

MAINE STATE LEGISLATURE

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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

and effective planning, oversight and implementation of metallic mining operations. Notwithstanding any other provision of law, the State Controller shall transfer \$250,000 from the Uncontrolled Sites Fund under the Maine Revised Statutes, Title 38, section 1364, subsection 6 and \$250,000 from the Ground Water Oil Clean-up Fund under Title 38, section 569-A to the Metallic Mining Fund, Other Special Revenue Funds account within the Department of Environmental Protection on or before September 30, 2013.

Sec. 33. Effective date. Those sections of this Act that amend the Maine Revised Statutes, Title 12, Title 36 and Title 38 take effect June 1, 2014.

See title page for effective date, unless otherwise indicated.

CHAPTER 654

S.P. 684 - L.D. 1912

An Act To Encourage Responsible Teen Driving

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

Sec. 1. 29-A MRSA §1256, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B §5, is repealed.

Sec. 2. 29-A MRSA §1304, sub-§1, ¶D, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

D. The permit is valid for a period of ~~18 months~~ 2 years.

Sec. 3. 29-A MRSA §1311, sub-§2, as amended by PL 2011, c. 556, §9 is further amended to read:

2. Period of restrictions. ~~Subject to~~ Except as provided in section 2116 and subject to extension pursuant to subsection 3, the license restrictions in subsection 1 are in effect for a period of ~~180~~ 270 days from license issuance. The period of license restrictions may extend beyond the person's 18th birthday.

Sec. 4. 29-A MRSA §1311, sub-§3, as enacted by PL 2003, c. 286, §4, is amended to read:

3. Extension of restrictions. A person who is adjudicated for violating this section must have the license restrictions in subsection 1 extended for an additional period of ~~180~~ 270 days. The additional period of license restrictions may extend beyond the person's 18th birthday. Any violation of the license restrictions during the period of this extension must result in a further extension of the license restrictions pursuant to this section.

Sec. 5. 29-A MRSA §1311, sub-§4, as enacted by PL 2003, c. 286, §4, is amended to read:

4. Penalty. A person who violates this section commits a traffic infraction for which a fine of not less than \$250 and not more than \$500 may be adjudged.

Sec. 6. 29-A MRSA §1311, sub-§5 is enacted to read:

5. Suspension of license. The Secretary of State shall suspend without right to a hearing the license of a person adjudicated for violating this section:

A. For 60 days on the first offense;

B. For 180 days on the 2nd offense; and

C. For one year on the 3rd or subsequent offense.

Sec. 7. 29-A MRSA §2119, sub-§3, as enacted by PL 2011, c. 207, §1, is amended to read:

3. Penalty. A person who violates this section commits a traffic infraction for which a fine of not less than ~~\$400~~ \$250 and not more than \$500 may be adjudged.

Sec. 8. 29-A MRSA §2251, sub-§7-A, as enacted by PL 2011, c. 390, §2 and amended by c. 420, Pt. K, §1 and affected by §2, is further amended to read:

7-A. Accident report database; public dissemination of accident report data. Data contained in an accident report database maintained, administered or contributed to by the Department of Public Safety, Bureau of State Police must be treated as follows.

A. For purposes of this subsection, the following terms have the following meanings.

(1) "Data" means information existing in an electronic medium and contained in an accident report database.

(2) "Nonpersonally identifying accident report data" means any data in an accident report that are not personally identifying accident report data.

(3) "Personally identifying accident report data" means:

(a) An individual's name, residential and post office box mailing address, social security number, date of birth and driver's license number;

(b) A vehicle registration plate number;

(c) An insurance policy number;

(d) Information contained in any free text data field of an accident report; and

(e) Any other information contained in a data field of an accident report that may be used to identify a person.

B. ~~The~~ Except as provided in paragraph B-1, the Department of Public Safety, Bureau of State Police may not publicly disseminate personally identifying accident report data that are contained in an accident report database maintained, administered or contributed to by the Bureau of State Police. Such data are not public records for the purposes of Title 1, chapter 13.

B-1. The Department of Public Safety, Bureau of State Police may disseminate a vehicle registration plate number contained in an accident report database maintained, administered or contributed to by the Bureau of State Police to a person only if that person provides the Bureau of State Police an affidavit stating that the person will not:

- (1) Use a vehicle registration plate number to identify or contact a person; or
- (2) Disseminate a vehicle registration plate number to another person.

C. The Department of Public Safety, Bureau of State Police may publicly disseminate nonpersonally identifying accident report data that are contained in an accident report database maintained, administered or contributed to by the Bureau of State Police. The cost of furnishing a copy of such data is not subject to the limitations of Title 1, section 408.

Sec. 9. 29-A MRSA §2251, sub-§8, as amended by PL 2001, c. 360, §15, is further amended to read:

8. Violation. A person commits a Class E crime if that person:

- A. Is required to make an oral or written report and knowingly fails to do so within the time required;
- B. Is an operator involved in a reportable accident and knowingly fails to give a correct name and address when requested by an officer at the scene; ~~or~~
- C. Is the operator involved in a reportable accident or the owner of a vehicle involved in a reportable accident and knowingly fails to produce the vehicle or, if the vehicle is operational, return it to the scene when requested by the investigating officer; ~~or~~
- D. Obtains a vehicle registration plate number pursuant to subsection 7-A, paragraph B-1 and knowingly uses that vehicle registration plate number to identify or contact a person or knowingly disseminates that vehicle registration plate number to another person.

