

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**August 29, 2013**

**SECOND REGULAR SESSION**  
**January 8, 2014 to May 2, 2014**

**THE EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**EMERGENCY LAW IS**  
**SEPTEMBER 6, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 1, 2014**

**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**  
**2014**

**Sec. 7. 20-A MRSA §1466, sub-§13-A**, as enacted by PL 2011, c. 678, Pt. J, §5, is repealed.

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

Effective March 3, 2014.

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## CHAPTER 462

### S.P. 650 - L.D. 1672

#### An Act To Amend Maine's Emergency Management Laws

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

**Sec. 1. 12 MRSA §8904**, as enacted by PL 1979, c. 545, §3 and amended by PL 2011, c. 657, Pt. W, §7 and PL 2013, c. 405, Pt. A, §23, is further amended to read:

**§8904. Coordinating protective agencies**

The director shall formulate emergency plans of action to establish staffing pools, equipment reserves, facilities for feeding, transportation and communication on forest fires. In preparing the plan, other agencies and organizations having needed facilities should be contacted, such as fire chiefs, ~~civil defense emergency management~~ units, the American Red Cross, sheriffs, the American Legion, the State Police, the Maine National Guard, the Department of Transportation, the Department of Inland Fisheries and Wildlife, the State Grange, colleges, the Civil Air Patrol and any other protective group as determined by the director. Whenever or wherever a major forest fire occurs or threatens, the bureau ~~shall be~~ is the coordinating agency until the Governor declares an emergency.

**Sec. 2. 22 MRSA §1706**, as amended by PL 1975, c. 771, §216, is further amended to read:

**§1706. Distribution of antitoxins in emergency**

The department, with the approval of the Governor, may, for the purpose of aiding in national defense in case of war or in any state emergency declared by the Governor under ~~the Civil Defense Law Title 37-B, section 742~~, procure and distribute ~~within~~ inside the State, and sell or give away, in its discretion, antitoxins, serums, vaccines, viruses and analogous products applicable to the prevention or cure of disease ~~of man~~.

**Sec. 3. 24-A MRSA §2813, sub-§6**, as enacted by PL 1969, c. 132, §1, is amended to read:

**6.** Under a policy or contract issued to any volunteer fire department, or first aid, ~~civil defense, emergency management~~ or other such volunteer organization, which ~~shall be~~ is deemed the policyholder, covering any group of members or participants defined

by reference to specified hazards incident to an activity or activities or operations sponsored or supervised by ~~such~~ the policyholder.

**Sec. 4. 29-A MRSA §2054, sub-§2, ¶C**, as amended by PL 2011, c. 448, §2, is further amended to read:

C. The use of amber lights on vehicles is governed by the following.

(1) A vehicle engaged in highway maintenance or in emergency rescue operations by ~~civil defense~~ emergency management and public safety agencies and a public utility emergency service vehicle may be equipped with auxiliary lights that emit an amber light.

(1-A) A Department of Labor motor vehicle operated by a workplace safety inspector may be equipped with auxiliary lights that emit an amber light.

(2) A wrecker must be equipped with a flashing light mounted on top of the vehicle in such a manner as to emit an amber light over a 360° angle. The light must be in use on a public way or a place where public traffic may reasonably be anticipated when servicing, freeing, loading, unloading or towing a vehicle.

(3) A vehicle engaged in snow removal or sanding operations on a public way must be equipped with and display an auxiliary light that provides visible light coverage over a 360° range. The light must emit an amber beam of light and be equipped with a blinking or strobe light function and have sufficient intensity to be visible at 500 feet in normal daylight. When the left wing of a plow is in operation and extends over the center of the road, an auxiliary light must show the extreme end of the left wing. That light may be attached to the vehicle so that the beam of light points at the left wing. The light illuminating the left wing may be controlled by a separate switch or by the regular lighting system and must be in operation at all times when the vehicle is used for plowing snow on public ways.

(4) A vehicle equipped and used for plowing snow on other than public ways may be equipped with an auxiliary rotary flashing light that must be mounted on top of the vehicle in such a manner as to emit an amber beam of light over a 360° angle, or an amber strobe, or combination of strobes, that emits at a minimum a beam of 50 candlepower and provides visible light coverage over a 360° range. The light may be in use on a public way only when the vehicle is entering the

public way in the course of plowing private driveways and other off-highway locations.

(5) A rural mail vehicle may be equipped with auxiliary lights.

(a) The lights used to the front must be white or amber, or any shade between white and amber.

(b) The lights used to the rear must be amber or red, or any shade between amber and red.

(c) The lights, whether used to the front or rear, must be mounted at the same level and as widely spaced laterally as possible.

(d) The lights, whether used to the front or rear, must flash simultaneously.

(e) The lights must be visible from a distance of at least 500 feet in normal daylight.

(6) A vehicle used or provided by a contract security company to assist in traffic control and direction at construction or maintenance sites on a public way may be equipped with amber auxiliary lights.

(7) A Department of Public Safety vehicle operated by a motor carrier inspector or motor vehicle inspector may be equipped with auxiliary lights that emit an amber light.

(8) A vehicle used by an animal control officer appointed pursuant to Title 7, section 3947 may be equipped with auxiliary lights that emit a flashing amber light.

(9) A refuse, garbage or trash business vehicle used by an individual to transport refuse, garbage and trash may be equipped with auxiliary lights that emit a flashing amber light.

(10) A vehicle used by an individual to transport and deliver newspapers may be equipped with auxiliary lights that emit a flashing amber light.

