

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

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Augusta, Maine
2015

CHAPTER 205
H.P. 808 - L.D. 1176

**An Act To Prohibit the Sale
and Possession of Powdered
Alcohol in the State**

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

Sec. 1. 28-A MRSA §2089 is enacted to read:

§2089. Powdered alcohol

1. Possession and use prohibited. A person may not possess or use alcohol in a powdered or crystalline form.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$250 and not more than \$500 must be adjudged.

B. A person who violates this subsection after having been previously adjudicated as violating this subsection commits a civil violation for which a fine of not less than \$500 and not more than \$3,000 must be adjudged.

2. Selling or furnishing prohibited. A person may not sell, furnish or give away or offer for sale or offer to furnish or give away alcohol in a powdered or crystalline form.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$500 and not more than \$1,000 must be adjudged.

B. A person who violates this subsection after having been previously adjudicated as violating this subsection commits a Class E crime for which a fine of not less than \$1,000 and, notwithstanding Title 17-A, section 1301, not more than \$5,000 must be imposed. In addition to a fine imposed under this subsection, if the person is a licensee under chapter 19, 43, 45, 51 or 55, the court may suspend that person's license for up to one year in accordance with chapter 33. A violation under this paragraph is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

See title page for effective date.

CHAPTER 206
H.P. 898 - L.D. 1320

**An Act To Amend the Laws
Relating to Motor Vehicles**

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

Sec. 1. 29-A MRSA §101, sub-§55, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

55. Pickup truck. "Pickup truck" means a truck with a registered gross vehicle weight of ~~6,000~~ 10,000 pounds or less.

Sec. 2. 29-A MRSA §453, sub-§3-A, as amended by PL 2009, c. 435, §1, is further amended to read:

3-A. Restrictions. The Secretary of State, ~~in the Secretary of State's discretion~~, may refuse to issue or may recall a ~~vanity~~ plate issued under this section that:

~~A. Consists of or comprises language that is obscene, contemptuous, profane or prejudicial;~~

~~B. Promotes abusive or unlawful activity;~~

C. Falsely suggests an association with public institutions; ~~or~~

D. Is duplicative; ~~or~~

E. The Secretary of State finds consists of language that encourages violence or may result in an act of violence or other unlawful activity because of the content of the language requested by the registrant.

Sec. 3. 29-A MRSA §457, sub-§7, as amended by PL 1999, c. 790, Pt. C, §1 and affected by §19, is further amended to read:

7. Registration fee. The fee for registration of ~~an antique auto~~, a horseless carriage or antique motorcycle is \$15. The fee for registration of a street rod or antique auto is \$30.

Sec. 4. 29-A MRSA §501, sub-§1, as amended by PL 2011, c. 356, §6, is further amended to read:

1. Automobiles; pickup trucks. The fee for an automobile, a pickup truck registered for 6,000 pounds or less or a sport utility vehicle used for the conveyance of passengers or interchangeably for passengers or property is \$35. The fee for a pickup truck registered for more than 6,000 pounds but no more than 10,000 pounds is \$37.

An automobile or sport utility vehicle used for the conveyance of passengers or property is a "combination" vehicle and may be issued a special plate with the word "combination" instead of "Vacationland." A passenger vehicle used under contract with the State, a municipality or a school district to transport students must be designated as "combination." A vehicle owned or operated by parents or legal guardians is exempt from this subsection.

Commercial plates may not be issued for or displayed on an automobile.

A sport utility vehicle may be registered either as an automobile or a truck. A sport utility vehicle with a gross vehicle weight or combined gross vehicle weight in excess of 10,000 pounds and used in the furtherance of a commercial enterprise must be registered as a truck according to its actual gross weight as provided in section 504.

The gross weight of a pickup truck registered as provided by this subsection may not exceed ~~6,000~~ 10,000 pounds. An owner of a pickup truck who operates the pickup truck with a gross weight in excess of ~~6,000~~ 10,000 pounds or the pickup truck drawing a semi-trailer with a combined gross weight in excess of ~~6,000~~ 10,000 pounds must register the truck as provided in section 504.

~~A combination of vehicles consisting of a pickup truck as defined in section 101, subsection 55 and a semi-trailer with a registered weight of 2,000 pounds or less may be operated at the combined gross weight of the pickup truck and the semitrailer.~~

A combination of vehicles consisting of a motor vehicle and a camp trailer is not required to be registered for the gross weight of the combination.

