

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

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

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.

This subsection is repealed 90 days after the adjournment of the First Regular Session of the 125th Legislature.

Sec. 2. 29-A MRSA §501, sub-§12 is enacted to read:

12. Autocycles. The Secretary of State may issue a registration for an autocycle upon application and payment of an annual fee of \$21. The registrant must provide a certificate of title required by section 651, proof of financial responsibility required by section 1601 and evidence of payment of the excise tax as required by Title 36, section 1482, subsection 1, paragraph C. An autocycle registered under this section is issued a registration plate with the word "autocycle" instead of "Vacationland." The Secretary of State may issue a facsimile plate for a 60-day period.

This subsection is repealed 90 days after the adjournment of the First Regular Session of the 125th Legislature.

Sec. 3. 29-A MRSA §1301, sub-§9, as reallocated by RR 2003, c. 1, §28, is amended to read:

9. Vehicle used for examination. An applicant for a license may not use a low-speed vehicle or autocycle to demonstrate ability to operate a motor vehicle as required under subsection 4.

Sec. 4. 29-A MRSA §2083, sub-§2, as amended by PL 2005, c. 577, §33, is further amended to read:

2. Compliance. An operator of a motorcycle, or autocycle or a parent or guardian may not allow a passenger under the age of 15 years to ride in violation of this section.

Sec. 5. 29-A MRSA §2089-A is enacted to read:

§2089-A. Operation of autocycles

A person operating an autocycle on a public way shall comply with the provisions of this chapter and with this section.

1. License required. A person operating an autocycle must possess a valid operator's license pursuant to section 1251.

2. State highway restrictions. An autocycle may not be operated on a road or street where the posted speed limit is greater than 45 miles per hour. An autocycle may cross, at an intersection, a road or street with a posted speed limit of more than 45 miles per hour. An autocycle may not be operated on any highway or segment of highway under the jurisdiction of the department in violation of any applicable rules and regulations of the department. An autocycle may only transport cargo in compliance with manufacturer specifications.

3. Municipal road restrictions. A municipality may prohibit the operation of an autocycle on any road under its jurisdiction if it determines that the prohibition is necessary in the interest of public safety.

4. Violation. A person who operates an autocycle in violation of subsection 2 commits a traffic infraction.

5. Repeal. This section is repealed 90 days after the adjournment of the First Regular Session of the 125th Legislature.

Sec. 6. Report. The Secretary of State, in consultation with the Commissioner of Transportation and the Chief of the State Police, shall submit a report to the joint standing committee of the Legislature having jurisdiction over transportation matters no later than February 1, 2011. The report must include the status of the registration and use of autocycles on public ways. After reviewing the report, the joint standing committee of the Legislature having jurisdiction over transportation matters may submit legislation to the First Regular Session of the 125th Legislature concerning the registration and use of autocycles on public ways.

See title page for effective date.

CHAPTER 56
S.P. 203 - L.D. 508

**An Act To Amend the Laws
Relating to Corporations,
Limited Liability Companies
and Limited Liability
Partnerships**

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

Sec. 1. 5 MRSA §102, sub-§16, ¶A, as enacted by PL 2007, c. 323, Pt. A, §1 and affected by Pt. G, §4, is amended to read:

A. An individual ~~or a domestic or foreign entity~~ that serves in this State as the agent for service of process of an entity; or

Sec. 2. 5 MRSA §108, sub-§2, as enacted by PL 2007, c. 323, Pt. A, §1 and affected by Pt. G, §4, is amended to read:

2. Approval not needed. ~~The~~ Except for a corporation formed under Title 13-C, the interest holders or governors of a domestic entity need not approve the filing of:

- A. A statement of change under this section; or
- B. A similar filing changing the clerk or registered agent or registered office of the entity in any other jurisdiction.