Sec. 10. 29-A MRSA §2472, sub-§2, as amended by PL 2007, c. 383, §30, is further amended to read:

2. Suspension terms for moving violations. If a person who has not yet attained the age of 21 years is convicted or adjudicated of a moving motor vehicle violation that occurred within 2 years from the date of issue of a juvenile provisional license, the Secretary of State shall suspend the license ~~without right to hearing:~~

- A. For 30 days on the 1st offense;
- B. For ~~60~~ 180 days on the 2nd offense; and
- C. For ~~90 days~~ one year on the 3rd or subsequent offense.

If requested, the Secretary of State shall provide an opportunity for hearing on the suspension as soon as practicable. After hearing, the Secretary of State, for good cause shown, may continue, modify or rescind the suspension. An individual who has not yet attained the age of 18 years does not have a right to a hearing.

Sec. 11. 29-A MRSA §2472, sub-§2-A is enacted to read:

2-A. Driver improvement program. A person whose license is suspended pursuant to subsection 2 shall complete a minimum of 4 hours of a driver improvement program approved by the Secretary of State before the suspension may be terminated.

Sec. 12. 29-A MRSA §2472, sub-§2-B is enacted to read:

2-B. Reexamination. The holder of a juvenile provisional license convicted of an offense listed in section 2551-A, subsection 1, paragraph A, as limited by section 2551-A, subsection 3, must successfully complete an examination pursuant to section 1301, subsection 4 as prescribed by the Secretary of State before the suspension may be terminated.

Sec. 13. 29-A MRSA §2472, sub-§7 is enacted to read:

7. Reinstatement fee for suspensions for major offenses. Before a suspension issued to the holder of a license issued pursuant to this section resulting from a conviction or adjudication listed in section 2551-A, subsection 1, paragraph A, as limited by section 2551-A, subsection 3, is terminated and a license reinstated, a fee of \$200 must be paid to the Secretary of State and the holder must complete any community service imposed by a court, up to 60 hours.

Sec. 14. 29-A MRSA §2486, sub-§1, as amended by PL 2009, c. 213, Pt. YYYY, §2, is further amended to read:

1. Reinstatement fee for suspensions other than for OUI or failure to submit to a test. Before Except as provided in section 2472, subsection 7, before a suspension for any reason other than OUI or failure to submit to a test is terminated and a license or certificate reinstated, a fee of \$50, in addition to the regular license fee, must be paid to the Secretary of State.

Sec. 15. 29-A MRSA §2486, sub-§1-A, as enacted by PL 2007, c. 531, §5 and affected by §10, is further amended to read:

1-A. Reinstatement fee for suspensions for OUI or failure to submit to a test. Before Except as provided in section 2472, subsection 7, before a suspension for OUI or failure to submit to a test is terminated and a license or certificate reinstated, a fee of \$50, in addition to the regular license fee, must be paid to the Secretary of State.

Sec. 16. Effective date. That section of this Act that enacts the Maine Revised Statutes, Title 29-A, section 2472, subsection 2-A takes effect January 1, 2013.

See title page for effective date, unless otherwise indicated.

CHAPTER 655

H.P. 1405 - L.D. 1903

An Act To Make Additional Supplemental Appropriations and Allocations and To Change Certain Provisions of the Law for the Fiscal Years Ending June 30, 2012 and June 30, 2013

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 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; 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:

PART A

Sec. A-1. Appropriations and allocations.

The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Accident - Sickness - Health Insurance 0455

Initiative: Reorganizes one Public Service Manager I position from range 25 to range 28 and one Public Service Coordinator I position from range 22 to range 25 and transfers All Other to Personal Services to fund the reorganization.

Table with 3 columns: Category, 2011-12, 2012-13. Rows include ACCIDENT, SICKNESS AND HEALTH INSURANCE INTERNAL SERVICE FUND, Personal Services, All Other, ACCIDENT, SICKNESS AND HEALTH INSURANCE INTERNAL SERVICE FUND TOTAL.

Administration - Human Resources 0038

Initiative: Transfers one Office Associate II position from the Administration - Human Resources program to the Purchases - Division of program to align workflow in the Department of Administrative and Financial Services.

Table with 3 columns: Category, 2011-12, 2012-13. Rows include GENERAL FUND, POSITIONS - LEGISLATIVE COUNT, Personal Services, GENERAL FUND TOTAL.

Buildings and Grounds Operations 0080

Initiative: Transfers one Space Management Specialist position and related All Other costs from the Revenue Services - Bureau of program to the Buildings and Grounds Operations program.

Table with 3 columns: Category, 2011-12, 2012-13. Rows include GENERAL FUND, POSITIONS - LEGISLATIVE COUNT, Personal Services, All Other, GENERAL FUND TOTAL.