

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST SPECIAL SESSION
September 27, 2011

SECOND REGULAR SESSION
January 4, 2012 to May 31, 2012

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
LAWS IS
SEPTEMBER 28, 2011

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 30, 2012

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

Augusta, Maine
2012

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

Sec. 1. 5 MRSA §1825-B, sub-§2, ¶E, as repealed and replaced by PL 1995, c. 625, Pt. A, §5 and amended by PL 2003, c. 20, Pt. OO, §2 and affected by §4, is further amended to read:

E. The purchase is part of a cooperative project between the State and the University of Maine System ~~or~~, the Maine Community College System, ~~the Maine Maritime Academy or a private, nonprofit, regionally accredited institution of higher education with a main campus in this State~~ involving:

- (1) An activity assisting a state agency and enhancing the ability of the university system ~~or~~, community college system, ~~Maine Maritime Academy or a private, nonprofit, regionally accredited institution of higher education with a main campus in this State~~ to fulfill its mission of teaching, research and public service; and
- (2) A sharing of project responsibilities and, when appropriate, costs;

See title page for effective date.

CHAPTER 556

H.P. 1262 - L.D. 1710

An Act To Amend the Motor Vehicle Laws

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

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

6-B. 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 126th Legislature.

Sec. 2. 29-A MRSA §202, as amended by PL 2001, c. 671, §2, is further amended to read:

§202. Appointment of agents for the issuance of noncommercial driver's license renewals, duplicates of noncommercial driver's license renewals and nondriver identification card renewals

The Secretary of State may appoint agents authorized ~~solely to issue renewals of operator's licenses and to issue noncommercial driver's license renewals, duplicates of noncommercial driver's license renewals and nondriver identification card renewals~~ who are stationed at convenient locations in the State. Agents may charge an applicant a fee over the required ~~operator's license fee~~ fees for each renewal or duplicate issued. The agent retains the additional fee and forwards all other fees to the Secretary of State. The Secretary of State shall determine by rule the fee to be charged by an agent under this section. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter ~~H-A 2-A~~.

~~Renewal agents~~ Agents appointed pursuant to this section are not authorized to issue registrations ~~or~~, initial ~~operator's noncommercial driver's~~ licenses or initial nondriver identification cards.

Sec. 3. 29-A MRSA §456-F, sub-§6, as enacted by PL 2007, c. 703, §10, is amended to read:

6. Duplicate plates. The Secretary of State shall issue an agriculture education plate in a 3-number and 3-letter combination sequence or in another sequence at the discretion of the Secretary of State. Vanity plates may not duplicate vanity plates issued in another class of plate.

Sec. 4. 29-A MRSA §501, sub-§7, ¶G is enacted to read:

G. The Secretary of State may issue unassigned temporary registration permits to a vehicle auction business licensed under section 1051 to allow the movement of a vehicle sold to a dealer.

Sec. 5. 29-A MRSA §501, sub-§12-A is enacted to read:

12-A. 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 126th Legislature.

Sec. 6. 29-A MRSA §664-A, sub-§5, as enacted by PL 1997, c. 437, §20, is amended to read:

5. Sold at auction. A Except for a vehicle sold to a dealer at a vehicle auction licensed under section 852, a vehicle that is sold or displayed for sale at an auction must be accompanied by a valid certificate of title or salvage at the time of its sale or display. A salvage vehicle sold or displayed for sale at an auction or insurance salvage pool must be accompanied by a valid certificate of salvage at the time of its sale or display for sale, unless it is accompanied by a certificate of title from a jurisdiction that does not issue certificates of salvage. The seller of a vehicle sold to a dealer at a vehicle auction licensed under section 852 must provide the purchasing dealer with a valid certificate of title or certificate of salvage within 30 days.

Sec. 7. 29-A MRSA §952, sub-§1, ¶B, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

B. A repair department for repair of 2 vehicles ~~simultaneously~~;

Sec. 8. 29-A MRSA §954, sub-§5, as amended by PL 2007, c. 273, Pt. B, §5 and c. 306, §7 and affected by c. 695, Pt. A, §47, is further amended to read:

5. Transporter. A garage owner, body shop, finance company, bank, motor vehicle auction business, motor vehicle rental company, recycler or repossession company licensed by the Bureau of Consumer Credit Protection or any public or nonprofit organization as described in section 951, subsection 4 may be issued transporter plates and a license to transport a vehicle owned by or in the custody of that owner or business.

A. The holder may use this plate only if the vehicle is accompanied by the owner or the owner's employee.

B. A transporter plate may not be:

- (1) Used in lieu of registration plates;
- (2) Loaned to another;
- (3) Used for personal reasons; or
- (4) Used on a towing vehicle, except for a drive-away saddlemount vehicle transporter combination.