**Sec. 5. 30-A MRSA §451, sub-§2**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed.

**Sec. 6. 30-A MRSA §451, sub-§4-A** is enacted to read:

**4-A. Emergency management.** "Emergency management" means the coordination and implementation of an organized effort to mitigate, prepare for, respond to and recover from a disaster.

**Sec. 7. 30-A MRSA §451, sub-§5**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and

amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

**5. Emergency services.** "Emergency services" means assistance given to one or more persons or areas, when there is imminent danger of damage or injury to property or personal health and safety, and includes ambulance services, ~~civil~~ emergency management agency services and rescue services.

**Sec. 8. 30-A MRSA §453**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

**§453. Communications centers**

Each county may establish a communications center, separate from any communications function of the sheriff's department and capable of serving the communication needs of the county and the municipalities ~~which~~ that may wish to use the center.

The county commissioners, after consulting with municipal officers, are responsible for setting policies for the communications center. They shall appoint a director or chief dispatcher who is responsible for carrying out their policies. The director or chief dispatcher, if qualified, may be the ~~County Director of the Maine Emergency Management Agency~~ director of the county emergency management agency.

The county communications center shall provide communication services for the sheriff's department, county ~~civil~~ emergency services management agency, county or municipal rescue or ambulance services, county or municipal fire departments or municipal police departments.

The county commissioners, after consulting with the director or chief dispatcher, may enter into an agreement with a municipality under section 107 to provide specific communications for municipal law enforcement functions, including dispatching of municipal units, in return for payment for these services.

**Sec. 9. 30-A MRSA §1101**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

**§1101. Activities authorized; costs**

County commissioners may provide for ~~civil defense~~ emergency management activities as provided by law within their respective counties. The county commissioners shall include the cost of these activities in the annual estimate under chapter 3.

**Sec. 10. 37-B MRSA §793, sub-§1**, as enacted by PL 1989, c. 464, §3, is amended to read:

**1. Local committees established.** The commission shall, by resolution, appoint the members of the local emergency planning committee of each emer-

gency planning district. The committee ~~shall consist~~ consists of at least 14 members and, except as provided in subsection 2, ~~shall include~~ includes representatives from each of the following organizations or groups: elected state and local officials; law enforcement, ~~civil defense~~ emergency management, fire-fighting, first aid, health, local environmental, hospital and transportation personnel; broadcast and print media; citizens living near local facilities; employees working in local facilities; community groups; and owners and operators of facilities subject to the emergency planning requirement of this subchapter.

**Sec. 11. 37-B MRSA §802, sub-§1, ¶¶C and D,** as enacted by PL 1989, c. 464, §3, are amended to read:

- C. To provide training grants; ~~and~~
- D. To provide for the resource needs of the local emergency planning committees; ~~and~~

**Sec. 12. 37-B MRSA §802, sub-§1, ¶E** is enacted to read:

E. To provide for the procurement and maintenance of hazardous materials incident response equipment and related consumable supplies. Disbursements for this purpose must be approved by the commission.

**Sec. 13. 38 MRSA §547, sub-§3,** as amended by PL 1973, c. 788, §212, is further amended to read:

**3. Emergency management.** The provisions of Title ~~37-A~~ 37-B, chapter ~~3~~ 13, as they ~~shall~~ apply to eminent domain and compensation, mutual aid, immunity, aid in emergency, right of way, enforcement and compensation, ~~shall~~ apply to disasters or catastrophes proclaimed by the Governor under this subchapter.

**Sec. 14. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 30-A, chapter 7, in the chapter headnote, the words "civil defense" are amended to read "emergency management" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

**CHAPTER 463**

**S.P. 645 - L.D. 1653**

**An Act To Designate the Maine Armed Forces Museum Operated by the Maine Military Historical Society as the Official State Military History Museum**

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

**Sec. 1. 1 MRSA §227** is enacted to read:

**§227. State military history museum**

The museum operated by the Maine Military Historical Society, or a successor organization, is the official state military history museum under the Department of Defense, Veterans and Emergency Management, Military Bureau and is known as the Maine Armed Forces Museum.

See title page for effective date.

**CHAPTER 464**

**S.P. 643 - L.D. 1651**

**An Act To Update Citations of Recodified Federal Regulations in the Maine Consumer Credit Code**

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

**Sec. 1. 9-A MRSA §3-310, sub-§1,** as amended by PL 2011, c. 427, Pt. A, §10, is further amended to read:

**1.** In connection with a consumer credit transaction in which the interest rate may vary during the term of the transaction, the creditor shall make the following disclosures in writing ~~accordance with section 8-504.~~

~~A. With respect to a closed-end transaction secured by the consumer's principal dwelling with a term greater than one year, the information required under 12 Code of Federal Regulations, 226.19(b) must be disclosed at the time an application form is provided or before the consumer pays a nonrefundable fee, whichever is earlier.~~

~~B. With respect to an open-end credit plan secured by the consumer's principal dwelling or by any 2nd or vacation home of the consumer, the information required by 12 Code of Federal Regulations, Section 226.5b(d) shall be disclosed at the time provided in 12 Code of Federal Regulations Section 226.5 b (b).~~

~~C. With respect to a closed-end transaction other than one described in paragraph A, the information required by 12 Code of Federal Regulations, Section 226.18(f)(1) shall be disclosed before consummation of the transaction.~~

~~D. With respect to an open-end credit plan other than one described in paragraph B, the information required by 12 Code of Federal Regulations,~~