

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

make decisions on additional proposals by December 31, 2013. The commission shall make every effort to finalize a contract under this section.

See title page for effective date.

**CHAPTER 379
S.P. 112 - L.D. 279**

**An Act To Sustain Maine's
Aviation Industry by
Extending the Exemption from
Sales and Use Tax for Aircraft
and Parts**

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

Sec. 1. 36 MRSA §199-C, sub-§4, as enacted by PL 2013, c. 368, Pt. VVVV, §1, is amended to read:

4. Review of aviation tax expenditure. The committee, by June 30, ~~2017~~ 2023, shall review the sales tax exemption under section 1760, subsection 88-A to determine whether the exemption provides an incentive for increasing investment in the aviation sector, attracting and retaining aviation business and basing aircraft in the State.

Sec. 2. 36 MRSA §1760, sub-§88-A, as amended by PL 2013, c. 368, Pt. VVVV, §2, is further amended to read:

88-A. Aircraft and parts. Sales, use or leases of aircraft and sales of repair and replacement parts exclusively for use in aircraft or in the significant overhauling or rebuilding of aircraft or aircraft parts or components from July 1, 2011 to June 30, ~~2021~~ 2033.

See title page for effective date.

**CHAPTER 380
H.P. 656 - L.D. 932**

**An Act To Promote Fishing by
Youth**

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

Sec. 1. 12 MRSA §12501, sub-§2, ¶B, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

B. A nonresident fishing license to a nonresident ~~12~~ 16 years of age or older.

Sec. 2. 12 MRSA §12501, sub-§5, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

Sec. 3. 12 MRSA §12501, sub-§6, ¶D, as amended by PL 2009, c. 213, Pt. OO, §11, is repealed.

Sec. 4. 12 MRSA §12503, sub-§1, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

1. Resident and nonresident under 16. A resident ~~and nonresident~~ under 16 years of age ~~and a nonresident under 12 years of age~~ may fish without a license.

Sec. 5. Effective date. This Act takes effect January 1, 2015.

Effective January 1, 2015.

**CHAPTER 381
S.P. 494 - L.D. 1392**

**An Act To Amend the Motor
Vehicle Laws**

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

PART A

Sec. A-1. 29-A MRSA §453, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. A-2. 29-A MRSA §457, as amended by PL 2005, c. 321, §§2 and 3 and affected by §6, is further amended to read:

§457. Hobbyist registration plates

1. Hobbyist registration plates authorized. The Secretary of State may issue hobbyist registration plates for antique autos, custom vehicles, horseless carriages, street rods or antique motorcycles. These plates must bear the inscription "Maine" and the inscription "Antique Auto," "Custom Vehicle," "Horseless Carriage" or "Street Rod" or, for antique motorcycles, the inscription "Antique."

3. Contemporary plates. An owner of an antique auto, horseless carriage, street rod or antique motorcycle may use registration plates that were issued in the same year the antique vehicle was manufactured, as long as the motor vehicle:

- A. Is over 25 years old;
- B. Is registered as an antique vehicle; and
- C. Carries a valid antique motor vehicle registration certificate and plates.

4. Display of contemporary plates. Contemporary registration plates must have matching plate numbers, be affixed to both the front and rear and conspicuously bear the year of manufacture.

5. Street rod standards. The Chief of the State Police shall establish standards to qualify vehicles as street rods. These standards include:

- A. The age of the vehicle;
- B. The equipment and its condition; and
- C. Permissible modifications.

6. Application. An application for registration of a vehicle under this section must be accompanied by an affidavit that includes a statement indicating the year and make of the motor vehicle and that the vehicle is garaged or maintained in the State.

7. Registration fee. The fee for registration of an antique auto, horseless carriage or antique motorcycle is \$15. The fee for registration of a street rod is \$30.

Sec. A-3. 29-A MRSA §957, sub-§2, as enacted by PL 1997, c. 437, §26, is amended to read:

2. Secondary location license. The Secretary of State may issue to a dealer a license to operate at a secondary location ~~within one mile of the dealer's primary location~~. For the purposes of this subsection, "secondary location" means a display area that complies with applicable building codes and zoning and land use ordinances, is large enough to display at least 2 vehicles and contains signs posting the business's name and operating hours. The annual fee for a secondary location license is \$100.

Sec. A-4. 29-A MRSA §1752, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

3. Antique autos. An antique auto ~~registered under section 457;~~

Sec. A-5. 29-A MRSA §2556, sub-§5, as amended by PL 2005, c. 606, Pt. B, §7, is further amended to read:

5. Eligibility. If a conviction is based on former section 2551 or section 2551-A, subsection 1, paragraph ~~B~~ A, subparagraph (2), the person must have completed the period of suspension required for the OUI conviction and the Secretary of State must have received written notice that the person has satisfactorily completed the alcohol and drug program.

