

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2012 to July 10, 2013

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2013

Sec. 10. 23 MRSA §1855, first ¶, as amended by PL 2005, c. 405, Pt. G, §1, is further amended to read:

The Commissioner of Transportation shall use the state infrastructure bank to make loans to counties and municipalities, state agencies and quasi-state government agencies and public and private utility districts ~~eligible for the financial assistance program for utilities under section 256~~ upon such terms as the commissioner shall determine, including secured and unsecured loans, and in connection with the secured and unsecured loans, to enter into loan agreements, subordination agreements and other agreements; accept notes and other forms of obligation to evidence the indebtedness, and mortgages, liens, pledges, assignments or other security interest to secure the indebtedness, which may be prior or subordinate to or on a parity with other indebtedness, obligations, mortgages, pledges, assignments, other security interests or liens or encumbrances, and take such actions as are appropriate to protect the security and safeguard against losses, including foreclosure and the bidding upon and purchase of property upon foreclosure or other sale. Repayments of a federal share loan may be obligated by the commissioner for any transportation purpose, including the reloaning of such repaid funds for other projects. Reloaned funds are considered state loans, not federal share loans.

Sec. 11. 23 MRSA §7217, as enacted by PL 1989, c. 398, §8, is amended to read:

§7217. Plant railroads

Sections 1251, 1254, 7202, 7205, 7206, ~~and 7214 and section 7307, subsections 2 and 3~~, so far as applicable, apply to plant railroads. The term "plant railroad" ~~shall be construed to mean~~ means a railroad of the owners of any mills, mines, quarries, gravel pits, log landings or yards, warehouses, storehouses, stock yards, bulk storage yards, airports, piers, docks, shipyards, educational institutions, power plants, gas works, petroleum tank farms or bulk stations, or other manufacturing, processing or mercantile establishments, and including state and federal institutions and developments, erected or in process of erection, which ~~the railroad~~ is located on land provided or acquired for the purpose by the owners, and whether operated by the owners, or by state or federal government or an agency thereof, or through connection with a public railroad under operating contract with it and by operation of its equipment over the plant railroad.

Sec. 12. 23 MRSA §§7301 to 7308, as enacted by PL 1989, c. 398, §9, are repealed.

See title page for effective date.

**CHAPTER 37
H.P. 307 - L.D. 457**

**An Act To Eliminate Certain
Data Collection Requirements
of the Forest Health and
Monitoring Program of the
Division of Forestry**

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

Sec. 1. 12 MRSA §8202, sub-§1, ¶D, as enacted by PL 1979, c. 545, §3, is amended to read:

D. Refer individuals to other state or federal agencies for technical or financial assistance; and

Sec. 2. 12 MRSA §8202, sub-§1, ¶E, as enacted by PL 1979, c. 545, §3, is repealed.

See title page for effective date.

**CHAPTER 38
H.P. 302 - L.D. 452**

**An Act Concerning Hurricane
Deductibles**

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

Sec. 1. 24-A MRSA §3061 is enacted to read:

§3061. Uniform policy standards concerning hurricane deductible programs

The superintendent shall adopt rules establishing procedures and standards for an insurer that uses a hurricane deductible program or programs regarding the applicability of hurricane deductibles. Procedures and standards must include without limitation uniform policy standards and the form of notice that the insurer must provide to the named insured under a policy subject to this subchapter issued by the insurer. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 39
S.P. 65 - L.D. 176**

**An Act To Amend and Clarify
the Maine Uniform Securities
Act**

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

Sec. 1. 32 MRSA §16409, as enacted by PL 2005, c. 65, Pt. A, §2, is amended to read:

§16409. Withdrawal or nonrenewal of licensing of broker-dealer, agent, investment adviser and investment adviser representative

Withdrawal of licensing by a broker-dealer, agent, investment adviser or investment adviser representative becomes effective 60 days after the filing of the application to withdraw or within any shorter period authorized by the administrator, unless a revocation or suspension proceeding is pending when the application is filed. If a proceeding is pending, the administrator shall make a determination with respect to the withdrawal application as part of the proceeding. The administrator may institute a revocation or suspension proceeding under section 16412 within one year after the withdrawal became effective automatically or within one year of a license's becoming ineffective due to nonrenewal under section 16406 and issue a revocation or suspension order as of the last date on which licensing was effective.

Sec. 2. 32 MRSA §16508, sub-§1, as enacted by PL 2005, c. 65, Pt. A, §2, is amended to read:

1. Criminal penalties. A person that intentionally or knowingly violates this chapter, or a rule adopted or order issued under this chapter, except section 16504 or the notice filing requirements of section 16302 or 16405, or that intentionally or knowingly violates section 16505 knowing the statement made to be false or misleading in a material respect, upon conviction, commits a Class C crime. In any prosecution under this section, the State need not prove that the defendant knew that any instrument involved was a security, that any instrument was required to be registered under section 16301 or that any license was required under sections 16401 to 16404. An individual convicted of violating a rule or order under this chapter may be fined, but may not be imprisoned, if the individual did not have knowledge of the rule or order.

Sec. 3. 32 MRSA §16604, sub-§4, as amended by PL 2011, c. 37, §3, is further amended to read:

4. Civil fine; final orders and remedies. In a final order under subsection 3, the administrator may: order remedies described in subsection 1; censure that person; bar that person from association with any issuer, broker-dealer or investment adviser in this State; order restitution; or impose a civil fine not to exceed \$5,000 per violation. For a violation involving an investor 65 years of age or older, the amount of the civil fine may be doubled to an amount not to exceed a maximum of \$10,000 per violation.

See title page for effective date.

**CHAPTER 40
H.P. 213 - L.D. 304**

An Act To Amend the Representation on the Telecommunications Relay Services Advisory Council

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

Sec. 1. 35-A MRSA §8704, sub-§1, ¶E, as amended by PL 2009, c. 68, §13, is further amended to read:

E. Eight members appointed by the Governor as follows:

- (1) One member from the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf;
- (2) One member from a statewide association for the deaf;
- (3) One member from a center on deafness;
- (4) One member from the largest incumbent local exchange carrier providing telecommunications relay service in this State;
- (5) One member of a telephone association in this State, except that the representative under this subparagraph may not be a representative of the carrier under subparagraph (4);
- (6) Two members from the general public who use telecommunications devices for the deaf as a primary means of telecommunications; and
- (7) One member representing ~~a cellular or wireless service provider~~ an Internet telecommunications relay service provider that provides service to customers in this State.

See title page for effective date.

**CHAPTER 41
S.P. 144 - L.D. 364**

An Act To Amend the Laws Regulating Suppliers of Agricultural, Construction, Industrial and Forestry Equipment

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