

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.

Augusta, Maine
2015

(3) "Operate" means driving a motor vehicle on a public way with the motor running, including while temporarily stationary because of traffic, a traffic light or a stop sign or otherwise stationary. "Operate" does not include operating a motor vehicle with or without the motor running when the operator has pulled the motor vehicle over to the side of, or off, a public way and has halted in a location where the motor vehicle can safely remain stationary.

(4) "Using" means manipulating, talking into or otherwise interacting with a mobile telephone or handheld electronic device.

Sec. 3. 29-A MRSA §1311, sub-§3-A is enacted to read:

3-A. Restricted license decal. Before issuing a license under this section, the Secretary of State shall make available to the licensee a set of 2 decals to place in the motor vehicle driven by the licensee that indicates that the driver of the motor vehicle may be a holder of an intermediate license. Notwithstanding section 2082, a motor vehicle operated by a person who has been issued a driver's license under this section may display a set of 2 decals, one located on the rear window and one located in the upper left-hand corner of the front windshield, that indicates that the driver of the motor vehicle may be a holder of an intermediate license under this section. The design of the decal must be approved by the Chief of the State Police in consultation with the Secretary of State. The decals may not be larger than 3 inches by 3 inches and may not be placed in a manner that obstructs the operator's view of the roadway.

The Secretary of State shall begin issuing restricted license decals in accordance with this subsection no later than October 1, 2015.

Sec. 4. 29-A MRSA §2116, sub-§1, ¶B-1 is enacted to read:

B-1. "Operate" means driving a motor vehicle on a public way with the motor running, including while temporarily stationary because of traffic, a traffic light or a stop sign or otherwise stationary. "Operate" does not include operating a motor vehicle with or without the motor running when the operator has pulled the motor vehicle over to the side of, or off, a public way and has halted in a location where the motor vehicle can safely remain stationary.

Sec. 5. 29-A MRSA §2116, sub-§1, ¶C, as enacted by PL 2007, c. 272, §1, is amended to read:

C. "Using" means manipulating, talking into or otherwise interacting with a mobile telephone or handheld electronic device but does not include passively listening to music or other recorded

sounds emanating from a handheld electronic device.

Sec. 6. Report. No later than February 1, 2017, the Department of the Secretary of State, Bureau of Motor Vehicles shall submit a report to the joint standing committee of the Legislature having jurisdiction over transportation matters with an update on the voluntary restricted license decal program established in the Maine Revised Statutes, Title 29-A, section 1311, subsection 3-A. The joint standing committee of the Legislature having jurisdiction over transportation matters may submit a bill to the First Regular Session of the 128th Legislature relating to the subject matter of this report.

See title page for effective date.

CHAPTER 114

H.P. 463 - L.D. 682

An Act To Ensure the Administration of Written Driving Tests

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

Sec. 1. 29-A MRSA §1304, sub-§1-A, ¶C, as enacted by PL 2013, c. 493, §1, is amended to read:

C. Any required examination for a learner's permit may be administered only by the Secretary of State except that the Secretary of State may waive this requirement on receipt of a course completion certificate under section 1351, subsection 3.

See title page for effective date.

CHAPTER 115

H.P. 599 - L.D. 880

An Act To Permit Rate-adjustment Mechanisms for Water Utilities

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

Sec. 1. 35-A MRSA §6102-A is enacted to read:

§6102-A. Rate-adjustment mechanism for water utilities

1. Rate-adjustment mechanism. Notwithstanding any provision of law to the contrary, the commission may establish or authorize a reasonable rate-adjustment mechanism to decouple water utility revenues from water utility sales through revenue recon-

ciliation when changes in sales are due to a change in the number of customers or a change in the volume of consumption. In determining the reasonableness of any such rate-adjustment mechanism, the commission shall apply the standards of section 301 and shall consider the transfer of risks associated with any such changes in sales and, to the extent these risks are transferred between the utility and its customers, the commission shall consider the effect of the transfer of risk in determining a utility's allowed rate of return.

2. Report. The commission, as part of its annual report pursuant to section 120, shall list rate adjustments that have been requested and those that have been granted.

See title page for effective date.

**CHAPTER 116
H.P. 132 - L.D. 174**

**An Act To Amend the Maine
Clean Election Act Regarding
Candidate Participation in
Political Action Committees**

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

Sec. 1. 21-A MRSA §1125, sub-§6-F is enacted to read:

6-F. Participation in political action committees. A participating candidate or a certified candidate may not establish a political action committee for which the candidate is a treasurer or principal officer or for which the candidate is primarily responsible for fund-raising or decision making. This prohibition applies between April 1st immediately preceding a general election through:

A. The date on which the candidate withdraws from a race;

B. The date of the primary election or general election for a candidate who loses either election; or

C. January 1st immediately preceding the next general election for a candidate who wins the general election.

This prohibition also applies to a participating candidate or certified candidate in a special election, except that the prohibition begins on the date of the candidate's nomination. This subsection does not prohibit a participating candidate or certified candidate, including a certified candidate who wins a general or special election, from engaging in fund-raising or decision making for a party caucus political action committee, a ballot question committee or a political action committee formed for the purpose of promoting or opposing a

ballot question. This prohibition applies to a participating candidate or certified candidate regardless of the date on which the political action committee was established.

Sec. 2. Effective date. This Act takes effect January 1, 2016.

Effective January 1, 2016.

**CHAPTER 117
S.P. 74 - L.D. 199**

**An Act To Improve the
Reporting of Child Abuse**

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

Sec. 1. 22 MRSA §4011-A, sub-§1, as amended by PL 2009, c. 211, Pt. B, §18 and PL 2011, c. 657, Pt. W, §5, is further amended to read:

1. Required report to department. The following adult persons shall immediately report or cause a report to be made to the department when the person knows or has reasonable cause to suspect that a child has been or is likely to be abused or neglected or that a suspicious child death has occurred:

- A. When acting in a professional capacity:
 - (1) An allopathic or osteopathic physician, resident or intern;
 - (2) An emergency medical services person;
 - (3) A medical examiner;
 - (4) A physician's assistant;
 - (5) A dentist;
 - (6) A dental hygienist;
 - (7) A dental assistant;
 - (8) A chiropractor;
 - (9) A podiatrist;
 - (10) A registered or licensed practical nurse;
 - (11) A teacher;
 - (12) A guidance counselor;
 - (13) A school official;
 - (14) A youth camp administrator or counselor;
 - (15) A social worker;
 - (16) A court-appointed special advocate or guardian ad litem for the child;
 - (17) A homemaker;