PART B

Sec. B-1. 7 MRSA §2900, sub-§12, as enacted by PL 1999, c. 679, Pt. A, §1, is amended to read:

12. Milk transport tank. "Milk transport tank" means a vehicle, including the truck and tank, used by a bulk milk hauler and sampler or milk tank ~~truck~~ vehicle driver to transport bulk shipments of milk from a milk plant, receiving station or transfer station to another milk plant, receiving station or transfer station.

Sec. B-2. 22 MRSA §2660-A, sub-§1, as enacted by PL 1987, c. 531, §1, is amended to read:

1. Prohibition. Except as otherwise provided in this section, ~~no~~ a person may not transport water for commercial purposes by pipeline or other conduit or by tank ~~truck~~ vehicle or in a container, greater in size than 10 gallons, beyond the boundaries of the municipality or township in which water is naturally located or any bordering municipality or township.

Sec. B-3. 29-A MRSA §101, sub-§11, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

11. Bus. "Bus" means a motor vehicle designed for carrying more than ~~45~~ 16 persons, including the operator.

Sec. B-4. 29-A MRSA §101, sub-§16, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

16. Commercial driver's license. "Commercial driver's license" means a license ~~authorizing~~ issued to an individual by this State or another jurisdiction of domicile that authorizes the individual to operate a class of commercial motor vehicle.

Sec. B-5. 29-A MRSA §101, sub-§16-A is enacted to read:

16-A. Commercial learner's permit. "Commercial learner's permit" means a permit issued to an individual by this State or another jurisdiction of domicile that, when carried with a valid driver's license issued by the same state or jurisdiction, authorizes the individual to operate a class of a commercial motor vehicle when accompanied by a holder of a valid commercial driver's license for purposes of behind-the-wheel training. When issued to a commercial driver's license holder, a commercial learner's permit serves as authorization for accompanied behind-the-wheel training in a commercial motor vehicle for which the holder's current commercial driver's license is not valid.

Sec. B-6. 29-A MRSA §101, sub-§17, as amended by PL 2003, c. 434, §2 and affected by §37, is further amended to read:

17. Commercial motor vehicle. "Commercial motor vehicle" means a motor vehicle ~~that or combination~~ of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

A. Has a gross ~~vehicle~~ combination weight rating ~~or a registered weight~~ of 26,001 or more pounds inclusive of a towed unit or units with a gross weight rating of more than 10,000 pounds;

B. Is a bus; ~~or~~

C. Is of any size and is used in the transportation of hazardous any materials requiring that have been designated as hazardous under 49 United

States Code, Section 5103 and require placarding under the federal Hazardous Materials Transportation Act and related regulations in 49 Code of Federal Regulations, Part 172, Subpart F or any quantity of a material listed as a select agent or toxin in 42 Code of Federal Regulations, Part 73; or

D. Has a gross vehicle weight rating or gross vehicle weight of 26,001 or more pounds.

Sec. B-7. 29-A MRSA §101, sub-§28-A, as repealed and replaced by PL 2005, c. 433, §2 and affected by §28, is amended to read:

28-A. Immediate family member. "Immediate family member" means a grandparent, stepgrandparent, parent, stepparent, brother, stepbrother, sister, stepsister, child, stepchild ~~or~~ spouse or such analogous family members as may be connected via the operation of a family foster home as defined in Title 22, section 8101, subsection 3.

Sec. B-8. 29-A MRSA §101, sub-§78-B is enacted to read:

78-B. Tank vehicle. "Tank vehicle" means a commercial motor vehicle that is designed to transport liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than 119 gallons and an aggregated rated capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. "Tank vehicle" does not include a commercial motor vehicle transporting an empty storage container tank, not designed for transportation of liquid or gaseous materials, with a rated capacity of 1,000 gallons or more that is temporarily attached to a flatbed trailer.

Sec. B-9. 29-A MRSA §251, sub-§1, as amended by PL 2003, c. 434, §4 and affected by §37, is further amended to read:

1. Records required to be kept. The Secretary of State shall keep a record of applications for driver's licenses, motor vehicle registrations and certificates of title; and of issued driver's licenses, ~~instruction learner's~~ permits, motor vehicle registrations and certificates of title.

Sec. B-10. 29-A MRSA §1251, sub-§6, ¶A, as amended by PL 1995, c. 65, Pt. A, §99 and affected by §153 and Pt. C, §15, is further amended to read:

A. A nonresident who is 16 years of age or older and who has in that person's possession a valid license or ~~instruction learner's~~ permit issued by that person's state or province. A nonresident operator shall adhere to all restrictions applied to the license or ~~instruction learner's~~ permit issued by that person's state or province. A nonresident who is not yet 16 years of age may not operate a motor vehicle;

Sec. B-11. 29-A MRSA §1252, sub-§1, ¶¶A and B, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

A. A Class A license may be issued for the operation of a combination of vehicles with a gross vehicle weight rating ~~or registered weight~~ of 26,001 or more pounds, if the gross vehicle weight rating or gross weight of the vehicles being towed is in excess of 10,000 pounds.

