.

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:

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

(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. 8. 29-A MRSA §456-E, sub-§2,** as enacted by PL 2007, c. 547, §2, is amended to read:

**2. Contribution; credit to Breast Cancer Services Special Program Fund.** In addition to the regular motor vehicle registration fee prescribed by law for the particular class of vehicle registered, the initial contribution for the breast cancer support services special registration plates is \$20, which must be deposited with the Treasurer of State and credited as follows:

A. ~~Nine~~ Ten dollars to the Breast Cancer Services Special Program Fund, as established in Title 22, section 1408;

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

C. One dollar to the Specialty License Plate Fund, established under section 469, ~~for administrative and production costs.~~

**Sec. 9. 29-A MRSA §456-E, sub-§4,** as enacted by PL 2007, c. 547, §2, is amended to read:

**4. Renewal fee.** In addition to the regular motor vehicle registration fee prescribed by law, the annual renewal contribution for breast cancer support services special registration plates is \$15, which must be deposited with the Treasurer of State and credited as follows:

A. ~~Nine~~ Ten dollars to the Breast Cancer Services Special Program Fund, as established in Title 22, section 1408;

B. ~~Five~~ Four dollars to the Highway Fund for administrative and production costs; and

C. One dollar to the Specialty License Plate Fund, established under section 469, ~~for administrative and production costs.~~

**Sec. 10. 29-A MRSA §456-F** is enacted to read:

**§456-F. Agriculture education registration plate**

**1. Agriculture education plates.** The Secretary of State, upon receiving an application and evidence of payment of the excise tax required by Title 36, section 1482, the annual motor vehicle registration fee required by section 501, section 504, subsection 1 or section 505 and the contribution provided for in subsection 2, shall issue a registration certificate and a set of agriculture education special registration plates to be used in lieu of regular registration plates. These plates must bear identification numbers and letters.

**2. Contribution; credit to Agriculture Education Plate Fund.** In addition to the regular motor vehicle registration fee prescribed by law for the particular class of vehicle registered, the initial contribution for agriculture education plates is \$20, which must be deposited with the Treasurer of State and credited as follows:

A. Ten dollars to the Maine Agriculture in the Classroom Council established in Title 5, section 12004-G, subsection 4-C;

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

C. One dollar to the Specialty License Plate Fund established under section 469.

**3. Design; review; vanity plates.** The Secretary of State, in consultation with the Maine Agriculture in the Classroom Association, shall determine a design

for the agriculture education special registration plates. The joint standing committee of the Legislature having jurisdiction over transportation matters shall review the final design prior to manufacture of the plates. The Secretary of State shall issue upon request agriculture education plates that are also vanity plates. Agriculture education plates are issued in accordance with the provisions of this section and section 453.

**4. Renewal fee.** In addition to the regular motor vehicle registration fee prescribed by law, the annual renewal contribution for agriculture education special registration plates is \$15, which must be deposited with the Treasurer of State and credited as follows:

A. Ten dollars to the Maine Agriculture in the Classroom Council established in Title 5, section 12004-G, subsection 4-C;

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

C. One dollar to the Specialty License Plate Fund established under section 469.

**5. Transfer of fees.** On a quarterly basis, the Secretary of State shall transfer the revenue from the issuance and renewal of the agriculture education registration plates to the Treasurer of State for deposit and crediting pursuant to subsections 2 and 4.

**6. Duplicate plates.** The Secretary of State shall issue an agriculture education plate in a 3-number and 3-letter combination sequence. Vanity plates may not duplicate vanity plates issued in another class of plate.

**7. Eligibility; trucks.** An agriculture education registration plate may be issued for:

A. A vehicle that qualifies for a specialty license plate under section 468, subsection 8; and

B. A truck registered under section 504, subsection 1 or section 505.

**8. Date of first issue.** The Secretary of State shall issue the first agriculture plate no later than October 1, 2007.

