

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 12, 2009

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

Augusta, Maine
2009

**CHAPTER 51
H.P. 25 - L.D. 30**

An Act To Establish Native American Veterans Day

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

Whereas, throughout the history of our nation, Native Americans served our country to defend rights that they themselves were not always afforded; and

Whereas, the recognition afforded by this Act should be bestowed upon them without further delay; 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. 1 MRSA §150-C is enacted to read:

§150-C. Native American Veterans Day

The Governor annually shall issue a proclamation designating June 21st as Native American Veterans Day in remembrance of the courage and dedicated service of Native American members of the United States Armed Forces, and the Governor shall urge the people of the State to observe this day in suitable places and with appropriate ceremony and activity.

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

Effective April 22, 2009.

**CHAPTER 52
H.P. 29 - L.D. 34**

An Act To Clarify the Election of Municipal Charter Commission Members

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

Whereas, changes to the law governing the creation of charter commissions in 2008 inadvertently failed to allow sufficient flexibility in the election of

charter commission members for municipalities to conveniently schedule special referenda elections; and

Whereas, there is no regularly scheduled June primary election in 2009; and

Whereas, there can be a significant municipal expense in holding a special election outside of a regular election schedule; 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. 30-A MRSA §2103, sub-§1, ¶A, as amended by PL 2007, c. 495, §1, is further amended to read:

A. Voter members must be elected by one of the following methods:

- (1) Six voter members are elected in the same manner as the municipal officers, except that they must be elected at-large and without party designations;
- (2) One voter member is elected from each voting district or ward in the same manner as municipal officers, except that the voter member must be elected without party designation; or
- (3) Voter members are elected both at-large and by district or ward, as long as the number of voter members is the same as the number of municipal officers on the board or council of that municipality and the voter members are elected in the same manner as the municipal officers, except that they must be elected without party designation.

Election of voter members may be held either at the same municipal election as the referendum for the charter commission or at the next scheduled regular or special municipal or state election ~~that is no more than 200 days after the referendum authorizing the charter commission.~~ The names of the candidates on the ballot must be arranged alphabetically by last name. If the elections are held at the same time, the names of the candidates must appear immediately below the question relating to the charter commission.

Sec. 2. Retroactivity. This Act applies retroactively to January 1, 2009.

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

Effective April 22, 2009.

**CHAPTER 53
S.P. 248 - L.D. 673**

**An Act To Improve the
Protection for Buyers of Motor
Vehicles from Vehicles Labeled
Lemons in Other States**

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

Sec. 1. 10 MRSA §1174, sub-§4, ¶F is enacted to read:

F. To fail to disclose in writing to a potential purchaser or lessee of a motor vehicle that the motor vehicle had previously been returned to the manufacturer pursuant to either a lemon law arbitration decision or a lemon law settlement agreement in a state other than this State if known to the dealer. If that information is known to the dealer, this disclosure must be clear and conspicuous. For the purpose of this section, "lemon law" refers to any state's certified dispute settlement law that establishes a state-certified arbitration procedure to settle consumer complaints that the consumer had been sold a vehicle that did not conform to all manufacturer express warranties and that the manufacturer had not been able to repair or correct the defect or condition that impaired the vehicle.

See title page for effective date.

**CHAPTER 54
S.P. 66 - L.D. 180**

**An Act To Make Technical
Corrections to the Operating
Under the Influence Laws**

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

Whereas, it is in the best interest of the public safety and drivers to make motor vehicle license suspension provisions in the ignition interlock laws consistent with all other administrative suspensions by the Secretary of State; 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. 29-A MRSA §2451, sub-§3, ¶B, as enacted by PL 1995, c. 368, Pt. AAA, §17, is amended to read:

B. ~~Eighteen months~~ Three years, if the person has 2 OUI offenses within a 10-year period; or

Sec. 2. 29-A MRSA §2451, sub-§3, ¶C, as enacted by PL 1995, c. 368, Pt. AAA, §17, is amended to read:

C. ~~Four~~ Six years, if the person has 3 or more OUI offenses within a 10-year period; ~~or~~.

Sec. 3. 29-A MRSA §2451, sub-§3, ¶D, as enacted by PL 1995, c. 368, Pt. AAA, §17, is repealed.

Sec. 4. 29-A MRSA §2508, sub-§1, as enacted by PL 2007, c. 531, §6 and affected by §10, is amended to read:

1. Installation of ignition interlock device. Notwithstanding the periods of suspension pursuant to section 2411 or 2451, subsection 3, the Secretary of State may reinstate the license of a person convicted of more than one violation of section 2411 or whose license is suspended by the Secretary of State pursuant to section 2453 if the person satisfies all other conditions for license reinstatement and installs an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates, under the following conditions.

A. The license of a person with 2 OUI offenses may be reinstated after 9 months of the suspension period has run if the person has installed for a period of 2 years an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates.

B. The license of a person with 3 OUI offenses may be reinstated after 3 years of the suspension period has run if the person has installed for a period of 3 years an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates.

C. The license of a person with 4 or more OUI offenses may be reinstated after the expiration of the period of suspension if the person has installed for a period of 4 years an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates.