

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

with the provisions of this chapter for the implementation of this chapter that are substantially compliant with the Manual on Uniform Traffic Control Devices published by the Federal Highway Administration and other national engineering standards. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The commissioner may execute contracts and other agreements to carry out the purposes of this chapter.

The Maine Turnpike Authority shall implement and administer the provisions of this chapter relating to signs on the Maine Turnpike in accordance with section 1965.

See title page for effective date.

CHAPTER 530

H.P. 1279 - L.D. 1787

An Act To Clarify the Enforcement Provisions Relating to Motor Carrier Registration

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

Sec. 1. 29-A MRSA §551, sub-§6, as enacted by PL 2009, c. 598, §8, is repealed.

Sec. 2. 29-A MRSA §556, first ¶, as amended by PL 1997, c. 776, §22, is further amended to read:

A motor vehicle is exempt from this subchapter, except sections 555, 555-A, ~~558~~ 558-A, 560 and 562, as follows:

Sec. 3. 29-A MRSA §558, as amended by PL 2011, c. 219, §1 and c. 455, §1 and affected by §4, is repealed.

Sec. 4. 29-A MRSA §§558-A and 558-B are enacted to read:

§558-A. Violation of provisions of subchapter

1. Crimes; penalties. Except as provided in subsections 2 to 4, a person commits a crime if that person:

A. In fact violates this subchapter or a rule adopted pursuant to this subchapter. Violation of this paragraph is a Class E crime that is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A;

B. Intentionally or knowingly permits a violation of this subchapter or a rule adopted pursuant to this subchapter. Violation of this paragraph is a Class E crime;

C. In fact violates any provision of the rules of the Department of Public Safety, Bureau of State Police adopted under section 555 that incorporates by reference 49 Code of Federal Regulations, Section 391.41 (2007), or as amended, and that violation occurs as a result of the operation of a commercial motor vehicle by a person who has methadone or its metabolite in that person's body. Violation of this paragraph is a Class E crime; or

D. Intentionally or knowingly violates this subchapter or a rule adopted pursuant to this subchapter and the violation in fact causes either death or serious bodily injury to a person whose health or safety is protected by the provision violated and the death or serious bodily injury is a reasonably foreseeable consequence of the violation. Violation of this paragraph is a Class C crime.

The maximum fine for a violation of a state rule that adopts by reference the federal regulations found in 49 Code of Federal Regulations and that is not an out-of-service order is \$250, and the maximum fine for a violation of a state rule that adopts by reference the federal regulations found in 49 Code of Federal Regulations and that meets the definition of an out-of-service order as defined in 49 Code of Federal Regulations is \$500. For purposes of this subsection, "out-of-service order" means a declaration by a law enforcement officer authorized to enforce the provisions of this subchapter that a driver, a commercial motor vehicle or a motor carrier operation is out of service pursuant to 49 Code of Federal Regulations, Sections 386.72, 392.5, 392.9a, 395.13 or 396.9, or compatible laws, or the North American Standard Out-of-Service Criteria.

2. Traffic infractions involving federal regulations; violations. The following provisions govern traffic infractions.

A. A person may not violate any provision of the rules of the Department of Public Safety, Bureau of State Police adopted under section 555 that incorporates by reference any of the following federal regulations or that is an amended version of any of the following federal regulations:

(1) 49 Code of Federal Regulations, Section 390.21 (2007);

(2) Except as otherwise provided in subsection 1, paragraph C, 49 Code of Federal Regulations, Section 391.41 (2007);

(3) 49 Code of Federal Regulations, Sections 392.16, 392.22, 392.24, 392.25, 392.33 and 392.71 (2007);

(4) Any section of 49 Code of Federal Regulations, Part 393 (2007); or

(5) 49 Code of Federal Regulations, Part 396, except Sections 396.7 and 396.9 (2007).

B. The following provisions govern penalties for violations of this subsection.

(1) A person who violates this subsection commits a traffic infraction for which a fine of \$250 must be adjudged.

(2) A person who violates this subsection after having previously violated this subsection commits a traffic infraction for which a fine of \$500 must be adjudged.

3. Traffic infractions not involving federal regulations; violations. A person may not violate any provision of the Secretary of State's rules adopted pursuant to section 551. The following penalties apply to violations of this subsection.

A. A person who violates this subsection commits a traffic infraction for which a fine of \$250 must be adjudged.

B. A person who violates this subsection after having previously violated this subsection commits a traffic infraction for which a fine of \$500 must be adjudged.

4. Civil violations. A person commits a civil violation if that person violates this subchapter or a rule adopted pursuant to this subchapter and the violation is discovered during a compliance review as that term is defined in 49 Code of Federal Regulations, Section 385.3, unless the compliance review occurs during the course of or as a result of a criminal investigation. A person who violates this subsection is subject to a fine that must be determined with due consideration of the Federal Motor Carrier Safety Administration's uniform fine assessment program. A fine imposed may not be greater than the fine amount provided in the Federal Motor Carrier Safety Administration's uniform fine assessment program.

§558-B. Notification by court to Secretary of State of a failure to appear or noncompliance with court order; resulting suspension

1. Notification by court. If a person after being ordered to appear to answer a violation fails to appear or after appearing fails to comply with an order issued pursuant to this subchapter, the court shall notify the Secretary of State.

2. Suspension of registration. After receiving notice pursuant to subsection 1, the Secretary of State shall suspend the person's commercial registration certificates and plates and the privilege to operate a commercial motor vehicle in this State. The suspension must remain in effect until the person appears in court and complies with a court order.

See title page for effective date.

**CHAPTER 531
S.P. 628 - L.D. 1637**

**An Act Regarding
Taste-testing Event Licenses**

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 ambiguity in the law regarding the conduct of special licensed events for the taste testing of alcoholic beverages is having a negative impact on the promotion of craft breweries and wineries in the State; and

Whereas, it is important to resolve this ambiguity as soon as possible; 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. 28-A MRSA §709, sub-§2, ¶E, as amended by PL 2011, c. 629, §12, is further amended to read:

E. Those licensed under ~~sections 1052-B or 1052-C~~ section 1052-D offering free samples or tastings;

Sec. 2. 28-A MRSA §1052-B, as amended by PL 2013, c. 345, §3; c. 351, §§1 and 2; and c. 368, Pt. XXXX, §1 and affected by §13, is repealed.

Sec. 3. 28-A MRSA §1052-C, as amended by PL 2011, c. 629, §18, is repealed.

Sec. 4. 28-A MRSA §1052-D is enacted to read:

§1052-D. Taste-testing event license

1. Taste-testing event license. A person who has been issued a license under section 1355-A, a wholesaler licensed under section 1401 or a person who has been granted a certificate of approval from the bureau may apply jointly in any combination for a license to participate in a taste-testing event subject to the conditions prescribed by this section.

2. Sponsored manufacturers. For the purposes of this section, "sponsored manufacturer" means a manufacturer without a certificate of approval who is sponsored by a certificate of approval holder or a manufacturer licensed under section 1355-A or a manufacturer who may participate in a taste-testing event.