Sec. 9. 29-A MRSA §1311, sub-§2, as enacted by PL 2003, c. 286, §4, is amended to read:

2. Period of restrictions. ~~Unless extended Subject to section 2116 and subject to extension~~ pursuant to subsection 3, the license restrictions in subsection 1 are in effect for a period of 180 days from license issuance.

Sec. 10. 29-A MRSA §1354, sub-§1, ¶E, as enacted by PL 1995, c. 505, §15 and affected by §22 and amended by PL 2003, c. 545, §5, is repealed.

Sec. 11. 29-A MRSA §1354, sub-§1, ¶F, as enacted by PL 1995, c. 505, §15 and affected by §22, is amended to read:

F. "Instructor" means a person engaged in teaching driver education ~~in a commercial driver education school~~.

Sec. 12. 29-A MRSA §1354, sub-§2, as enacted by PL 1995, c. 505, §15 and affected by §22, is amended to read:

2. Licenses required. A person may not operate a driver education school, conduct driver education or act as an instructor ~~or driver education teacher~~ unless licensed by the Secretary of State.

A. A Class A driver education school license may be issued to a driver education school that employs Class A or Class B instructors ~~or driver education teachers~~ and that is authorized to teach both the classroom and behind-the-wheel phases of driver education.

B. A Class A instructor ~~or driver education teacher~~ license authorizes the holder to teach both the classroom and behind-the-wheel phases of driver education as an employee or affiliate of a licensed driver education school.

C. A Class B instructor ~~or driver education teacher~~ license authorizes the holder to teach only the behind-the-wheel phase of driver education as an employee or affiliate of a licensed driver education school.

Sec. 13. 29-A MRSA §1354, sub-§3, as amended by PL 1997, c. 776, §39, is further amended to read:

3. Commercial driver education school license requirements. With assistance from the Technical Review Panel established in subsection 6, the Secretary of State shall adopt rules governing the curriculum, facilities, operations, including record-keeping requirements, and issuance and renewal of licenses for noncommercial driver education schools and commercial driver education schools ~~and for driver education teachers~~ and instructors.

A. The Secretary of State may not issue a license for a driver education school until the applicant has filed with the Secretary of State a certificate showing that the applicant is covered by an automobile bodily injury and property damage liability

ity insurance policy insuring against any legal liability in accordance with the terms of the policy for personal injury or death of any one person in the sum of \$100,000 and for any number of persons in the sum of \$300,000 and against property damage in the sum of \$100,000 arising from the operation of any vehicle being used in a commercial driver education school. In lieu of that insurance, the applicant may file with the Secretary of State a bond or bonds issued by a surety company authorized to do business in the State in the amount of at least \$100,000 on account of injury to or death of one person and subject to such limits as respects injury to or death of one person, of at least \$300,000 on account of any one accident resulting in injury to or death of more than one person and of at least \$100,000 for damage to property of others. Failure to comply with this subsection is grounds for suspension or revocation of a driver education school license.

B. A vehicle used as a training vehicle must be maintained in safe mechanical condition at all times. Each vehicle must be equipped with dual-control foot brakes and, if the vehicle is not equipped with an automatic transmission, dual-control clutch pedals. While being used in actual instruction, a vehicle must be equipped with an identification sign listing the name of the school and a student driver sign.

The following vehicles are not required to have dual controls and an identification sign listing the name of the school and a student driver sign:

- (1) A vehicle that is being used to instruct a person with a disability and is specially equipped for use by a person with a disability; and
- (2) A vehicle that is being used to instruct a person in possession of a valid Maine driver's license or instruction permit when the vehicle is not provided by the driver education school.

Sec. 14. 29-A MRSA §1354, sub-§4, as enacted by PL 1995, c. 505, §15 and affected by §22, is amended to read:

4. Instructor license requirements. With assistance from the Technical Review Panel established in subsection 6, the Secretary of State shall adopt rules governing the issuance and renewal of ~~driver education teacher~~ and instructor licenses. In addition to the requirements established by rule, each applicant must meet the following requirements:

- A. The applicant must be at least 21 years of age and have a high school diploma or its equivalent;
- B. The applicant must have at least 4 years of driver experience as a licensed operator;

C. The applicant may not have had a license revoked pursuant to chapter 23, subchapter ~~V~~ 5 within the preceding 6-year period;

D. The applicant may not have had an OUI as defined in section 2401, subsection 8 within the preceding 6-year period;

E. The applicant must pass an examination consisting of a knowledge, vision and road test in the type of vehicle for which the license is to be used as prescribed by the Secretary of State; and

F. The applicant must complete an educational program prescribed by the Secretary of State.

Sec. 15. 29-A MRSA §1354, sub-§5-A, as amended by PL 2011, c. 442, §§1 and 2, is further amended to read:

5-A. License fees. License fees must be paid to the Secretary of State and deposited into the Highway Fund. The following fees apply.

