

# 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**  
**OCTOBER 9, 2013**

**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**  
**2013**

insurance may be provided at the time of registration in electronic form, including the display of an image on a portable electronic device as defined in section 1551, subsection 11-A.

**Sec. 3. 29-A MRSA §1551, sub-§4**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**4. Insurance identification card.** "Insurance identification card" means ~~a card~~ an identification of insurance in paper or electronic form issued to an insured by an insurer pursuant to Title 24-A, section 2412, subsection 7; or ~~a card~~ an identification of proof of financial responsibility in paper or electronic form issued by the Secretary of State to a person who elects to provide proof of financial responsibility in accordance with section 1605.

**Sec. 4. 29-A MRSA §1551, sub-§11-A** is enacted to read:

**11-A. Portable electronic device.** "Portable electronic device" means an electronic device that is portable in nature, including but not limited to a device for sending or receiving e-mail, a text messaging device, a cellular telephone and a computer.

**Sec. 5. 29-A MRSA §1601, sub-§2**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**2. Evidence of insurance or financial responsibility.** When a law enforcement officer stops an operator for a moving violation or the operator is involved in an accident that must be reported under section 2251, the officer shall request the operator to produce evidence of liability insurance or financial responsibility. Evidence of liability insurance or financial responsibility may be in electronic form, including the display of an image on a portable electronic device. The use of a portable electronic device to provide evidence of liability insurance or financial responsibility in electronic form does not constitute consent for a law enforcement officer to access other contents of the electronic device.

**Sec. 6. 29-A MRSA §1605, sub-§2**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**2. Scope of proof.** Insurance in the minimum amounts listed in subsection 1, paragraph C must be furnished for each vehicle registered, and evidence of insurance may be provided at the time of registration in electronic form, including the display of an image on a portable electronic device. Separate proof of financial responsibility is not required for a trailer, semitrailer, camp trailer or mobile home, registered to a person required to file proof of financial responsibility, that is covered by a policy on a vehicle registered

by that person and provides the coverage required for a motor vehicle liability policy.

See title page for effective date.

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## CHAPTER 73

### H.P. 361 - L.D. 542

#### An Act To Remove the Limit on the Retention of Live Smelts

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

**Whereas**, immediate enactment of this legislation is necessary in order for it to be effective in time for the open-water fishing season; 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. 12 MRSA §12456, sub-§2, ¶A**, as amended by PL 2009, c. 214, §6, is further amended to read:

A. A person who holds a valid Maine fishing license may take smelts for recreational purposes only from the inland waters or portions of inland waters that are naturally free of ice with a dip net in the usual and ordinary way from noon to 2:00 a.m. in accordance with bag limits established by rule. Bag limits established by rule under this paragraph are for a 24-hour period, beginning at noon on a given day and ending at 11:59 a.m. the following day. The commissioner may prohibit the taking of smelts under this section or shorten the noon to 2:00 a.m. smelt fishing timeframe by rule for enforcement or conservation purposes.

~~(1) A person may not keep more than 5 dozen smelts alive as part of that person's daily bag limit pursuant to this paragraph.~~

(2) A person may not take smelts with a dip net unless that dip net meets the requirements under section 10001, subsection 12-A.

Each day a person violates subparagraph ~~(1)~~ (2) that person commits a Class E crime.

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

Effective May 7, 2013.

**CHAPTER 74**  
**H.P. 219 - L.D. 310**

**An Act To Exempt Persons 80  
Years of Age and Older from  
Jury Duty at Their Discretion**

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

**Sec. 1. 14 MRSA §1213, sub-§2, ¶C** is enacted to read:

C. A person 80 years of age or older who does not wish to serve on a jury is excused from jury service.

See title page for effective date.

**CHAPTER 75**  
**H.P. 778 - L.D. 1109**

**An Act To Clarify the Maine  
New Markets Capital  
Investment Program Tax  
Credit**

**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 125th Legislature enacted the Maine New Markets Capital Investment Program to stimulate capital investment in distressed areas of the State; and

**Whereas,** investors seeking to make investments under the Maine New Markets Capital Investment Program require a high degree of clarity regarding the conditions on which tax credits may be available; and

**Whereas,** there are interested investors unwilling to make investments that will support construction of manufacturing facilities and the creation or retention of jobs due to the ambiguity of certain terms used in the Maine New Markets Capital Investment Program; and

**Whereas,** it is imperative that this legislation take effect immediately to allow for investments to be made in the spring of 2013; 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. 36 MRSA §5219-HH, sub-§1, ¶J,** as amended by PL 2011, c. 657, Pt. P, §1, is further amended to read:

J. "Qualified low-income community investment" means any capital or equity investment in, or loan to, any qualified active low-income community business made after September 28, 2011. Except as otherwise provided in this paragraph, with respect to any one qualified active low-income community business, the maximum amount of qualified low-income community investments that may be made ~~in the business, on a collective basis with all of its affiliates,~~ with the proceeds of qualified equity investments that have been certified under Title 10, section 1100-Z, subsection 3, paragraph G is \$10,000,000 ~~per project constructed, maintained or operated by the qualified active low-income community business~~ whether made by one or several qualified community development entities. With respect to investments in a qualified active low-income community business that is a manufacturing or value-added production enterprise ~~that projects to create or retain more than 200 jobs,~~ the limit on the qualified low-income community investment is \$40,000,000 ~~per project constructed, maintained or operated by the qualified active low-income community business.~~ For the purposes of this paragraph, with respect to projects to which the \$10,000,000 limitation applies, "project" includes all land, buildings, structures, machinery and equipment located at the same location and constructed, maintained or operated by the qualified active low-income community business. For the purposes of this paragraph, with respect to projects to which the \$40,000,000 limitation applies, "project" means, and refers separately to, each manufacturing or value-added production facility that projects to create or retain more than 200 jobs, including the land, buildings, structures, machinery and equipment functionally related to, and integrated with, the manufacturing or production process conducted on the site of that facility. "Project" does not mean or include the component pieces of an integrated manufacturing or production process conducted on the site of a particular facility.

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

Effective May 7, 2013.