

MAINE STATE LEGISLATURE

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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

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

Augusta, Maine
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.

Sec. 5. 29-A MRSA §2557-A, sub-§2, as enacted by PL 2005, c. 606, Pt. A, §11, is amended to read:

2. Penalties. The following penalties apply.

A. A person is guilty of a Class D crime if the person violates subsection 1 and:

(1) The person has not been convicted for operating after revocation under this section or under former Title 29, section 2298 within the previous 10 years; and

(2) The person has not ~~been convicted for violating section 2411 or former Title 29, section 1312-B~~ received an OUI conviction within the previous 10 years.

The minimum fine for a Class D crime under this paragraph is \$500 and the minimum term of imprisonment is 30 days, neither of which may be suspended by the court.

B. A person is guilty of a Class C crime if the person violates subsection 1 and:

(1) The person has one conviction for operating after revocation under this section or under former Title 29, section 2298 within the previous 10 years; or

(2) The person has one OUI conviction ~~for violating section 2411 or former Title 29, section 1312-B~~ within the previous 10 years.

The minimum fine for a Class C crime under this paragraph is \$1,000 and the minimum term of imprisonment is 6 months, neither of which may be suspended by the court.

C. A person is guilty of a Class C crime if the person violates subsection 1 and:

(1) The person has 2 convictions for operating after revocation under this section or under former Title 29, section 2298 within the previous 10 years; or

(2) The person has 2 OUI convictions ~~for violating section 2411 or former Title 29, section 1312-B~~ within the previous 10 years.

The minimum fine for a Class C crime under this paragraph is \$1,000 and the minimum term of imprisonment is 9 months plus a day, neither of which may be suspended by the court.

D. A person is guilty of a Class C crime if the person violates subsection 1 and:

(1) The person has 3 or more convictions for operating after revocation under this section or under former Title 29, section 2298 within the previous 10 years; or

(2) The person has 3 or more OUI convictions ~~for violating section 2411 or former Title 29, section 1312-B~~ within the previous 10 years.

The minimum fine for a Class C crime under this paragraph is \$1,000 and the minimum term of imprisonment is 2 years, neither of which may be suspended by the court.

Sec. 6. 29-A MRSA §2558, sub-§2, ¶B, as enacted by PL 2005, c. 606, Pt. A, §12, is amended to read:

B. A person who violates subsection 1 and at the time has one OUI conviction ~~for violating this section, section 2411, or one conviction for violating former section 2557 or section 2557-A~~ within the previous 10 years commits a Class C crime for which a minimum fine of \$1,000 and a minimum term of imprisonment of one year must be imposed, neither of which may be suspended by the court.

Sec. 7. Retroactivity. This Act applies retroactively to September 1, 2008.

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

Effective April 22, 2009.

CHAPTER 55

H.P. 131 - L.D. 152

An Act Relating to Autocycles

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

Sec. 1. 29-A MRSA §101, sub-§6-A is enacted to read:

6-A. Autocycle. "Autocycle" means an enclosed motorcycle having no more than 3 wheels in contact with the ground and that:

A. Meets the general motorcycle inspection standards, except those standards that do not apply due to the design of the vehicle; and

B. Is equipped with:

(1) Safety belts for all passengers;

(2) A roll bar or enclosed cab;

(3) A steering wheel or tiller; and

(4) Brakes on at least 2 main wheels.

The manufacturer's certificate of origin must state that the vehicle meets the federal specifications for a motorcycle.