A. The fee for a driver education school license is \$125.

B. The fee for a ~~driver education teacher or an~~ instructor license is \$100.

C. A driver education school license expires one year from the date of issuance. The fee for the renewal of a driver education school license is \$125. ~~A driver education teacher or An~~ instructor license expires 2 years from the date of issuance. The fee for the renewal of a ~~driver education teacher or an~~ instructor license is \$100.

D. A noncommercial driver education school that offers driver education for course credit and does not charge a fee for driver education is exempt from the license fees required in this subsection. ~~A driver education teacher~~ An instructor employed by and providing driver education only in a school exempt from license fees in accordance with this paragraph is also exempt from license fees required in this subsection.

Sec. 16. 29-A MRSA §1354, sub-§6, ¶A, as amended by PL 2003, c. 652, Pt. B, §7 and affected by §8, is further amended to read:

A. The Secretary of State shall establish the Technical Review Panel that includes representatives from the Department of Education, the Department of Public Safety, law enforcement agencies, the insurance industry, and the motor carrier industry and a ~~driver education teacher and instructor~~ 2 instructors. The Technical Review Panel shall assist the Secretary of State in developing curriculum and ~~teacher and~~ instructor training and certification.

Sec. 17. 29-A MRSA §1354, sub-§6, ¶C, as enacted by PL 1995, c. 505, §15 and affected by §22, is amended to read:

C. The Secretary of State shall develop and implement training programs for the licensing and relicensing of ~~driver education teachers and~~ instructors.

Sec. 18. 29-A MRSA §1354, sub-§6, ¶G, as enacted by PL 1995, c. 505, §15 and affected by §22, is amended to read:

G. The Secretary of State shall investigate written complaints regarding the activities of driver education schools and ~~driver education teachers and~~ instructors.

Sec. 19. 29-A MRSA §1354, sub-§7, as enacted by PL 1995, c. 505, §15 and affected by §22 and amended by PL 1999, c. 547, Pt. B, §78 and affected by §80, is further amended to read:

7. Penalties. A person who conducts driver education, operates a driver education school or acts as a ~~driver education teacher or an~~ instructor without a license is guilty of a Class E crime. The State may bring an action in Superior Court to enjoin any person from violating this chapter, regardless of whether proceedings have been or may be instituted in the District Court or whether criminal proceedings have been or may be instituted.

Sec. 20. 29-A MRSA §1354, sub-§8, as enacted by PL 1995, c. 505, §15 and affected by §22, is amended to read:

8. Suspension or revocation of license; hearings. The Secretary of State may suspend, revoke or refuse to issue or renew a driver education school or ~~driver education teacher~~ or instructor license for non-compliance with statutory and regulatory requirements. A person refused a license or whose license is suspended or revoked may request a hearing with the Secretary of State. A requested hearing must be conducted pursuant to chapter 23, subchapter H ~~2~~, article 3.

Sec. 21. 29-A MRSA §2357, sub-§1, ¶A, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

A. A vehicle loaded entirely with building materials that absorb moisture during delivery ~~originating and terminating within the State~~, bark, sawdust, firewood, sawed lumber, dimension lumber, pulpwood, wood chips, logs, soil, unconsolidated rock material including limestone, bolts, farm produce, road salt, manufacturer's concrete products, solid waste or incinerator ash;

Sec. 22. 29-A MRSA §2382, sub-§5, as repealed and replaced by PL 2011, c. 356, §23, is amended to read:

5. Long-term permits. The Secretary of State may grant permits for up to one year for trucks, truck tractors, semitrailers and Class A special mobile equipment. ~~The fee for an overlimit permit is \$25 per month. Notwithstanding Title 5, section 8071, subsection 2, paragraph A, the Secretary of State, in consultation with the Commissioner of Transportation, shall establish the fee schedule by rule. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.~~

See title page for effective date.

CHAPTER 557

S.P. 630 - L.D. 1822

An Act To Allow the Change of Location of a Licensed Large Game Shooting Area

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

Sec. 1. 7 MRSA §1342-C is enacted to read:

§1342-C. Change of location of licensed commercial large game shooting area

A person holding a license for a commercial large game shooting area under section 1342 or 1342-A may apply to the commissioner for permission to change the location of the licensed area. The commissioner shall approve the change in location if the applicant demonstrates that the old location of the commercial large game shooting area will be discontinued and that the new location meets all of the applicable requirements of the section of law under which the original license was approved.

See title page for effective date.

CHAPTER 558

S.P. 612 - L.D. 1774

An Act Regarding the Matching Funds Provisions of the Maine Clean Election Act

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

Sec. 1. 21-A MRSA §1017, sub-§3-B, as corrected by RR 2009, c. 2, §46, is repealed.

Sec. 2. 21-A MRSA §1019-B, sub-§4, ¶A, as enacted by PL 2009, c. 524, §7, is amended to read:

A. A report required by this subsection must be filed with the commission according to a reporting schedule that the commission shall establish by