A holder of a Class A license may, with an appropriate endorsement, operate a vehicle in Class B or C;

B. A Class B license may be issued for the operation of a single motor vehicle with a gross vehicle weight rating ~~or registered weight~~ of 26,001 or more pounds or such a vehicle towing a vehicle with a gross vehicle weight rating or gross weight not in excess of 10,000 pounds.

A holder of a Class B license may, with an appropriate endorsement, operate a vehicle in Class C; and

Sec. B-12. 29-A MRSA §1252, sub-§5, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

5. Immediate examination. An applicant for a Class A or Class B license who provides satisfactory evidence that an immediate examination is needed for employment purposes must be examined within 10 days of notification.

This subsection is repealed July 8, 2015.

Sec. B-13. 29-A MRSA §1253, sub-§3, as amended by PL 2003, c. 434, §16 and affected by §37, is further amended to read:

3. Endorsements for double or triple trailers, buses, tank vehicles or hazardous materials. Operation of a double or triple trailer, bus or tank ~~truck~~ vehicle requiring a commercial driver's license or a vehicle carrying hazardous materials requiring a placard requires a special endorsement on a commercial license.

An endorsement may be made under this subsection only after the applicant has successfully passed the examination for the specific vehicle.

To retain a hazardous material endorsement on renewal of a commercial license, a reexamination of the hazardous material written test is required.

A person who applies for or receives a hazardous material endorsement must comply with the conditions and requirements of the federal Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001, Public Law 107-56, 115 Stat. 272.

Sec. B-14. 29-A MRSA §1254, sub-§3, as amended by PL 2005, c. 577, §17, is further amended to read:

3. Motorized bicycle, tricycle or scooter operator. A motorized bicycle or tricycle or motorized scooter may only be operated by a person who possesses a valid license of any class, ~~an instruction a learner's~~ permit or a license endorsed for a motorcycle or moped. The Secretary of State may not require the operator of a motorized bicycle or tricycle or motorized scooter to obtain a license endorsed for a motorcycle or moped.

Sec. B-15. 29-A MRSA §1301, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4. Examination. An applicant must pass a physical examination by actual demonstration of ability to operate a motor vehicle and a written examination. Failure to complete the driving test within ~~48 months~~ the term of receiving an instruction a learner's permit requires reexamination for the permit.

Sec. B-16. 29-A MRSA §1304, as amended by PL 2013, c. 77, §1, is further amended to read:

§1304. Learner's permits

1. Learner's permits. The following provisions apply to ~~instruction learner's~~ permits.

A. A person who is 15 years of age or older may apply for ~~an instruction a learner's~~ permit, except that a person who is 15 years of age or older and has not attained 18 years of age must complete a course in driver education before applying for ~~an instruction a learner's~~ permit.

B. After an applicant has successfully passed all parts of an examination other than the driving test, the Secretary of State may issue ~~an instruction a learner's~~ permit.

C. The learner's permit entitles the permittee to drive a motor vehicle on the public ways. The ~~permittee~~ permittee must have the learner's permit in immediate possession while driving on the public ways.

D. The learner's permit is valid for a period of 2 years.

E. Unless the permittee is operating a motorcycle or moped, the learner's permit requires the permittee to be accompanied by a licensed operator who:

- (1) Has held a valid license for at least 2 years;
- (2) Is at least 20 years of age;
- (3) Is occupying a seat beside the driver; and
- (4) Is licensed to operate the class vehicle operated by the permittee.

The accompanying operator must adhere to all restrictions applied to the license when functioning as the permittee's accompanying operator.

F. The Secretary of State may issue a restricted ~~instruction learner's~~ permit to an applicant who is enrolled in a driver education program that includes practice driving. That permit is valid:

- (1) For a school year or other specified period; and
- (2) Only when the permittee is accompanied by a driver education teacher or a commercial driver education instructor, licensed by the Secretary of State under subchapter 3.

An applicant with a physical, mental or emotional condition that impairs the safe operation of a motor vehicle may operate on a restricted ~~instruction learner's~~ permit without being enrolled in a driver education program for the purpose of an initial behind-the-wheel assessment. The driver education teacher or commercial driver education instructor must be licensed as an occupational or physical therapist with the Department of Professional and Financial Regulation.

