

# 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**

**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.**

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

**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

commissioner a permit to use a leashed dog to track a wounded animal. The fee for a 3-year permit to use a leashed dog to track a wounded animal is \$81.

**3. Dog tracking services.** A person who holds a valid permit issued pursuant to this section may charge a fee for dog tracking services. Notwithstanding section 10001, subsection 28, a person is not a guide if the only services that person charges a fee for are dog tracking services pursuant to this subsection.

**4. Penalties.** Each day a person violates subsection 1, that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable permit fee must be imposed.

**5. Tracking a wounded animal after legal hunting hours.** Notwithstanding sections 11205 and 11206, a person who holds a valid permit issued pursuant to this section may use a leashed dog to track a wounded animal outside of legal hunting hours.

**6. Rules.** The commissioner may adopt rules to implement the provisions of this section, which may include, but are not limited to, training requirements, the type and number of dogs used, leash requirements and the time and manner in which a wounded animal may be tracked and dispatched. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 3. 12 MRSA §11214, sub-§1, ¶¶K to M,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, are amended to read:

K. Use a dog to hunt deer or moose, except as provided in section 11109, subsection 3, paragraph N 11111 or 12862;

L. Use an artificial light, snare, trap or set gun to hunt deer or moose. This paragraph does not affect or restrict the legitimate possession and sale of flashlights or the lawful use of an artificial light to aid in the tracking of a wounded animal pursuant to section 11111 or 12862;

M. Use artificial lights between 1/2 hour after sunset and 1/2 hour before sunrise the next day to illuminate, jack, locate, attempt to locate or show up wild animals or wild birds from September 1st to December 15th of each calendar year. This paragraph does not affect chapter 921, or any rule issued in accordance with section 10104, subsection 1 or the lawful use of an artificial light to aid in the tracking of a wounded animal pursuant to section 11111 or 12862;

**Sec. 4. 12 MRSA §11225,** as enacted by PL 2007, c. 168, §6, is repealed.

**Sec. 5. 12 MRSA §12862** is enacted to read:

**§12862. Retrieval of wounded or killed bear, deer or moose after hours**

Notwithstanding sections 11205, 11206 and 11111, the commissioner may authorize a person licensed to guide hunters under section 12853 whose client during a guided hunt wounds or kills a bear, deer or moose to track and dispatch that animal outside of legal hunting hours. A licensed guide authorized to track a wounded animal pursuant to this section may use one leashed dog for tracking purposes. The commissioner may place conditions and restrictions on tracking activities conducted pursuant to this section to ensure its proper administration and the humane treatment of a wounded animal.

See title page for effective date.

**CHAPTER 91**

**H.P. 396 - L.D. 572**

**An Act To Ensure Appropriate Health Insurance Coverage for Prescription Eye Drops**

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

**Sec. 1. 24-A MRSA §4314-A** is enacted to read:

**§4314-A. Coverage for early refills of prescription eye drops**

**1. Required coverage.** A carrier offering a health plan in this State shall provide coverage for one early refill of a prescription for eye drops if the following criteria are met:

A. The enrollee requests the refill no earlier than the date on which 70% of the days of use authorized by the prescribing health care provider have elapsed;

B. The prescribing health care provider indicated on the original prescription that a specific number of refills are authorized;

C. The refill requested by the enrollee does not exceed the number of refills indicated on the original prescription;

D. The prescription has not been refilled more than once during the period authorized by the prescribing health care provider prior to the request for an early refill; and

E. The prescription eye drops are a covered benefit under the enrollee's health plan.

**2. Cost sharing.** A carrier may impose a deductible, copayment or coinsurance requirement for an