

# 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-SEVENTH LEGISLATURE**

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

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 15, 2015**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

---

---

**Augusta, Maine**  
**2015**

**§11405. Expenses**

Members of the commission may not be compensated for expenses incurred or related to the activities of the commission.

**Sec. 5. Transition.** The Sex Offender Management and Risk Assessment Advisory Commission created pursuant to this Act is the successor to the Sex Offender Risk Assessment Advisory Commission established pursuant to the Maine Revised Statutes, Title 5, section 12004-I, former subsection 74-G and set out in Title 17-A, former chapter 57, and members of the Sex Offender Risk Assessment Advisory Commission on the effective date of this Act continue as members of the Sex Offender Management and Risk Assessment Advisory Commission until the expiration of their terms pursuant to Title 17-A, former section 1402.

See title page for effective date.

**CHAPTER 87****S.P. 173 - L.D. 444**

**An Act To Allow a Motor  
Vehicle Excise Tax Credit for a  
Vehicle No Longer in Use**

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

**Sec. 1. 36 MRSA §1482, sub-§5,** as amended by PL 2011, c. 240, §13, is further amended to read:

**5. Credits.** An owner or lessee who has paid the excise or property tax for a vehicle ~~the ownership or registration of which is transferred, or that is subsequently totally lost by fire, theft or accident or totally junked or abandoned, in the same registration year,~~ is entitled to a credit up to the maximum amount of the tax previously paid in that registration year for any one vehicle toward the tax for any number of vehicles, regardless of the number of transfers that may be required of the owner or lessee in that registration year. The credit is available only if the vehicle's ownership is transferred, the vehicle is totally lost by fire, theft or accident, the vehicle is totally junked or abandoned, the use of the vehicle is totally discontinued or, in the case of a leased vehicle, the registration is transferred.

A. The credit must be given in any place in which the excise tax is payable.

B. For each transfer made in the same registration year, the owner shall pay \$3 to the place in which the excise tax is payable.

C. During the last 4 months of the registration year, the credit may not exceed 1/2 of the maximum amount of the tax previously paid in that registration year for any one vehicle.

D. If the credit available under this subsection exceeds the amount transferred to another vehicle, a municipality may choose, but is not required to refund the excess amount. If a municipality chooses to refund excess amounts it must do so in all instances where there is an excess amount.

E. For the purposes of this subsection, "owner" includes the surviving spouse of the owner.

G. For the purposes of this subsection, "totally discontinued" means that the owner has permanently discontinued all use of the vehicle except for selling, transferring ownership of, junking or abandoning that vehicle. The owner of the vehicle must provide a signed statement attesting that use of the vehicle from which the credit is being transferred is totally discontinued. If the owner who has totally discontinued use of a vehicle later seeks to register that vehicle, no excise tax credits may be applied with respect to the registration of that vehicle or any subsequent transfer of that vehicle's registration.

See title page for effective date.

**CHAPTER 88****S.P. 188 - L.D. 520**

**An Act To Amend the  
Requirement for a Certificate  
of Title for Junk and Scrap  
Automobiles and Vehicles**

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

**Whereas,** properly disposing of automobiles that have reached the end of their useful lives is in the best interest of Maine's environment and aesthetics; and

**Whereas,** the inconsistency between Maine and neighboring jurisdictions in the certificate of title requirements for automobiles destined for junk and scrap metal disposal has caused a loss of employment and income to Maine residents and income tax revenue to the State; and

**Whereas,** to reduce the loss of employment, income and revenue, it is imperative that this legislation 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. 29-A MRSA §652, sub-§16**, as amended by PL 2009, c. 598, §27, is further amended to read:

**16. Low-speed vehicle.** A low-speed vehicle loaned by a dealer to a municipality; ~~and~~

**Sec. 2. 29-A MRSA §652, sub-§17**, as enacted by PL 2009, c. 598, §28, is amended to read:

**17. Off-road vehicle.** An off-road vehicle; ~~and~~

**Sec. 3. 29-A MRSA §652, sub-§18** is enacted to read:

**18. Vehicle model year 1995 to 1999.** A vehicle that is model year 1995, 1996, 1997, 1998 or 1999 if:

A. A recycler, salvage vehicle dealer or scrap processor obtains the seller's name and the address of the seller's residence from a government-issued photograph identification document or credential and maintains the seller's name and address and vehicle identification number of the scrapped vehicle for a period of at least one year; and

B. A recycler, salvage vehicle dealer or scrap processor reports the destruction of the vehicle to the Secretary of State within 30 days in a manner prescribed by the Secretary of State.

This subsection applies only to vehicles that are scrapped. For purposes of this subsection, a government-issued photograph identification document or credential includes, but is not limited to, a current and valid United States passport, military identification, driver's license or nondriver identification card.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect July 1, 2015.

Effective July 1, 2015.

## CHAPTER 89

### S.P. 198 - L.D. 529

#### An Act To Amend the Law Concerning Motor Vehicles at Railroad Crossings

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

**Sec. 1. 29-A MRSA §2076, sub-§2**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**2. Warning devices.** ~~When a crossing is protected by gates that are lowered or being lowered, or a~~

~~flagger or automatic signal is indicating that a train is approaching, an operator shall bring a vehicle to a full stop at a distance of not less than 10 feet from the nearest rail of the crossing. An operator of a motor vehicle approaching a railroad crossing shall do so in a manner so that the operator will be able to stop if necessary. The operator shall stop the vehicle not less than 15 feet and not more than 50 feet from the nearest rail of the railroad track and may not proceed if:~~

A. A clearly visible electric or mechanical signal device warns of the approach of a train;

B. A crossing gate is lowered or a flagger gives or continues to give a signal or warning of the approach or passage of a train;

C. A train is visible and is in hazardous proximity to the crossing; or

D. A sign, device or law requires the vehicle to stop.

A vehicle may proceed across the track when the gates have been raised, the flagger indicates that no train is approaching, or, if there is an ~~automatic electric or mechanical~~ signal device, the operator has ascertained that no train is approaching. An operator proceeding by an ~~automatic electric or mechanical~~ signal device shall use extra caution.

See title page for effective date.

## CHAPTER 90

### H.P. 214 - L.D. 320

#### An Act Regarding the Tracking of Wounded Animals with a Leashed Dog

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

**Sec. 1. 12 MRSA §11109, sub-§3, ¶N**, as amended by PL 2005, c. 12, Pt. III, §4, is repealed.

**Sec. 2. 12 MRSA §11111**, as enacted by PL 2003, c. 655, Pt. B, §117 and affected by §422, is repealed and the following enacted in its place:

#### **§11111. Tracking wounded animals with a leashed dog**

**1. Permit required.** Except as provided in section 12862 or otherwise authorized pursuant to this Part, a person may not use a leashed dog to track a wounded animal without a valid permit issued pursuant to this section. For purposes of this section, "wounded animal" means a lawfully wounded bear, deer or moose.

**2. Eligibility; license fee.** A person who holds a valid big game hunting license may obtain from the