H. A person under 21 years of age may not apply for a license unless:

- (1) A period of 6 months has passed from the date the person was issued ~~an instruction a learner's~~ permit; and
- (2) The person has completed a minimum of ~~35~~ 70 hours of driving, including 5 10 hours of night driving, while accompanied by a parent, guardian or licensed driver at least 20 years of age. The parent, stepparent or guardian, or a spouse or employer pursuant to section 1302, subsection 1, paragraphs B and C, must certify the person's driving time on a form prescribed by the Secretary of State. A parent, stepparent, guardian, spouse or employer who certifies a driving log pursuant to this subsection and was not the licensed driver accompanying the applicant must provide the name and address of the licensed driver who accompanied the applicant for the majority of the 35 hours of driving. The Secretary of State may complete the certification for an applicant at least 18 years of age and who has no parent, stepparent, guardian, spouse or employer if the applicant provides the name and address of the licensed driver who accompanied the applicant for the majority of the 35 hours of driving.

A person 21 years of age or older is not required to submit certification of driving time to the Secretary of State.

I. A person who has been issued ~~an instruction~~ a learner's permit may not operate a motor vehicle while using a mobile telephone. For the purpose of this paragraph, "mobile telephone" means a device used to access a wireless telephone service.

A person who violates this paragraph commits a traffic infraction.

2. Motorcycle and moped. The following provisions apply to ~~instruction~~ learner's permits for the operation of motorcycles or mopeds.

A. A person must be at least 16 years of age to apply for a motorcycle or moped ~~instruction~~ learner's permit.

B. An applicant must pass a vision test and a knowledge test related specifically to the safe operation of a motorcycle or moped.

C. An applicant for a motorcycle permit must complete a motorcycle driver education program as required by section 1352.

D. ~~An instruction~~ A learner's permit is valid for 2 years.

E. Failure to complete the driving test within 2 years from the date of issuance of ~~an instruction~~ a learner's permit requires reexamination for a subsequent ~~instruction~~ learner's permit to be issued.

G. ~~An instruction~~ A learner's permit does not allow the holder to carry a passenger.

H. The fee for a motorcycle or moped ~~instruction~~ learner's permit and the first road test is \$10. The fee for a subsequent examination is \$5.

3. Bus. The following provisions apply to ~~instruction~~ learner's permits for the operation of a bus.

A. A person must be at least 21 years of age to apply for a bus ~~instruction~~ learner's permit.

B. An applicant must pass a vision test and a knowledge test on the safe operation of a bus.

C. The ~~instruction~~ learner's permit entitles the permittee, as long as the permit is in the permittee's immediate possession, to drive a bus on a public way. The permit expires one year after the date of issuance.

The permittee must be accompanied by a licensed bus operator who has at least one year of bus driving experience and is at least 22 years of age.

The accompanying operator must occupy a seat in the immediate vicinity of the driver and no other passengers may be allowed on the bus.

This subsection is repealed July 8, 2015.

4. School bus. The following provisions apply to ~~instruction~~ learner's permits for the operation of school buses.

A. A person must be at least 21 years of age to apply for a school bus ~~instruction~~ learner's permit to operate a school bus.

B. An applicant must meet the school bus operator requirements of this Title and must pass a vision test and a knowledge test on the safe operation of a school bus.

C. The ~~instruction~~ learner's permit entitles the permittee, as long as the permit is in the permittee's immediate possession, to drive a school bus on a public way. The permit is valid for one year.

(1) The permittee must be accompanied by a licensed school bus operator who has at least one year of driving experience and is at least 22 years of age.

(2) The accompanying operator must occupy a seat in the immediate vicinity of the permittee and, except other persons who have been issued a school bus ~~instruction~~ learner's permit, no other passengers may be allowed on the bus.

This subsection is repealed July 8, 2015.

4-A. Commercial learner's permit. The following provisions apply to commercial learner's permits.

A. The commercial learner's permit holder must be at all times accompanied in a commercial motor vehicle of the class sought for licensed operation by the holder of a valid commercial driver's license with the commercial driver's license class and endorsements necessary to operate the commercial motor vehicle. The commercial driver's license holder shall at all times be physically present in the front seat of the vehicle next to the commercial learner's permit holder or, in the case of a passenger vehicle, directly behind or in the first row behind the driver.

B. The commercial learner's permit holder must hold a valid driver's license issued by the same state or jurisdiction of domicile that issued the commercial learner's permit.

C. The commercial learner's permit holder must have taken and passed a general knowledge test for the commercial motor vehicle class that the person expects to operate.

D. The commercial learner's permit holder must be 18 years of age or older.

E. A commercial learner's permit holder is limited to the following endorsements.

(1) In order to receive a passenger endorsement, in accordance with the requirements of the federal Commercial Motor Vehicle Safety Act of 1986, a commercial learner's permit holder must have taken and passed the pas-

senger endorsement knowledge test. A commercial learner's permit holder testing for a passenger endorsement is prohibited from operating a commercial motor vehicle carrying passengers other than the test examiners and the commercial driver's license holder accompanying the commercial learner's permit holder pursuant to paragraph A. The passenger endorsement must be specific to a commercial motor vehicle class. A commercial learner's permit holder must be at least 21 years of age to apply. The commercial learner's permit holder must be accompanied by a commercial driver's license holder with a passenger endorsement who has at least one year of driving experience and is at least 22 years of age.

