

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

D. The hardship is not the result of action taken by the applicant or a prior owner.

Under its home rule authority, a municipality may, in a zoning ordinance, adopt additional limitations on the granting of a variance, including, but not limited to, a provision that a variance may be granted only for a use permitted in a particular zone.

Sec. 2. 30-A MRSA §4353-A is enacted to read:

§4353-A. Code enforcement officer; authority for disability structures permits

Notwithstanding section 4353, a municipality by ordinance may authorize a code enforcement officer to issue a permit to an owner of a dwelling for the purpose of making a dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. If the permit requires a variance, the permit is deemed to include that variance solely for the installation of equipment or the construction of structures necessary for access to or egress from the dwelling for the person with a disability. The code enforcement officer may impose conditions on the permit, including limiting the permit to the duration of the disability or to the time that the person with a disability lives in the dwelling.

For the purposes of this section, the term "structures necessary for access to or egress from the dwelling" includes ramps and associated railings, walls or roof systems necessary for the safety or effectiveness of the ramps.

For the purposes of this section, "disability" has the same meaning as a physical or mental disability under Title 5, section 4553-A.

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

Effective May 31, 2013.

**CHAPTER 187
S.P. 36 - L.D. 85**

An Act To Amend the Motor Vehicle Ignition Interlock Device Requirements in the Laws Regarding Operating Under the Influence

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

Sec. 1. 29-A MRSA §2411, sub-§5, ¶D, as amended by PL 2007, c. 531, §2 and affected by §10, is further amended to read:

D. For a person having 3 or more previous OUI offenses within a 10-year period, which is a Class C crime:

- (1) A fine of not less than \$2,100, except that if the person failed to submit to a test at the request of a law enforcement officer, a fine of not less than \$2,500;
- (2) A period of incarceration of not less than 6 months, except that if the person failed to submit to a test at the request of a law enforcement officer, a period of incarceration of not less than 6 months and 20 days;
- (3) A court-ordered suspension of a driver's license for a period of ~~6~~ 8 years; and
- (4) In accordance with section 2416, a court-ordered suspension of the person's right to register a motor vehicle; and
- (5) ~~In accordance with section 2508, installation of an ignition interlock device in the motor vehicle the person operates for a period of 4 years after the period of suspension has run;~~

Sec. 2. 29-A MRSA §2508, sub-§1, ¶C, as amended by PL 2009, c. 482, §1, is further amended to read:

C. The license of a person with 4 or more OUI offenses may be reinstated after ~~the expiration 4 years of the period of suspension period has run~~ if the person has installed for a period of 4 years an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates. ~~This paragraph applies only to 4th or subsequent offenses committed after August 31, 2008.~~

See title page for effective date.

**CHAPTER 188
H.P. 408 - L.D. 589**

An Act To Strengthen the Law Regarding Texting and Driving

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

Sec. 1. 29-A MRSA §2119, sub-§3, as amended by PL 2011, c. 654, §7, is repealed and the following enacted in its place:

3. Penalties. The following penalties apply to a violation of this section.

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

B. A person who violates this section after previously having been adjudicated as violating this

section within a 3-year period commits a traffic infraction for which a fine of not less than \$500 may be adjudged, and the Secretary of State shall suspend the license of that person without right to hearing. The minimum periods of license suspension are:

- (1) Thirty days, if the person has 2 adjudications for a violation of this section within a 3-year period;
- (2) Sixty days, if the person has 3 adjudications for a violation of this section within a 3-year period; and
- (3) Ninety days, if the person has 4 or more adjudications for a violation of this section within a 3-year period.

For the purposes of this paragraph, an adjudication has occurred within a 3-year period if the date of the new conduct is within 3 years of the date of a docket entry of adjudication of a violation of this section.

See title page for effective date.

CHAPTER 189

H.P. 904 - L.D. 1265

An Act To Strengthen Maine's Assent Language for Participation in the Federal Aid in Wildlife Restoration Act

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

Sec. 1. 12 MRSA §10106, sub-§1, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

1. Commissioner's authority. The State assents to the Federal Aid in Wildlife Restoration Act, Public Law, September 2, 1937, chapter 899, as amended, and the Federal Aid in Fish Restoration Act, Public Law, August 9, 1950, chapter 658, as amended. The commissioner is authorized, empowered and directed to perform such acts as may be necessary to the conduct and establishment of cooperative wildlife and fish restoration projects, as defined in those Acts of Congress, in compliance with those Acts and with rules and regulations promulgated by the United States Secretaries of Agriculture and Interior under those Acts. In accordance with the Constitution of Maine, Article IX, Section 22, the commissioner shall ensure that none of the revenue collected, received or recovered by the department from license and permit fees; fines; the sale, lease or rental of property; penalties; and all other revenue sources pursuant to the laws of the State

administered by the department, is diverted to any purpose other than administration of the department.

See title page for effective date.

CHAPTER 190

H.P. 239 - L.D. 334

An Act To Allow Nonprofit Organizations To Operate Snowmobiles as Trail-grooming Equipment

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

Sec. 1. 12 MRSA §13113, sub-§1, ¶¶A and B, as enacted by PL 2005, c. 93, §3, are repealed.

Sec. 2. 12 MRSA §13113, sub-§1, ¶D, as enacted by PL 2005, c. 93, §3, is amended to read:

D. Is performing ~~winter~~ snowmobile trail maintenance by plowing, leveling or compacting snow by use of a front plow or rear attachments that include but are not limited to rollers, compactor bars or trail drags.

Sec. 3. 12 MRSA §13113, sub-§3, as enacted by PL 2005, c. 93, §3 and amended by PL 2011, c. 657, Pt. W, §§5 and 7, is further amended to read:

3. Application and issuance. The commissioner may register trail-grooming equipment upon application by the owner if the owner is ~~an~~ a nonprofit organization that has an approved contract for snowmobile trail grooming with the Department of Agriculture, Conservation and Forestry, Division of Parks and Public Lands, Off-Road Vehicle Division or a person that can provide proof to the department at the time of application that the person is a member of an organization eligible to register trail-grooming equipment under this section. The commissioner may establish procedures necessary to carry out the purposes of this section.

See title page for effective date.

CHAPTER 191

S.P. 87 - L.D. 251

An Act Criminalizing Trafficking in Contraband in State Hospitals Serving Adults

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

Sec. 1. 17-A MRSA §757-C is enacted to read: