

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2010 to April 12, 2010

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 12, 2010

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

Augusta, Maine
2010

as defined in Title 35-A, section 3451, subsection 4, the commission shall consider the development's effects on scenic character and existing uses related to scenic character in accordance with Title 35-A, section 3452;

In making a determination under this paragraph regarding a wind energy development, as defined in Title 35-A, section 3451, subsection 11, that is not a grid-scale wind energy development, that has a generating capacity of 100 kilowatts or greater and that is proposed for location within the expedited permitting area, the commission shall consider the development's effects on scenic character and existing uses relating to scenic character in the manner provided for in Title 35-A, section 3452:

Sec. 3. 12 MRSA §685-F, sub-§1, as amended by PL 2007, c. 541, Pt. B, §3 and affected by §6, is further amended to read:

1. Designation as extraordinary project. The director of the Maine Land Use Regulation Commission, referred to in this section as "the director," may designate a proposed project requiring review and approval under this chapter as an extraordinary project when the director determines that the project is a wind energy development, as defined in Title 35-A, section 3451, subsection 11 or, because of the project's size, uniqueness or complexity, review of the project application is likely to:

- A. Significantly impair the capacity of the commission's staff and cooperating state agencies to review other applications in a timely manner; or
- B. Require the commission to incur costs that exceed the funding provided in accordance with section 685-G.

A project is considered to significantly impair the capacity of the commission's staff if review of that project is likely to occupy the equivalent of at least one person working full-time on that project for a minimum of 4 months. Designation as an extraordinary project must be made at or prior to the time the application is accepted as complete. The director shall notify the applicant in writing upon making the designation.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

**CONSERVATION, DEPARTMENT OF
Land Use Regulation Commission 0236**

Initiative: Provides funding associated with application processing of wind energy development projects.

OTHER SPECIAL	2009-10	2010-11
REVENUE FUNDS		

All Other	\$20,000	\$40,000
OTHER SPECIAL	\$20,000	\$40,000
REVENUE FUNDS TOTAL		

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

Effective March 5, 2010.

**CHAPTER 493
H.P. 1140 - L.D. 1612**

**An Act To Amend the Laws
Regarding the Unlawful Use of
License or Identification Card**

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

Sec. 1. 29-A MRSA §2069, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

3. Vehicle used in connection with a crime or operating after suspension traffic infraction. A law enforcement officer may cause the removal to a suitable parking place of a vehicle connected with the arrest of the operator or owner of a vehicle or with the issuance of a summons for a traffic infraction as described in section 2412-A, subsection 8 or used in connection with the commission of a crime.

Sec. 2. 29-A MRSA §2102, as amended by PL 2003, c. 452, Pt. Q, §§54 to 57 and affected by Pt. X, §2, is further amended to read:

§2102. Unlawful use of license or identification card; unlawful dissemination of protected information

~~A person commits a Class E crime if that person:~~
The following provisions govern the unlawful use of a license or identification card and the unlawful dissemination of information that is protected by a state law or rule that implements the federal Driver's Privacy Protection Act of 1994, 18 United States Code, Sections 2721 to 2725 (2006).

1. Display revoked, mutilated, fictitious or fraudulently altered driver's license or identification card. ~~Displays~~ A person commits a Class E crime if that person displays a revoked, suspended, mutilated, fictitious or fraudulently altered driver's license or identification card issued or represented to be issued by this State or any other state or province;

1-A. Possess revoked, mutilated, fictitious or fraudulently altered driver's license or identification card. ~~Possesses~~ A person commits a Class E

crime if that person possesses a revoked, ~~suspended~~, mutilated, fictitious or fraudulently altered driver's license or identification card issued or represented to be issued by this State or any other state or province;

1-B. Display suspended driver's license; crime. A person commits a Class E crime if that person displays a suspended driver's license issued by this State or any other state or province when the operation of the motor vehicle by that person is punishable as a crime.

1-C. Display suspended driver's license; traffic infraction. A person commits a traffic infraction if that person displays a suspended driver's license issued by this State or any other state or province when the operation of the motor vehicle by that person is punishable as a traffic infraction.

1-D. Possess suspended driver's license; crime. A person commits a Class E crime if that person possesses a suspended driver's license issued by this State or any other state or province when the operation of the motor vehicle by that person is punishable as a crime.

1-E. Possess suspended driver's license; traffic infraction. A person commits a traffic infraction if that person possesses a suspended driver's license issued by this State or any other state or province when the operation of the motor vehicle by that person is punishable as a traffic infraction.

2. Loan. ~~Knowingly~~ A person commits a Class E crime if that person knowingly permits another person to use that person's driver's license or identification card issued or represented to be issued by this State or any other state or province;

3. Representation. ~~Displays~~ A person commits a Class E crime if that person displays or represents as one's that person's own a driver's license or identification card issued to another by this State or any other state or province;

4. Use. ~~Knowingly~~ A person commits a Class E crime if that person knowingly permits an unlawful use of a driver's license or identification card issued or represented to be issued by this State or any other state or province;

5. Privacy laws or rules; violation. ~~Knowingly~~ A person commits a Class E crime if that person knowingly disseminates information that is protected by a state law or rule that implements the Federal federal Driver's Privacy Protection Act of 1994.

Violation of ~~this section~~ subsection 1, 1-A, 1-B, 1-D or 3 is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. 3. 29-A MRSA §2412-A, sub-§8, as enacted by PL 2009, c. 297, §2, is amended to read:

8. Traffic infraction. A person commits a traffic infraction operating while license suspended as described in subsection 1-A, paragraph A if the person has not been convicted or adjudicated of a prior offense under this section and the sole basis for the suspension is:

- A. Failure to pay a fine;
- B. Failure to pay a license reinstatement fee; or
- C. Suspension for a dishonored check.

See title page for effective date.

**CHAPTER 494
H.P. 1210 - L.D. 1709**

An Act To Enhance Public Awareness of Lyme Disease

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

Whereas, the Department of Health and Human Services, Maine Center for Disease Control and Prevention reports that in 2008 and 2009 there were over 900 confirmed cases of Lyme disease in the State and the United States Department of Health and Human Services, Centers for Disease Control and Prevention indicates that the actual incidence of Lyme disease is approximately 10 times the amount reported; and

Whereas, this Act designates the month of May as Lyme Disease Awareness Month to raise public awareness and improve education for the prevention, diagnosis and treatment of Lyme disease; and

Whereas, immediate enactment is necessary so that public awareness and education efforts related to Lyme disease and other tick-borne illnesses are conducted throughout the State this May; 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-E is enacted to read:

§150-E. Lyme Disease Awareness Month

The month of May of each year is designated as Lyme Disease Awareness Month, and the Governor shall annually issue a proclamation inviting and urging the people of the State to observe the month through appropriate activities. During the month, the Depart-