(2) In order to receive a school bus endorsement, in accordance with the requirements of the federal Commercial Motor Vehicle Safety Act of 1986, a commercial learner's permit holder must have taken and passed the school bus endorsement knowledge test. A commercial learner's permit holder testing for a school bus endorsement is prohibited from operating a school bus with passengers other than test examiners and the commercial driver's license holder accompanying the commercial learner's permit holder pursuant to paragraph A. A commercial learner's permit holder must be at least 21 years of age to apply. The commercial learner's permit holder must be accompanied by a commercial driver's license holder with a passenger endorsement who has at least one year of driving experience and is at least 22 years of age.

(3) In order to receive a tank vehicle endorsement, in accordance with the requirements of the federal Commercial Motor Vehicle Safety Act of 1986, a commercial learner's permit holder must have taken and passed the tank vehicle endorsement knowledge test. A commercial learner's permit holder testing for a tank vehicle endorsement may only operate an empty tank vehicle and is prohibited from operating any tank vehicle that previously contained hazardous materials that has not been purged of any residue.

F. The commercial learner's permit holder may not operate a commercial motor vehicle transporting hazardous materials as defined in 49 Code of Federal Regulations, Section 383.5.

G. The commercial learner's permit is valid for no more than 180 days from the date of issuance. The Secretary of State may renew the commercial learner's permit for an additional 180 days without requiring the commercial learner's permit holder

to retake the general and endorsement knowledge tests.

H. The issuance of a commercial learner's permit is a precondition to the initial issuance of a commercial driver's license. The issuance of a commercial learner's permit is a precondition to the upgrade of a commercial driver's license if the upgrade requires a skills test.

I. The commercial learner's permit holder is not eligible to take the commercial driver's license skills test in the first 14 days after the initial issuance of the commercial learner's permit.

This subsection takes effect July 8, 2015.

5. Expiration. Unless continuation is authorized by the Secretary of State, ~~an instruction~~ a learner's permit expires when the holder successfully passes a driving examination. An expired permit must immediately be surrendered to the Secretary of State.

6. Criminal offense. A person commits a Class E crime if that person accompanies a permittee who is operating a vehicle on a public way and that accompanying person has impaired mental or physical functioning as a result of the use of intoxicating liquor or drugs.

A learner's permit issued under this section may be issued only by the Secretary of State.

Sec. B-17. 29-A MRSA §1307, as amended by PL 2003, c. 434, §18 and affected by §37, is further amended to read:

§1307. Examination fees

An applicant required to take an examination shall pay an examination fee to the Secretary of State prior to administration of the examination as follows.

1. Class A, Class B or Class C commercial driver's license. The examination fee for a Class A ~~or~~ Class B or Class C commercial driver's license is \$35, which includes the first road test. A reexamination is \$15.

2. Class C noncommercial license. The examination fee for a Class C noncommercial license is \$10, which includes the first road test. A reexamination is \$5.

3. Examination fee for endorsements. The examination fee for a double or triple trailer, bus, tank ~~truck~~ vehicle, hazardous materials endorsement or the renewal of a hazardous materials endorsement is \$10. A reexamination is \$5.

4. Cancellation of examination appointment. If an examination requires an appointment and the ~~examinee~~ applicant does not keep that appointment, the Secretary of State shall assess an additional \$30 fee for a Class A or Class B examination and \$20 for a bus, school bus or Class C examination at the time of

reappointment for examination. If the examinee applicant notifies the Department of the Secretary of State, Bureau of Motor Vehicles, Driver Examination Section of cancellation at least 48 hours prior to the examination, the Secretary of State shall waive the additional fee.

5. Exception. A person required to take an examination ~~because of advanced age or physical disability pursuant to section 1309, subsection 1~~ is not required to pay an examination or cancellation fee.

Sec. B-18. 29-A MRSA §1352, sub-§1, as amended by PL 2005, c. 577, §20, is further amended to read:

1. Motorcycle driver education required. Notwithstanding any other provision of law, a motorcycle ~~instruction learner's~~ permit, license or endorsement may not be issued to a person, unless that person presents a certificate of successful completion of a motorcycle driver education program and examination approved by the Secretary of State, ~~except as provided in this subsection.~~

Sec. B-19. 29-A MRSA §1352, sub-§6, ¶B, as amended by PL 2007, c. 383, §23, is further amended to read:

B. Road examination for the holder of a valid motor vehicle operator's license on receipt of a certificate demonstrating successful completion of ~~the Basic Rider Course or other hands-on motorcycle~~ a novice rider course approved by the Secretary of State. An endorsement issued pursuant to this paragraph prohibits the holder from carrying a passenger for a period of 60 days following the date of issuance of the endorsement.

