

# 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**

**Sec. 1. 14 MRSA §3147**, as enacted by PL 1987, c. 414, §2, is amended to read:

**§3147. Payment by credit card**

The Judicial Department may implement a procedure for the payment of fines ~~up to \$500~~ by use of major credit cards and may assess a reasonable fee upon the defendant to cover any administrative expenses incurred in connection with the use of credit cards as a method of paying fines.

**Sec. 2. 25 MRSA §3501**, as amended by PL 1983, c. 254, §1, is further amended to read:

**§3501. Application of chapter**

This chapter ~~shall apply~~ applies to all personal property of which possession is transferred to a police department or other law enforcement agency of the State or any political subdivision thereof, under circumstances supporting a reasonable belief that such property was abandoned, lost or stolen, or otherwise illegally possessed, except property seized during search and retained and ultimately returned, destroyed or otherwise disposed of pursuant to a court order or some other law ~~hereafter~~ applicable to specific property or circumstance. This chapter ~~shall apply~~ applies to personal property seized during search and retained ~~which that~~ that is not offered or admitted as evidence and ~~which that~~, after retention by a police department or other law enforcement agency, becomes abandoned. This chapter does not apply to unclaimed personal property that has been confiscated at courthouses by judicial marshals. Such property that remains unclaimed for more than 30 days may be disposed of under the direction of the State Court Administrator.

**Sec. 3. 29-A MRSA §2434, sub-§3**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**3. Physical custody of license.** Unless the defendant appeals and a stay of execution of the suspension is granted, the court shall take physical custody of a license issued by this State or another state, foreign country or province if that person is residing or employed in this State. The court may take a license issued by another state, foreign country or province if the person is not residing or employed in this State. If the court is unable to take physical custody of the license at the time of sentencing, either because the suspension has been stayed pursuant to subsection 4 or for any other reason, the license is void at such time as is specified in the court order.

See title page for effective date.

**CHAPTER 159**

**H.P. 682 - L.D. 987**

**An Act To Suspend the Right  
of an Out-of-state Toll Violator  
To Operate a Motor Vehicle on  
Maine Roads**

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

**Sec. 1. 23 MRSA §1980, sub-§2-A, ¶C**, as amended by PL 2011, c. 476, §5, is further amended to read:

C. The following procedures must be followed for the collection of tolls, administrative fees and civil penalties under this subsection.

(1) The authority shall send a notice of liability by first class mail to a person alleged to be liable as a registered owner under this subsection. The notice must be sent to the address of the registered owner on record with the authority if the registered owner is an electronic toll collection patron of the authority or, if no such record exists, the address of the registered owner on record with the Secretary of State. If no address is on record with the authority or the Secretary of State, the notice may be sent to an address for the registered owner obtained by the authority through other reasonable means, including but not limited to through databases compiled by law enforcement or other government agencies. A written statement by the authority that the notice of liability has been mailed is prima facie evidence of the mailing of the notice.

(2) A notice of liability must include ~~the name and address of the person alleged to be liable as a registered owner for the failure to pay a toll under this subsection~~, the amount of the unpaid toll ~~not paid~~, the registration number of the vehicle involved, the toll collection facility at which the failure to pay occurred and the date and the approximate time of the failure. The notice must also include the name, address and telephone number of the violation clerk responsible for enforcing the penalty for the failure to pay.

(3) A notice of liability must ~~include information advising the person liable under this subsection of the manner and time in which state how the alleged liability alleged in the notice~~ may be contested and must identify the statutory defenses described in paragraph E. The notice must also include a warning that failure to contest in the manner and time provided is an admission of liability and a waiver of ~~available~~ defenses and that failure to pay

or respond may result in revocation of the registration certificate and plates issued for ~~the a motor vehicle registered in the State or suspension of the right to operate the motor vehicle in this State if it is registered in another jurisdiction.~~

(4) Within 30 calendar days after the date of ~~the~~ issuance of the notice of liability, the registered owner ~~to whom the notice is issued must~~ shall:

- (a) Pay the amount of the toll for which the person is liable, the civil penalty or penalties provided for in paragraph A and an administrative fee of \$20 for each unpaid toll for which the person is liable ~~but has not paid~~;
- (b) Send a written dispute by mail to the violation clerk named in the notice, as provided by paragraph I; or
- (c) Request a hearing with the violation clerk named in the notice as provided by paragraph J.

**Sec. 2. 23 MRSA §1980, sub-§2-A, ¶G,** as amended by PL 2011, c. 476, §6, is further amended to read:

G. The authority shall notify the Secretary of State, who shall, in accordance with Title 29-A, section 154, subsection 6, suspend the registration certificate and plates issued for the vehicle involved in the alleged failure to pay if that vehicle is registered in this State or, if that vehicle is registered in another jurisdiction, suspend the right to operate the motor vehicle in accordance with Title 29-A, section 2461 if a registered owner:

- (1) Does not dispute a notice of liability or pay the tolls, administrative fees and civil penalties as required by paragraph C, subparagraph (4);
- (2) Does not pay the required tolls, administrative fees and civil penalties within 30 days of a final ~~decision of a violation clerk~~ determination of liability as provided in paragraphs I and J; or
- (3) ~~Does not pay the required tolls, administrative fees and civil penalties within 30 days of final adjudication of liability under paragraph K; or~~
- (4) Does not pay the required tolls, administrative fees or civil penalties within 30 days of a final adjudication determination of liability by an away agency with whom the authority has a reciprocal collection arrangement under subsection 2-C.

