

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2014 to July 16, 2015

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2015

**CHAPTER 51
S.P. 102 - L.D. 288**

**An Act To Amend the
Requirement of When
Headlights Must Be Used**

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

Sec. 1. 29-A MRSA §2067, sub-§1, ¶A, as amended by PL 1997, c. 249, §1, is amended to read:

A. During the period ~~1/2 hour after~~ from sunset to ~~1/2 hour before~~ sunrise;

See title page for effective date.

**CHAPTER 52
H.P. 256 - L.D. 390**

**An Act To Enforce Restrictions
in Parking Spaces and Access
Aisles Designated for Persons
with a Walking Disability**

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

Sec. 1. 29-A MRSA §521, sub-§9-A, as amended by PL 2013, c. 381, Pt. C, §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 registration 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. A person who violates this subsection is subject to a fine of not less than \$200 and not more than \$500. Testimony under oath with clear photographic evidence from a person with a disability or the driver of a vehicle transporting a person with a disability that a vehicle was parked in violation of this subsection is prima facie evidence of a violation of this subsection. For purposes of this subsection, "person with a disability" has the same meaning as in subsection 1.

Sec. 2. 29-A MRSA §521, sub-§9-B, as amended by PL 2013, c. 381, Pt. C, §2, is further amended to read:

9-B. Registered owner's liability for vehicle illegally parked in disability parking space or access aisle. A person who is a registered owner of a vehicle at the time that vehicle is involved in a violation of subsection 9-A commits a traffic infraction. For purposes of this subsection, "registered owner" includes a person issued a dealer or transporter registration plate.

A. Anyone who observes a violation of subsection 9-A may report the violation to a law enforcement officer. If a report is made, the observer shall report the time and the location of the violation and the registration plate number and a description of the vehicle involved. The officer shall initiate an investigation of the reported violation and, if possible, contact the registered owner of the motor vehicle involved and request that the registered owner supply information identifying the operator. Testimony under oath with clear photographic evidence from a person with a disability or the driver of a vehicle transporting a person with a disability that a vehicle was parked in violation of this subsection is prima facie evidence of a violation of this subsection. For purposes of this paragraph, "person with a disability" has the same meaning as in subsection 1.

B. The investigating officer may cause the registered owner of the vehicle to be served with a summons for a violation of this subsection.

C. Except as provided in paragraph D, it is not a defense to a violation of this subsection that a registered owner was not operating the vehicle at the time of the violation.

D. The following are defenses to a violation of this subsection.

- (1) If a person other than the owner is found to be operating the vehicle at the time of the violation and is adjudicated of violating subsection 9-A, then the registered owner may not be found in violation of this subsection.
- (2) If the registered owner is a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee, and the lessor provides the investigating officer with a copy of the lease agreement containing the information required by section 254, then the lessee and not the lessor may be charged under this subsection.
- (3) If the vehicle is operated using a dealer or transporter registration plate and at the time of the violation the vehicle was operated by any person other than the dealer or transporter, and if the dealer or transporter pro-

vides the investigating officer with the name and address of the person who had control over the vehicle at the time of the violation, then that person and not the dealer or transporter may be charged under this subsection.

(4) If a report that the vehicle was stolen is given to a law enforcement officer or agency before the violation occurs or within a reasonable time after the violation occurs, then the registered owner may not be charged under this subsection.

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

See title page for effective date.

**CHAPTER 53
S.P. 51 - L.D. 118**

**An Act To Authorize
Municipalities To Refund
Amounts Collected in Excess of
Tax Liens**

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

Whereas, the property tax year begins April 1st; and

Whereas, in order to allow municipalities sufficient time to determine whether to refund any excess funds to a former owner of property foreclosed on by a municipality, this legislation needs to take effect 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. 36 MRSA §949 is enacted to read:

§949. Disbursement of excess funds

1. Authorization to adopt ordinance. A municipality that obtains title to property acquired under the operation of this article may, by ordinance, disburse to the former owner the excess of any funds received from the disposition of that property. The ordinance must contain standards governing the disbursement of the excess of any funds and the procedures

that protect the interests of the taxpayers of the municipality.

2. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Excess of any funds" means the amount obtained by the municipality for the disposition of the property less:

(1) All taxes and interest owed on the property and the amount of taxes and interest that would have been assessed had the property not been acquired by the municipality;

(2) The municipality's cost of the lien and foreclosure process;

(3) The municipality's cost of maintaining and disposing of the property; and

(4) Unpaid sewer, water or other charges and fees imposed by the municipality or a quasi-governmental authority.

B. "Former owner" means a party named on a tax lien mortgage at the time of the levy of a tax lien or that party's successors, heirs or assigns.

3. Unorganized territory. The obligations of a municipality under this section apply to the State with regard to property in the unorganized territory. The State Tax Assessor may adopt routine technical rules providing for the disbursement of the excess of any funds received from the disposition of property in the unorganized territory for nonpayment of taxes under chapter 115.

4. Application. An ordinance or rule adopted under this section may apply to sales of property acquired through the tax lien and foreclosure process occurring on or after January 1, 2015.

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

Effective May 8, 2015.

**CHAPTER 54
H.P. 89 - L.D. 131**

**An Act To Amend the Laws
Related to Public Funding of
Charter Schools**

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

Whereas, implementation of Maine's recently enacted charter school law has resulted in substantial