Sec. B-20. 29-A MRSA §1354, sub-§1, ¶C, as enacted by PL 1995, c. 505, §15 and affected by §22, is amended to read:

C. "Driver education" means any type of instruction or tutoring given to a person in ~~the driving of a motor vehicle preparation to obtain a learner's permit~~ or in preparing for ~~a driver an~~ examination to obtain a driver's license in exchange for remuneration or course credit.

Sec. B-21. 29-A MRSA §1354, sub-§3, ¶B, as amended by PL 1997, c. 776, §39, is further amended to read:

B. A vehicle used as a training vehicle must be maintained in safe mechanical condition at all times. Each vehicle must be equipped with dual-control foot brakes and, if the vehicle is not equipped with an automatic transmission, dual-control clutch pedals. While being used in actual instruction, a vehicle must be equipped with an identification sign listing the name of the school and a student driver sign.

The following vehicles are not required to have dual controls and an identification sign listing the name of the school and a student driver sign:

(1) A vehicle that is being used to instruct a person with a disability and is specially equipped for use by a person with a disability; and

(2) A vehicle that is being used to instruct a person in possession of a valid Maine driver's license or ~~instruction learner's~~ permit when the vehicle is not provided by the driver education school.

Sec. B-22. 29-A MRSA §1357, as amended by PL 2005, c. 606, Pt. B, §3, is repealed.

Sec. B-23. 29-A MRSA §1405, as amended by PL 2003, c. 434, §21 and affected by §37, is further amended to read:

§1405. Duplicate documents

1. Lost or destroyed licenses, nondriver identification cards, registration certificates and learner's permits. If a license, nondriver identification card, registration certificate or ~~instruction learner's~~ permit is lost or destroyed, a person may obtain a duplicate upon furnishing proof of loss or destruction.

2. Additional licenses, nondriver identification cards, registration certificates and learner's permits. If satisfied that public safety will not be endangered, the Secretary of State may issue a duplicate to a person who has an original.

3. Fee. The fee for a duplicate registration certificate and ~~instruction learner's~~ permit is \$2. The fee for a duplicate license and nondriver identification card is \$5.

4. Change of information, photograph or digital image. When any change is made on an operator's photograph or digitized license or nondriver identification card, that license or nondriver identification card is a duplicate.

Sec. B-24. 29-A MRSA §1406, as amended by PL 2013, c. 51, §§3 to 5, is repealed.

Sec. B-25. 29-A MRSA §1406-A is enacted to read:

§1406-A. Expiration

1. License fees; expiration of license; persons under 65 years of age. The following provisions apply to the expiration of a driver's license for persons under 65 years of age.

A. Except as provided in section 1255, a non-commercial driver's license to operate a motor vehicle issued to a person under 65 years of age expires at midnight on the license holder's 6th birth-

day following the date of issuance. The fee for the 6-year noncommercial driver's license is \$30.

B. Except as provided in section 1255, a commercial driver's license to operate a motor vehicle issued to a person under 65 years of age expires at midnight on the license holder's 5th birthday following the date of issuance. The fee for the 5-year commercial driver's license is \$34.

C. Notwithstanding paragraph A, the Secretary of State may, solely for the purpose of equalizing the 6-year license renewal cycle, issue noncommercial driver's licenses to persons under 65 years of age that expire either one or 2 years before or after the holder's 6th birthday following the date of issuance. Notwithstanding paragraph A and except as provided in section 1255, the fee for a driver's license issued pursuant to this subsection is \$5 multiplied by the number of years for which the driver's license is issued.

This paragraph is repealed June 30, 2014.

2. License fee; expiration of license; persons 65 years of age and over. A noncommercial or commercial driver's license to operate a motor vehicle issued to a person 65 years of age or older at the date of issuance expires at midnight on the license holder's 4th birthday following the date of issuance. The fee for the 4-year noncommercial driver's license is \$21. The fee for the 4-year commercial driver's license is \$28.

3. Leap year birthday. For the purposes of this section, a person born on February 29th is deemed to have been born on March 1st.

4. Renewals. Prior to the expiration of a license to operate a motor vehicle, the Secretary of State shall send the license holder a renewal notice.

5. Expiration of license; lawfully present non-citizens. Notwithstanding any law to the contrary, a license issued to an applicant who is not a citizen or a legal permanent resident of the United States expires coterminously with the applicant's authorized duration of stay or the otherwise applicable expiration date of the license under this section, whichever occurs first. A license issued under this subsection must be valid for a period of at least 120 days.

Sec. B-26. 29-A MRSA §1408, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Immediate possession required. A licensee, including a temporary licensee or holder of ~~an instruction~~ a learner's permit, must have the license in immediate possession when operating a motor vehicle.