**Sec. 11. 29-A MRSA §512, 2nd ¶,** as enacted by PL 1995, c. 645, Pt. B, §9, is repealed and the following enacted in its place:

The Secretary of State may establish rules for the extension of registrations issued pursuant to this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 12. 29-A MRSA §521, sub-§1,** as amended by PL 2003, c. 431, §§1 to 3, is further amended to read:

**1. Definition.** "Person with a disability" means a person whose disability limits or impairs the ability to

walk, as determined and certified by a licensed physician, physician assistant or nurse practitioner or registered nurse, to the extent that the person:

A. Can not walk 200 feet without stopping to rest;

B. Can not walk without assistance from another person or the use of a brace, cane, crutch, prosthetic device, wheelchair or other assistive device;

C. Is restricted by lung disease to such an extent that the person's forced expiratory volume for one second when measured by spirometry is less than 1 liter or when the arterial oxygen tension is less than 60mm/hg on room air at rest;

D. Uses portable oxygen;

E. Has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class 3 or Class 4 according to standards set by the American Heart Association;

F. Is severely limited in the ability to walk due to an arthritic, neurological or orthopedic condition; or

G. Is recovering from childbirth.

**Sec. 13. 29-A MRSA §521, sub-§5,** as amended by PL 2001, c. 35, §2, is further amended to read:

**5. Application; issuance.** An application for a disability plate or placard must be accompanied by the certificate of a physician, physician assistant or nurse practitioner or registered nurse attesting to that person's physical disability as defined in subsection 1. The Secretary of State shall issue to an eligible applicant disability plates and windshield placards upon request. Proof of a disability must be submitted every 4 years on a form prescribed by the Secretary of State, except, when the Secretary of State determines the disability to be permanent, the time may be extended. When the applicant's need for the disability placard terminates or the applicant dies, the plate or placard must be immediately returned to the Secretary of State.

**Sec. 14. 29-A MRSA §521, sub-§6, ¶A,** as amended by PL 2003, c. 431, §4, is further amended to read:

A. An application for a temporary placard must be accompanied by the certificate of a physician, physician assistant or nurse practitioner or registered nurse attesting to the applicant's physical disability as defined in subsection 1 and the period of time that the physician, physician assistant or nurse practitioner or registered nurse determines the applicant will have the disability. A temporary placard is not valid for a period of more than 6 months. The Secretary of State must

shall give priority consideration to requests for temporary placards.

A temporary placard issued pursuant to subsection 1, paragraph G is valid, after the birth of a child, for a period of not more than:

- (1) One week after cesarean section delivery; or
- (2) A time to be determined by the patient's physician after the birth of a preterm infant.

**Sec. 15. 29-A MRSA §558, sub-§1-B**, as enacted by PL 2003, c. 452, Pt. Q, §10 and affected by Pt. X, §2, is amended to read:

**1-B. Violation.** The following penalties apply to violations of this subchapter.

A. Except as provided in ~~paragraph~~ paragraphs C and D, a person who violates this subchapter or a rule adopted pursuant to this subchapter commits a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

B. Except as provided in ~~paragraph~~ paragraphs C and D, a person who knowingly permits a violation of this subchapter or a rule adopted pursuant to this subchapter commits a Class E crime.

C. A person commits a Class C crime if:

- (1) The person acts knowingly or intentionally;
- (2) The violation in fact causes either death or serious bodily injury, as defined in Title 17-A, section 2, to a person whose health or safety is protected by the provision violated; and
- (3) The death or injury is a reasonably foreseeable consequence of the violation.

D. A person commits a traffic infraction if that person violates any provision of the rules of the bureau adopted under section 555 that incorporates by reference any of the following federal regulations or that is an amended version of any of the following federal regulations:

- (1) 49 Code of Federal Regulations, Section 390.21 (2007);
- (2) 49 Code of Federal Regulations, Section 391.41 (2007);
- (3) 49 Code of Federal Regulations, Sections 392.16, 392.22, 392.24, 392.25, 392.33 and 392.71 (2007);
- (4) Any section of 49 Code of Federal Regulations, Part 393 (2007); or
- (5) 49 Code of Federal Regulations, Part 396, except Sections 396.7 and 396.9 (2007).

**Sec. 16. 29-A MRSA §603, sub-§1, ¶G**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

G. A duplicate certificate; ~~or~~

**Sec. 17. 29-A MRSA §603, sub-§1, ¶H**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

H. Assignment of a new vehicle identification number;:

**Sec. 18. 29-A MRSA §603, sub-§1, ¶I** is enacted to read:

I. A 2nd or subsequent security interest noted on an application for certificate of title;

**Sec. 19. 29-A MRSA §603, sub-§1, ¶J** is enacted to read:

J. Filing an assignment of a security interest; or

**Sec. 20. 29-A MRSA §603, sub-§1, ¶K** is enacted to read:

K. An ordinary certificate of title issued on surrender of a distinctive certificate.

**Sec. 21. 29-A MRSA §603, sub-§2**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

**Sec. 22. 29-A MRSA §603, sub-§3-A**, as affected by PL 1995, c. 65, Pt. A, §153 and enacted by Pt. B, §9 and affected by Pt. C, §15, is amended to read:

**3-A. Immediate issuance of document.** An applicant requesting the immediate issuance of a document described in subsection 1 ~~or 2~~ must pay an additional fee of \$10 and state the reason for the request. The Secretary of State shall determine if an immediate issuance is warranted and process the request accordingly.

