

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

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

Augusta, Maine
2011

Sec. 2. Applicability. This Act applies to motor carrier transportation contracts entered into or renewed on or after the effective date of this Act.

See title page for effective date.

CHAPTER 86

S.P. 240 - L.D. 796

**An Act To Continue the Axle
Fine Waiver during the
Midwinter Season**

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

Whereas, there is an exception to axle fines during the midwinter season; and

Whereas, the section of law allowing an exception to axle fines is repealed September 15, 2011, which may be earlier than the effective date of laws enacted during the First Regular Session of the Legislature; and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Sec. 1. 29-A MRSA §2360-A, sub-§3, as amended by PL 2009, c. 444, §1, is repealed.

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

Effective May 16, 2011.

CHAPTER 87

S.P. 279 - L.D. 891

**An Act To Amend the Maine
Consumer Credit Code
Regarding Interest Charged on
Deferred Payments**

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

Sec. 1. 9-A MRSA §3-308, sub-§3, as amended by PL 2001, c. 482, §1, is further amended to read:

3. A schedule of payments may provide for the deferral of the first periodic payment subsequent to any down payment for a period of not more than 12 months, except that interest or costs may not accrue in connection with the deferral of the first periodic payment if the deferral is for a period of time in excess of ~~90~~ 120 days;

See title page for effective date.

CHAPTER 88

S.P. 190 - L.D. 610

**An Act To Clarify the
Procedure by Which a Salvage
Company May Apply for a
Motor Vehicle Title**

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

Sec. 1. 29-A MRSA §1851, as amended by PL 2007, c. 150, §1, is further amended by adding at the end a new paragraph to read:

A vehicle left without a transferable title on the premises of an independent entity that temporarily stores a damaged or dismantled vehicle pursuant to an agreement with an insurance company, financial institution or dealer and that is engaged in the sale or resale of damaged or dismantled vehicles is subject to the provisions of section 1862.

Sec. 2. 29-A MRSA §1862 is enacted to read:
§1862. Left with an independent entity

1. Release of vehicle. An insurance company, financial institution or dealer may direct an independent entity that obtains possession of a vehicle to release the vehicle to the owner. The insurance company, financial institution or dealer shall provide the independent entity a release statement under subsection 2 authorizing the independent entity to release the vehicle to the vehicle's owner.

2. Release statement. A release statement authorizing an independent entity under subsection 1 to release a vehicle to a vehicle's owner must be on a form prescribed by the bureau and contain the following information:

A. The insurance policy and claim number relating to the vehicle;

B. The name and address of the insured owner of the vehicle;

C. The vehicle identification number and description of the vehicle; and

D. The signature of an authorized representative of the insurance company, financial institution or dealer.

3. Notice to owner. Upon receiving a release statement concerning a vehicle from an insurance company, financial institution or dealer under subsection 1, an independent entity shall send a notice to the owner of the vehicle that the vehicle is available for pickup by the owner. The notice must contain an invoice for any outstanding charge owed the independent entity, including an initial towing or storage charge paid to a 3rd party, and inform the owner that the owner has 30 days from the date of the postmark on the notice to pick up the vehicle from the independent entity. A notice under this subsection must be sent by first class mail to the owner's address on record with the bureau.

4. Abandonment. If the owner of a vehicle does not pick up the vehicle within 30 days after notice was sent to the owner pursuant to subsection 3, the vehicle is considered abandoned and the independent entity may apply for a certificate of title or certificate of salvage as set forth in this subchapter. The independent entity shall provide the bureau with a copy of the release statement under subsection 1, proof of notice under subsection 3 and any other supporting documentation and fees as determined necessary by the bureau with the application for certificate of title or certificate of salvage.

5. Rules. The bureau may adopt rules to carry out the purposes of this section. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 89

H.P. 255 - L.D. 322

An Act To Amend the Informed Growth Act

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

Sec. 1. 30-A MRSA §4365-A is enacted to read:

§4365-A. Municipal opt-in

The provisions of this subchapter do not apply to a municipality unless the municipality has adopted an ordinance that specifically adopts by reference the provisions of this subchapter. Nothing in this subchapter limits the home rule authority of municipalities to adopt ordinances on the same subject matter as this subchapter.

Sec. 2. 30-A MRSA §4366, sub-§8, as enacted by PL 2007, c. 347, §1, is repealed.

Sec. 3. 30-A MRSA §4366, sub-§10, as enacted by PL 2007, c. 347, §1, is amended to read:

10. Undue adverse impact. "Undue adverse impact" means that, within the comprehensive economic impact area, the estimated overall negative effects on the factors listed for consideration in section 4367, subsection 4 outweigh the estimated overall positive effects on those factors ~~and that the estimated negative effects of at least 2 of the factors listed in section 4367, subsection 4, paragraph A outweigh the positive effects on those factors.~~

Sec. 4. 30-A MRSA §4367, sub-§1, as enacted by PL 2007, c. 347, §1, is amended to read:

1. Qualified preparer. A comprehensive economic impact study must be prepared by a person, other than the applicant for a large-scale retail development, ~~listed by the office as qualified by education, training and experience to prepare such a study. The office shall provide the list of qualified preparers to a municipal reviewing authority and land use permit applicant upon request. The office shall adopt routine technical rules under Title 5, chapter 375, subchapter 2-A to carry out the purposes of this subsection.~~

Sec. 5. 30-A MRSA §4367, sub-§3, as enacted by PL 2007, c. 347, §1, is amended to read:

3. Payment. The applicant for the permit shall pay a fee of \$40,000 to the office ~~to be deposited into a dedicated revenue account municipality. The municipality shall establish the amount of the fee.~~ The development application is not complete for processing until the office confirms that the fee has been paid.

~~The office shall disburse to the municipality from the dedicated account an amount equal to the municipality shall use the fee to cover the municipality's projected costs of the comprehensive economic impact study contract, notice of the public hearing and related municipal staff support. The municipality's contract for the study must be defined and priced to ensure that the \$40,000 fee will be sufficient to cover both the costs of the study and the costs listed in this subsection. The office may charge against the fee an amount sufficient to cover its costs to record, administer and disburse the fee, but which may not exceed \$1,000. Any unexpended funds from the \$40,000 fee must be returned to the applicant.~~

Sec. 6. 30-A MRSA §4367, sub-§4, ¶A, as enacted by PL 2007, c. 347, §1, is amended to read:

A. The municipality may require that the comprehensive economic impact study, using existing studies and data and through the collection and analysis of new data, ~~must~~ identify the economic effects of the large-scale retail development on existing retail operations; supply and demand for