Sec. B-27. 29-A MRSA §1410, sub-§4, as enacted by PL 1997, c. 437, §40, is amended to read:

4. Expiration. Each nondriver identification card issued pursuant to this section expires ~~6 years~~

~~from~~ at midnight on the nondriver identification card holder's 6th birthday following the date of issuance.

Sec. B-28. 29-A MRSA §2119, sub-§1, ¶D is enacted to read:

D. "Operate" means driving a motor vehicle on a public way with the motor running, including while temporarily stationary because of traffic, a traffic light or a stop sign or otherwise stationary. "Operate" does not include operating a motor vehicle with or without the motor running when the operator has pulled the motor vehicle over to the side of, or off, a public way and has halted in a location where the motor vehicle can safely remain stationary.

Sec. B-29. 29-A MRSA §2471, sub-§2, as amended by PL 2007, c. 383, §29, is further amended to read:

2. Suspension terms. If a person is convicted or adjudicated of a moving motor vehicle violation that occurred during the period of the 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 days on the 2nd offense; and
- C. For 90 days on the 3rd or subsequent offense.

If requested, the Secretary of State shall provide an opportunity for a hearing on the suspension as soon as practicable. After the hearing, the Secretary of State, for good cause shown, may continue, modify or rescind the suspension.

Sec. B-30. 29-A MRSA §2551-A, sub-§1, ¶A, as amended by PL 2007, c. 531, §7 and affected by §10, is further amended to read:

A. The person has accumulated 3 or more convictions or adjudications for distinct offenses described ~~below in this paragraph~~ arising out of separate acts committed within a 5-year period:

- (1) Homicide resulting from the operation of a motor vehicle;
- (2) OUI conviction;
- (3) Driving to endanger, in violation of section 2413;
- (4) Operating after suspension or revocation, in violation of section 2412-A;
- (5) Operating without a license;
- (6) Operating after revocation, in violation of former section 2557, section 2557-A or section 2558;
- (7) Knowingly making a false affidavit or swearing or affirming falsely in a statement

required by this Title or as to information required in the administration of this Title;

(8) A Class A, B, C or D offense in which a motor vehicle is used;

(9) ~~Failure to report~~ Leaving the scene of an accident involving injury or death, in violation of section 2252;

(10) ~~Failure to report~~ Leaving the scene of an accident involving property damage, in violation of section 2253, 2254 or 2255;

(11) Eluding an officer, in violation of section 2414;

(12) Passing a roadblock, in violation of section 2414, subsection 4;

(13) Operating a motor vehicle at a speed that exceeds the maximum speed limit by 30 miles per hour or more; and

(14) For a person whose license is reinstated pursuant to section 2412-A, subsection 7 or section 2508, operating a motor vehicle without an ignition interlock device; tampering with or circumventing the operation of an ignition interlock device; or requesting or soliciting another person to blow into or otherwise activate an ignition interlock device for the purpose of providing the person with an operable motor vehicle; or

Sec. B-31. 35-A MRSA §6109-B, sub-§1, ¶B, as enacted by PL 2009, c. 37, §1, is amended to read:

B. "Large-scale transportation of water" means the transportation of water for commercial purposes by pipeline or other conduit or by tank ~~truck~~ vehicle or in a container, greater in size than 10 gallons, beyond the boundaries of the municipality or township in which the water is naturally located or of any bordering municipality or township.

Sec. B-32. 36 MRSA §2906, sub-§3, as amended by PL 2009, c. 434, §44, is further amended to read:

3. Allowance for certain losses. An allowance of not more than 1/2 of 1% from the amount of internal combustion engine fuel received by a licensed distributor, plus 1/2 of 1% on all transfers in vessels, tank cars or full tank ~~truck~~ vehicle loads by a licensed distributor in the regular course of the licensed distributor's business from one of the licensed distributor's places of business to another within the State, may be granted by the assessor to cover losses sustained by the licensed distributor through shrinkage, evaporation or handling. The total allowance for these losses must be supported by documentation satisfactory to the assessor and may not exceed 1% of the receipts by the

licensed distributor. The allowance must be calculated on an annual basis. A further deduction may not be allowed unless the assessor is satisfied upon definite proof submitted to the assessor that a further deduction should be allowed for a loss sustained through fire, accident or some unavoidable calamity.

Sec. B-33. 36 MRSA §3203, sub-§5, as amended by PL 2009, c. 434, §50, is further amended to read:

5. Allowance for certain losses of undyed distillates. An allowance of not more than 1/4 of 1% from the amount of undyed distillates received by a licensed supplier, plus 1/4 of 1% on all transfers in vessels, tank cars or full tank ~~truck~~ vehicle loads by the licensed supplier in the regular course of business from one of the licensed supplier's places of business to another of the licensed supplier's places of business within the State, may be allowed by the assessor to cover the loss through shrinkage, evaporation or handling sustained by the licensed supplier. The total allowance for these losses must be supported by documentation satisfactory to the assessor and may not exceed 1/2 of 1% of the receipts by the licensed supplier. The allowance must be calculated on an annual basis. A further deduction may not be allowed unless the assessor is satisfied upon definite proof submitted to the assessor that a further deduction should be allowed for a loss sustained through fire, accident or some unavoidable calamity.