**Sec. 23. 29-A MRSA §1611, sub-§2, ¶B**, as amended by PL 2005, c. 573, §5, is further amended to read:

B. For vehicles used exclusively to transport passengers for hire between points within the State, including motor vehicles under contract with the State, a municipality or a school district for the transportation of students, but not vehicles defined as school buses in section 2301, subsection 5, there is a combined single limit of:

- (1) One hundred twenty-five thousand dollars, or split limits consisting of \$50,000 per person and \$100,000 per occurrence for bodily injury liability, and \$25,000 for property damage liability for vehicles ~~not under contract with the State, a municipality or a school district for the transportation of students that~~

are designed to carry no more than 3 passengers behind the driver's seat;

(2) Three hundred thousand dollars for vehicles that are designed to carry 4 to 7 passengers behind the driver's seat, including those vehicles under contract with the State, a municipality or a school district for the transportation of students;

(3) Seven hundred fifty thousand dollars for vehicles that are designed to carry 8 to 15 passengers behind the driver's seat;

(4) One million five hundred thousand dollars for vehicles that are designed to carry 16 to 30 passengers behind the driver's seat;

(5) Two million dollars for vehicles that are designed to carry 31 or more passengers behind the driver's seat; and

(6) Four hundred thousand dollars for vehicles registered to a transit district as defined in Title 30-A, section 3501.

**Sec. 24. 29-A MRSA §2381, sub-§2, ¶A**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

A. The transportation of utility poles by a tractor and semitrailer without regard to overall length if the utility poles are moved by a utility company or the utility company's contractor from a staging area to the final point of installation. Nothing in this paragraph exempts the transporter from other applicable laws or rules;

**Sec. 25. 29-A MRSA §2382, sub-§5**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**5. Special mobile equipment.** The Secretary of State may grant a permit, for no more than one year, to move pneumatic-tire equipment under its own power, including Class A and Class B special mobile equipment, over ways and bridges maintained by the Department of Transportation. The fee for that permit is \$15 ~~\$25~~ for each 30-day period.

**Sec. 26. Appropriations and allocations.** The following appropriations and allocations are made.

**SECRETARY OF STATE, DEPARTMENT OF Administration - Motor Vehicles 0077**

Initiative: Provides an allocation for administrative costs related to specialty license plates.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
All Other	\$0	\$123,014

OTHER SPECIAL	\$0	\$123,014
REVENUE FUNDS TOTAL		

See title page for effective date.

**CHAPTER 704**

**S.P. 838 - L.D. 2178**

**An Act To Increase Public Confidence in Government by Expanding Public Disclosure**

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

**Sec. 1. 1 MRSA §1016-A, sub-§4**, as amended by PL 1989, c. 608, §2, is further amended to read:

**4. Disclosure of income of immediate family.**

The Legislator shall disclose the type of economic activity representing each source of income of \$1,000 or more that any member of the immediate family of the Legislator received and the name of the spouse or domestic partner of the Legislator. The disclosure must include the job title of the Legislator and the members of the Legislator's immediate family if the source of income is derived from employment or compensation.

**Sec. 2. 1 MRSA §1016-E** is enacted to read:

**§1016-E. Disclosure of interests**

Beginning in 2010, each Legislator shall file with the commission by 5:00 p.m. on February 15th of each year on the form provided by the commission a statement of those positions set forth in this section that were held in the preceding calendar year. Prior to the end of the first week in January of each year, the commission shall deliver a form to each Senator and member of the House of Representatives. The statement of positions is a public record.

**1. Disclosure of officer or director position.** A Legislator filing a statement under this section shall report:

A. Any offices, trusteeships, directorships or positions of any nature, whether compensated or uncompensated, held by the Legislator in the preceding calendar year with any for-profit or nonprofit firm, corporation, association, partnership or business; and

B. Any offices, trusteeships, directorships or positions of any nature, whether compensated or uncompensated, held by a member of the immediate family of the Legislator with any for-profit or nonprofit firm, corporation, association, partner-