

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.

Augusta, Maine
2014

purposes of this section, "lender" does not include a supervised financial organization.

D. "Process" or "processing" includes printing a check, draft or other form of negotiable instrument drawn on or debited against a consumer's financial account, formatting or transferring data for use in connection with the debiting of a consumer's financial account by means of such an instrument or an electronic funds transfer or arranging for such services to be provided to a lender.

E. "Processor" means a person who engages in processing. For purposes of this section, "processor" does not include the automated clearing-house.

2. Certain loans prohibited. It is an unfair or deceptive act or practice in commerce, a violation of the Maine Unfair Trade Practices Act and a violation of this Title for a lender directly or through an agent to solicit or make a loan to a consumer by any means unless the lender is in compliance with Article 2, Part 3 or is otherwise exempt from the requirements of Article 2, Part 3.

3. Certain processing prohibited. It is an unfair or deceptive act or practice in commerce, a violation of the Maine Unfair Trade Practices Act and a violation of this Title for a processor, other than a supervised financial organization, to process a check, draft, other form of negotiable instrument or an electronic funds transfer from a consumer's financial account in connection with a loan solicited from or made by any means to a consumer unless the lender is in compliance with Article 2, Part 3 or is otherwise exempt from the requirements of Article 2, Part 3.

4. Certain assistance to lenders or processors prohibited. It is an unfair or deceptive act or practice in commerce, a violation of the Maine Unfair Trade Practices Act and a violation of this Title for a person or lender to provide substantial assistance to a lender or processor when the person or lender or the person's or lender's authorized agent receives notice from a regulatory, law enforcement or similar governmental authority, knows from its normal monitoring and compliance systems or consciously avoids knowing that the lender or processor is in violation of subsection 2 or 3 or is engaging in an unfair or deceptive act or practice in commerce. This subsection does not apply to a supervised financial organization.

See title page for effective date.

**CHAPTER 481
H.P. 1258 - L.D. 1753**

**An Act To Redistrict the Knox
County Budget Committee
Districts**

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

Whereas, current law requires the county commissioners of Knox County to prepare a redistricting plan for county budget committee seats; and

Whereas, this plan must be implemented by the primary election, which may occur before the expiration of the 90-day period; 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. 30-A MRSA §757, sub-§1, as repealed and replaced by PL 1993, c. 565, §1, is amended to read:

1. Redistricting process. The county commissioners shall prepare a redistricting plan for county budget committee seats by June 1, ~~1993~~ 2021 and every 10 years thereafter. The county commissioners shall submit the plan to the Secretary of State within 5 days of adoption. The Secretary of State shall immediately transmit the redistricting plan to the Legislature for review and enactment.

Sec. 2. 30-A MRSA §757, sub-§2, as repealed and replaced by PL 1993, c. 565, §1, is repealed and the following enacted in its place:

2. Budget committee districts. Budget committee members must be elected from districts as provided in this subsection.

A. District 1 consists of Isle au Haut, Matinicus Isle Plantation, North Haven, St. George and Friendship and elects one member. The initial term for District 1 expires on December 31, 2016.

B. District 2 consists of South Thomaston, Vinalhaven and Owls Head and elects one member. The initial term for District 2 expires on December 31, 2014.

C. District 3 consists of Rockland and elects 2 members at large. The initial term for District 3 expires on December 31, 2016.

D. District 4 consists of Camden and elects one member. The initial term for District 4 expires on December 31, 2014.

E. District 5 consists of Rockport and Hope and elects one member. The initial term for District 5 expires on December 31, 2016.

F. District 6 consists of Appleton, Union and Washington and elects one member. The initial term for District 6 expires on December 31, 2014.

G. District 7 consists of Warren and elects one member. The initial term for District 7 expires on December 31, 2016.

H. District 8 consists of Thomaston and Cushing and elects one member. The initial term for District 8 expires on December 31, 2014.

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

Effective March 16, 2014.

CHAPTER 482

H.P. 1262 - L.D. 1758

An Act To Clarify the Use of the Term "Civil Violation" in the Motor Vehicle Statutes

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

Sec. 1. 29-A MRSA §101, sub-§85, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

85. Traffic infraction. "Traffic infraction" means any violation of any provision of this Title, or of any rules established under this Title, not expressly defined as a crime or as a civil violation and otherwise not punishable by incarceration.

The term "traffic infraction" as used in any public or private law of this State or in any rule adopted pursuant to any law of this State has this same meaning and effect.

Sec. 2. 29-A MRSA §2063, sub-§7, as amended by PL 2007, c. 400, §6, is further amended to read:

7. Penalties. A person 17 years of age or over who violates this section commits a civil violation traffic infraction for which a fine of not less than \$25 and not more than \$250 may be adjudged. A person under 17 years of age is not subject to a fine under this section.

Sec. 3. 29-A MRSA §2063-B, sub-§3, as enacted by PL 2007, c. 400, §7, is amended to read:

3. Penalties. A person 17 years of age or over who violates this section commits a civil violation traffic infraction for which a fine of not less than \$25 and not more than \$250 may be adjudged.

Sec. 4. 29-A MRSA §2082, sub-§7, as amended by PL 1995, c. 65, Pt. A, §108 and affected by §153 and Pt. C, §15, is further amended to read:

7. Placement of stickers on illegally parked vehicles. A person may not place a sticker or other device on the windshield of a motor vehicle parked in a manner that allegedly constitutes trespass by motor vehicle, as defined in Title 17-A, section 404, if the sticker or other device would obstruct the driver's forward view. A person who places a sticker in violation of this subsection commits a civil violation traffic infraction for which a forfeiture not to exceed \$50 may be adjudged. This subsection does not apply to law enforcement officers engaged in the performance of official duties.

Sec. 5. 29-A MRSA §2326, first ¶, as repealed and replaced by PL 2007, c. 400, §11, is amended to read:

A person who violates section 2323, subsection 1 commits a civil violation traffic infraction.

Sec. 6. 29-A MRSA §2601, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Form of Uniform Summons and Complaint. Every law enforcement agency in this State shall use traffic summonses for civil violations defined in this Title and criminal traffic offenses defined in Title 23, section 1980 or this Title in the form known as the Uniform Summons and Complaint, which must be uniform throughout the State and must be issued in books with summonses in no less than quadruplicate and meeting the requirements of this chapter. The Uniform Summons and Complaint must include, at a minimum, the signature of the officer, a brief description of the alleged offense, the time and place of the alleged offense and the time, place and date the person is to appear in court. The Uniform Summons and Complaint must also include a statement that signing the summons does not constitute an admission or plea of guilty and that refusal to sign after having been ordered to do so by a law enforcement officer is a separate Class E crime. A person to whom a Uniform Summons and Complaint is issued or delivered must give a written promise to appear. The form of the Uniform Summons and Complaint must be approved by the Chief Judge of the District Court prior to its use.

Sec. 7. 29-A MRSA §2601, sub-§8, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

8. When a lawful complaint. If the Uniform Summons and Complaint is duly sworn to as required