

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.

Augusta, Maine
2013

Initiative: Provides a base allocation to establish geo-spatial data accounts.

FEDERAL EXPENDITURES FUND	2013-14	2014-15
All Other	\$500	\$500
FEDERAL EXPENDITURES FUND TOTAL	\$500	\$500
OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

See title page for effective date.

**CHAPTER 123
H.P. 923 - L.D. 1296**

An Act To Require the Secretary of State To Suspend a Person's License in Certain Instances Regardless of whether an Accident Report Has Been Filed

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

Sec. 1. 29-A MRSA §1603, sub-§7, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

7. Unsatisfied judgment. Upon receipt of a judgment against the owner or operator of a vehicle involved in an accident reported pursuant to section 2251, subsection 2 that resulted from a cause of action that arose from that accident, the Secretary of State shall immediately suspend the license and registration of the judgment debtor. Upon receipt of a judgment against the owner or operator of a vehicle resulting from an accident not reported pursuant to section 2251, subsection 2 that occurred on a public way or in a place where public traffic may reasonably be anticipated and caused bodily injury or death or property damage of at least \$1,000, the Secretary of State shall immediately suspend the license and registration of the judgment debtor.

See title page for effective date.

**CHAPTER 124
S.P. 415 - L.D. 1178**

An Act To Encourage the Use of Biofuels in the State

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

Sec. 1. 10 MRSA §1663 is enacted to read:

§1663. Sale of biomass-based diesel blends and biodiesel blends

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Biodiesel" means the mono-alkyl esters of long chain fatty acids derived from plant or animal matter that meets the requirements of the American Society of Testing and Materials Standard D6751.

B. "Biomass-based diesel" means a diesel fuel substitute produced from nonpetroleum renewable resources that meets the registration requirements for fuels and fuel additives established by the United States Environmental Protection Agency under 42 United States Code, Section 7545 (2012).

C. "Biomass-based diesel blend" and "biodiesel blend" mean a blend of biomass-based diesel or biodiesel and petroleum-based diesel fuel.

2. Number 2 heating oil. For purposes of this section, all references to diesel include #2 heating oil.

3. Transfer document. A person that sells or otherwise transfers title to a biomass-based diesel blend or biodiesel blend to any other person for resale of the product shall prepare a document evidencing the transfer. This transfer document may be in the form of an invoice, bill of lading, bill of sale or other written instrument meeting the requirements of this subsection. This transfer document must include the name of the transferor, the name of the transferee, the date of the transfer, the volume in gallons of the product transferred and either the volume in gallons or the percentage of biomass-based diesel or biodiesel that is contained in the blended product. A person making such a transfer shall maintain the transfer document required by this subsection for a period of 4 years from the transfer date. As used in this subsection, the term "resale" does not include a sale of product purchased at a retail outlet.

4. Transferee not liable. A transferee of a biomass-based diesel blend or biodiesel blend is not liable for failing to verify the accuracy of the information included in any transfer document conforming to the requirements of subsection 3 or for any other liability

arising from the transferee's reliance on such information.

5. Supplement other requirements. The requirements of this section are in addition to any other requirements or standards in state law.

See title page for effective date.

CHAPTER 125
H.P. 605 - L.D. 854

**An Act To Clarify When a
Manufactured Home Becomes
Residential Real Property**

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

Sec. 1. 10 MRSA §9001, sub-§1, ¶E, as enacted by PL 2005, c. 678, §3 and affected by §13, is amended to read:

E. As a valued and important component of the housing industry in this State, manufactured housing is recognized as residential property, whether it is real property or personal property, notwithstanding the requirements of Title 29-A, and manufactured housing for which no certificate of title has been issued is considered real property when it has been permanently affixed to real property that is owned by the owner of the manufactured housing.

Sec. 2. 29-A MRSA §602, sub-§9-A is enacted to read:

9-A. Permanently affixed. "Permanently affixed" means, with respect to manufactured housing, placed on a foundation or slab or other form of permanent attachment to the site and connected to conventional and necessary utility systems.

Sec. 3. 29-A MRSA §652, sub-§9, ¶E, as enacted by PL 2005, c. 678, §7 and affected by §13, is amended to read:

E. Permanently affixed to real property that is owned by the owner of the manufactured housing within 30 days of the date of sale.

Sec. 4. 29-A MRSA §708, as enacted by PL 2005, c. 678, §12 and affected by §13, is amended to read:

§708. Manufactured housing

This subchapter applies to perfection of security interests in manufactured housing that is not permanently affixed to real property that is owned by the owner of the manufactured housing.

See title page for effective date.

CHAPTER 126
H.P. 680 - L.D. 966

**An Act To Clarify an
Exemption to the Municipal
Subdivision Laws**

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

Sec. 1. 30-A MRSA §4401, sub-§4, ¶D-6, as enacted by PL 2001, c. 359, §3, is amended to read:

D-6. A division accomplished by the transfer of any interest in land to the owners of land abutting that land ~~that does not create a separate lot~~ does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person without all of the merged land, then the previously exempt division creates a lot or lots for the purposes of this subsection.

See title page for effective date.

CHAPTER 127
H.P. 586 - L.D. 835

**An Act To Improve Organ
Donation Awareness**

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

Sec. 1. 29-A MRSA §1312 is enacted to read:

**§1312. Maine Organ and Tissue Donation Fund
voluntary checkoff**

1. Maine Organ and Tissue Donation Fund. When applying for or renewing a license under this subchapter, a person may designate that a \$2 donation be paid into the Maine Organ and Tissue Donation Fund established in section 1402-B, subsection 4. A person who designates a \$2 donation under this subsection shall include with the person's license application or renewal fee sufficient funds to make the contribution. Each license application form under section 1301, subsection 1 and license renewal form under section 1406 must contain a designation in substantially the following form: "Maine Organ and Tissue Donation Fund donation: () \$2 or () Other \$..."

2. Contributions credited to Maine Organ and Tissue Donation Fund. The Secretary of State shall determine annually the total amount contributed pursuant to subsection 1. Prior to the beginning of the next year, the Secretary of State shall deduct the cost of administering the Maine Organ and Tissue Dona-