When notifying the Secretary of State under this paragraph, the authority shall send a notice by first class mail informing the registered owner of the pending suspension.

**Sec. 3. 29-A MRSA §154, sub-§6,** as amended by PL 2003, c. 591, §4, is further amended to read:

**6. Recovery of turnpike tolls.** Upon receipt of notice from the Maine Turnpike Authority in accordance with Title 23, section 1980, subsection 2-A, paragraph G, the Secretary of State, ~~in accordance with section 2482, shall mail the required 10 day notice and~~ suspend the registration certificate and plates issued for the vehicle in question. If the motor vehicle is registered in another jurisdiction, the Secretary of State shall suspend the owner's right to operate the motor vehicle in this State in accordance with section 2461. The Secretary of State shall mail a notice of suspension to the registered owner at the last name and address on record with the Secretary of State, which may include an address obtained by reasonable means under Title 23, section 1980, subsection 2-A, paragraph C. The suspension takes effect on the date specified in the notice, which may not be less than 10 days after the mailing of the notification. The Secretary of State may not reinstate the registration certificate and plates or restore the owner's right to operate ~~the motor vehicle in the State until the Maine Turnpike Authority provides notice~~ notifies the Secretary of State that the toll and applicable fines fees and penalties have been paid. Notwithstanding any other provision of law, Title 5, section 9052, subsection 1 does not apply to a notice of suspension issued pursuant to this subsection.

**Sec. 4. 29-A MRSA §2069, sub-§3,** as amended by PL 2009, c. 493, §1, is further amended to read:

**3. Vehicle used in connection with a crime or operating after suspension traffic infraction.** A law enforcement officer may cause the removal to a suitable parking place of a vehicle connected with ~~the arrest of the operator or owner of a vehicle or with the issuance of a summons for a traffic infraction as described in section 2412-A, subsection 8 or used in connection with the commission of a crime;~~

A. The arrest of the operator or owner of that vehicle;

B. The issuance of a summons for a traffic infraction as described in section 2412-A, subsection 8;

C. A suspended registration pursuant to Title 23, section 1980 or the suspension of the owner's right to operate the vehicle pursuant to section 2461 for failure to pay a toll; or

D. The commission of a crime.

When a vehicle has been removed pursuant to paragraph C, the vehicle may be released only after the tolls, fees and penalties have been paid and the vehicle's registration has been reinstated or the owner's right to operate the vehicle has been restored.

See title page for effective date.

## CHAPTER 160

### S.P. 219 - L.D. 626

#### An Act Regarding Write-in Candidates in Municipal and City Elections

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

**Sec. 1.** 30-A MRSA §2501, sub-§3 is enacted to read:

**3. Determining and counting write-in votes.** A municipality may choose the method of determining and counting write-in votes according to this subsection. Once a municipality has voted to accept the option under this subsection, the option applies to all municipal elections until the municipal officers hold a public hearing and the legislative body of the municipality votes to rescind the option at least 90 days before the next election of candidates by secret ballot.

A. After the municipal officers hold a public hearing, at least 90 days prior to an election of candidates by secret ballot, the legislative body of a municipality may vote to be governed by the provisions of Title 21-A, section 696, subsection 2, paragraph C and Title 21-A, section 722-A. Votes for a write-in candidate are counted only if that candidate has filed a timely declaration of write-in candidacy with the municipal clerk in accordance with Title 21-A, section 722-A, except that votes for write-in candidates who have not filed a declaration of write-in candidacy must be counted if:

- (1) The printed ballot does not include a properly nominated candidate for the office; or
- (2) A properly nominated candidate for the office listed on the ballot withdraws from the race before or on election day.

B. In a municipality that has not voted under paragraph A to be governed by Title 21-A, section 696, subsection 2, paragraph C and Title 21-A, section 722-A, votes cast for write-in candidates must be counted if:

- (1) The printed ballot does not include a properly nominated candidate for the office;

(2) A properly nominated candidate for the office listed on the ballot withdraws from the race before or on election day; or

(3) The number of write-in votes for an office as determined by a machine count or initial hand count exceeds the number of votes in that count for a candidate printed on the ballot.

Votes for write-in candidates may be counted even if none of the criteria listed in subparagraphs (1) to (3) are met in a municipality that has not voted to be governed by Title 21-A, section 696, subsection 2, paragraph C and Title 21-A, section 722-A.

Nothing in this subsection requires a municipal clerk to count or tally write-in votes for a fictitious person, a deceased person or a person from outside the municipality when residency is a qualification of office or who is otherwise not qualified to be a candidate for the office for which the person is a write-in candidate.

See title page for effective date.

## CHAPTER 161

### H.P. 323 - L.D. 484

#### An Act Regarding the Confidentiality of Railroad Carrier Cargo

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

**Sec. 1.** 1 MRSA §402, sub-§3, ¶S, as amended by PL 2013, c. 518, §2, is further amended to read:

S. E-mail addresses obtained by a political subdivision of the State for the sole purpose of disseminating noninteractive notifications, updates and cancellations that are issued from the political subdivision or its elected officers to an individual or individuals that request or regularly accept these noninteractive communications; and

**Sec. 2.** 1 MRSA §402, sub-§3, ¶T, as enacted by PL 2013, c. 518, §3, is amended to read:

T. Records describing research for the development of processing techniques for fisheries, aquaculture and seafood processing or the design and operation of a depuration plant in the possession of the Department of Marine Resources; and

**Sec. 3.** 1 MRSA §402, sub-§3, ¶U is enacted to read:

U. Records provided by a railroad company describing hazardous materials transported by the railroad company in this State, the routes of haz-