Sec. B-34. 38 MRSA §582, sub-§6-B, as repealed and replaced by PL 1989, c. 197, §1, is amended to read:

6-B. Bulk gasoline terminal. "Bulk gasoline terminal" means a gasoline storage facility ~~which~~ that receives gasoline from refineries, primarily by pipeline, ship or barge, and delivers gasoline to bulk gasoline plants or commercial or retail accounts primarily by tank ~~truck~~, vehicle and that has a daily throughput of more than 76,000 liters, or 20,000 gallons, of gasoline.

PART C

Sec. C-1. 29-A MRSA §521, sub-§9-A, as amended by PL 2005, c. 528, §1, is further amended to read:

9-A. Enforcement of disability parking restrictions. A law enforcement officer may enforce disability parking restrictions. The State Police shall enforce disability parking restrictions at service facilities established on the Maine Turnpike and on the interstate highway system in the State. A person commits a traffic infraction if that person parks in a parking space designated and clearly marked for persons with physical disabilities and has not been issued or is not transporting a person who has been issued a disability registration plate or a removable windshield placard pursuant to this section or section 523 or a disability reg-

istration plate or placard issued by another state. A person commits a traffic infraction if that person parks in an access aisle, regardless of whether the person has been issued a disability registration plate or removable placard. ~~Notwithstanding section 2604, a~~ A person who violates this subsection is subject to a fine of not less than \$200 and not more than \$500.

Sec. C-2. 29-A MRSA §521, sub-§9-B, ¶E, as enacted by PL 2005, c. 528, §2, is amended to read:

E. ~~Notwithstanding section 2604, a~~ A person who violates this subsection is subject to a fine of not less than \$200 and not more than \$500.

Sec. C-3. 29-A MRSA §1354, sub-§10 is enacted to read:

10. Surety bond. The Secretary of State shall require a driver education school licensed pursuant to subsection 2 to provide a surety bond to guarantee the discharge of the duties required under this subchapter.

Sec. C-4. 29-A MRSA §2604, as amended by PL 1995, c. 584, Pt. B, §11, is repealed.

Sec. C-5. 34-B MRSA §1411, sub-§4, as amended by PL 1995, c. 65, Pt. A, §136 and affected by §153 and Pt. C, §15, is further amended to read:

4. Prohibited acts; fine. A person who violates any rule adopted under this section commits a civil violation for which a ~~forfeiture~~ fine may be adjudged in an amount consistent with the amount charged for a similar violation by the municipality in which the institution is located, but not to exceed the maximum amount provided for a traffic infraction under Title 29-A, section ~~2604~~ 103. Notwithstanding any other law, the fines and costs of court paid under this section inure to the municipality in which the proceedings take place.

See title page for effective date.

CHAPTER 382
S.P. 354 - L.D. 1040

**An Act To Prohibit the
Placement of Cameras and
Electronic Surveillance
Equipment on Private
Property without the Written
Permission of the Landowner**

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

Sec. 1. 33 MRSA c. 43 is enacted to read:

CHAPTER 43

**PLACEMENT OF EQUIPMENT ON PRIVATE
PROPERTY**

**§2001. Placement of cameras and electronic sur-
veillance equipment on private property**

1. Prohibition. A person may not place a camera or electronic surveillance equipment that records images or data of any kind while unattended outside on the private property of another without the written consent of the landowner, unless the placement is pursuant to a warrant.

2. Labeling. A person who places a camera or electronic surveillance equipment described in subsection 1 on the private property of another with the written consent of the landowner or pursuant to a warrant shall label the camera or electronic surveillance equipment with that person's name and contact information.

3. Remove or disable. A landowner may remove or disable a camera or electronic surveillance equipment placed on the landowner's private property in violation of this section.

4. Exceptions. This section does not prohibit the following:

A. The use of a camera to deter theft or vandalism of a motor vehicle when the motor vehicle is temporarily parked; or

B. The use of implanted or attached electronic devices to identify, monitor and track animals.

5. Penalty. A person who violates this section commits a civil violation for which a fine of not more than \$500 may be adjudged.

See title page for effective date.

CHAPTER 383
H.P. 704 - L.D. 1006

**An Act To Clarify
Transparency of Medical
Provider Profiling Programs
Used by Insurance Companies
and Other Providers of Health
Insurance**

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

Sec. 1. 5 MRSA §285, sub-§15 is enacted to read:

15. Provider profiling programs. Notwithstanding subsection 10, the requirements of Title 24-A, sections 2694-A and 4303-A apply to any provider profiling program, as defined in Title 24-A, sec-