

# 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.**

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**Augusta, Maine**  
**2011**

HH. To the extent included in federal adjusted gross income, annuity payments made to the survivor of a deceased member of the military as the result of service in active or reserve components of the United States Army, Navy, Air Force, Marines or Coast Guard under a survivor benefit plan or reserve component survivor benefit plan pursuant to 10 United States Code, Chapter 73.

**Sec. 4. Application.** This Act applies to tax years beginning on or after January 1, 2011.

See title page for effective date.

**CHAPTER 139**

**H.P. 958 - L.D. 1306**

**An Act Relating to Custom Vehicles**

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

**Sec. 1. 29-A MRSA §101, sub-§19-A,** as enacted by PL 2005, c. 321, §1 and affected by §6, is repealed and the following enacted in its place:

**19-A. Custom vehicle.** "Custom vehicle" means a motor vehicle manufactured after model year 1948 that:

- A. Is at least 25 years old or was manufactured to resemble a motor vehicle that is at least 25 years old; and
- B. Has been altered or modified from the manufacturer's original design or has a body constructed from nonoriginal material.

**Sec. 2. 29-A MRSA §458-B, sub-§6,** as enacted by PL 2005, c. 321, §4 and affected by §6, is amended to read:

**6. Weight limit.** A custom vehicle registration plate may be issued for a motor vehicle that does not exceed ~~6,000~~ 10,000 pounds.

**Sec. 3. 29-A MRSA §458-B, sub-§7,** as enacted by PL 2005, c. 321, §4 and affected by §6, is amended to read:

**7. Inspection.** A custom vehicle is subject to the inspection requirements of section 1751, except that the Chief of the State Police may provide certain exemptions for custom vehicles pursuant to section 1769.

See title page for effective date.

**CHAPTER 140**

**S.P. 268 - L.D. 864**

**An Act Regarding the Minimum Stock Required by Agency Liquor Stores**

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

**Sec. 1. 28-A MRSA §461** is enacted to read:

**§461. Minimum stock requirement**

An agency liquor store shall maintain a minimum number of product codes in accordance with this section. For the purposes of this section, "product code" means a single spirit or fortified wine product purchased from the State or the State's wholesale distributor.

**1. Store in municipality with population of 1,000 or more.** An agency liquor store located in a municipality with a population of 1,000 or more shall have in stock, or on hand, a minimum of 100 different product codes.

**2. Store in municipality with population of 999 or less.** An agency liquor store located in a municipality with a population of 999 or less shall have in stock, or on hand, a minimum of 50 different product codes.

See title page for effective date.

**CHAPTER 141**

**S.P. 182 - L.D. 602**

**An Act To Clarify the Method of Appealing Decisions of the Executive Director of the Maine Commission on Indigent Legal Services**

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

**Sec. 1. 4 MRSA §1804, sub-§3, ¶J,** as enacted by PL 2009, c. 419, §2, is repealed and the following enacted in its place:

J. Develop an administrative review and appeal process for attorneys who are aggrieved by a decision of the executive director, or the executive director's designee, determining:

- (1) Whether an attorney meets the minimum eligibility requirements to receive assignments or to receive assignments in special-

ized case types pursuant to any commission rule setting forth eligibility requirements;

(2) Whether an attorney previously found eligible is no longer eligible to receive assignments or to receive assignments in specialized case types pursuant to any commission rule setting forth eligibility requirements; and

(3) Whether to grant or withhold a waiver of the eligibility requirements set forth in any commission rule.

All decisions of the commission, including decisions on appeals under subparagraphs (1), (2) and (3), constitute final agency action. All decisions of the executive director, or the executive director's designee, other than decisions appealable under subparagraphs (1), (2) and (3), constitute final agency action.

See title page for effective date.

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**CHAPTER 142**  
**S.P. 153 - L.D. 561**

**An Act To Clarify Certain Provisions in the Harness Racing 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,** the harness racing season has already begun for the year 2011; and

**Whereas,** provisions that promote and support the harness racing industry are beneficial to the economy and the preservation of agricultural traditions in the 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. 8 MRSA §275-B, sub-§1,** as amended by PL 2003, c. 401, §11, is further amended to read:

**1. Racetracks.** A person licensed pursuant to section 271 to conduct harness horse racing with pari-mutuel betting may sell pari-mutuel pools and common pari-mutuel pools for simulcast races. The seller must be within the enclosure of the racetrack where the licensed race or race meet is conducted or within

the licensee's slot machine facilities licensed pursuant to section 1011.

**Sec. 2. 8 MRSA §275-C, sub-§1,** as enacted by PL 1997, c. 390, §1, is amended to read:

**1. Authority.** A person authorized to sell pari-mutuel pools on horse racing may sell common pari-mutuel pools for simulcast races. The sale must be conducted within the enclosure of the licensee's racetrack, at the licensee's slot machine facilities licensed pursuant to section 1011 or at the licensee's off-track betting facility.

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

Effective May 25, 2011.

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**CHAPTER 143**  
**S.P. 323 - L.D. 1090**

**An Act To Allow a Stay of an Administrative License Suspension for Refusal To Submit to a Test**

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

**Sec. 1. 29-A MRSA §2483, sub-§4-A** is enacted to read:

**4-A. Stay after failure to submit to test.** When a hearing is requested by a petitioner under this section and the petitioner is not entitled to a stay of the suspension pending the hearing due to failure to submit to a test at the request of a law enforcement officer, if the hearing is postponed or otherwise continued by a person other than the petitioner or a cause not attributable to the petitioner, the suspension must be stayed until a hearing is held and a decision is issued. A stay does not apply during a delay caused or requested by the petitioner.

See title page for effective date.

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**CHAPTER 144**  
**H.P. 461 - L.D. 631**

**An Act To Update the Radon Registration Act**

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

**Sec. 1. 22 MRSA §772, sub-§3,** as enacted by PL 1989, c. 657, §1 and amended by PL 2003, c. 689,