Beginning July 1, 2009, \$10 of the fee must be transferred on a quarterly basis by the Treasurer of State to the TransCap Trust Fund established by Title 30-A, section 6006-G.

Sec. 5. 29-A MRSA §1258, sub-§7, as amended by PL 1995, c. 482, Pt. A, §21, is further amended to read:

7. Confidentiality. A report received or made by the board, a member or the Secretary of State for the purpose of assisting the Secretary of State in determining whether a person is qualified to be licensed is confidential and only for the use of the board, the Secretary of State, medical personnel treating the person subject to review and the person ~~under~~ subject to review.

These reports may not be divulged to another person unless the person ~~under~~ subject to review gives written permission.

Sec. 6. 29-A MRSA §1307, sub-§4, as amended by PL 2013, c. 381, Pt. B, §17, is further amended to read:

4. Cancellation of examination appointment. If an examination requires an appointment and the applicant does not keep that appointment, the Secretary of State shall assess an additional \$30 fee for a Class A ~~or~~ Class B or Class C commercial examination and \$20 for a bus, school bus or Class C non-commercial examination at the time of reappointment for examination. If the applicant notifies the Department of the Secretary of State, Bureau of Motor Vehicles, Driver Examination Section of cancellation at

least 48 hours prior to the examination, the Secretary of State shall waive the additional fee.

Sec. 7. 29-A MRSA §1405, sub-§3, as amended by PL 2013, c. 381, Pt. B, §23, is repealed and the following enacted in its place:

3. Fee. The fee for a duplicate registration certificate is \$2. The fee for a duplicate learner's permit, duplicate license or duplicate nondriver identification card is \$5.

Sec. 8. 29-A MRSA §1912, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Cutouts prohibited. ~~Except as provided in subsection 5, a~~ A muffler or exhaust system may not be equipped with a cutout, bypass or similar device.

Sec. 9. 29-A MRSA §1912, sub-§5, as repealed and replaced by PL 2003, c. 452, Pt. Q, §23 and affected by Pt. X, §2, is repealed.

Sec. 10. 30-A MRSA §3772, sub-§3, as amended by PL 2011, c. 545, §§4-7, is further amended to read:

3. Information required. The record of each scrap metal purchase transaction required under subsection 1 must be on a form prescribed by the Commissioner of Public Safety and contain the following information:

A. The name, address and gender of the seller. The scrap metal processor shall require the seller to provide proof of identification with a driver's license, military identification card, passport or other form of government-issued photo identification. The scrap metal processor shall photocopy the form of photo identification presented and record the distinct identifying number of that photo identification. If the proof of identification contains a photograph that is faded, out of date or otherwise indiscernible, the scrap metal processor shall photograph the seller. A scrap metal processor shall keep these proof of identification records in a secure, nonpublic location and, unless otherwise permitted by law, may not publish, reproduce, distribute or disclose these records for any other purpose than that described in section 3773, subsection 2. Information required under this paragraph may be maintained for repeat sellers in a relational database that allows the scrap metal processor to record the information one time and relate future purchase records to that information;

B. The date of the scrap metal purchase transaction;

C. A general description of the predominant types of scrap metal purchased, which must be made in accordance with the custom of the trade;

D. A general description of the configuration of the scrap metal and whether the material is insulated;

E. The weight, quantity or volume, recorded in accordance with the custom of the trade, of the scrap metal purchased;

F. The consideration paid;

G. A signed statement that the seller is the owner or is otherwise authorized to sell the scrap metal on a form provided by the buyer that conspicuously bears the warning that making a false statement is a Class D crime under Title 17-A, section 453; and

H. The make, model and number and state of issue of the license plate of the vehicle being used to deliver the scrap metal.

See title page for effective date.

CHAPTER 207

S.P. 108 - L.D. 294

An Act To Allow a Home Heating Oil Delivery Driver To Bleed a Home Heating Oil Burner

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

Sec. 1. 32 MRSA §18134-A is enacted to read:

§18134-A. Exception; bleeding of a residential home heating oil burner

Notwithstanding section 18134, paragraph C, a home heating oil delivery driver may bleed a residential home heating oil burner without direct supervision if the delivery driver has documentation of having completed a board-approved training course in bleeding oil burners. If the oil burner fails to operate after bleeding, the delivery driver shall refer the problem to a journeyman oil and solid fuel burning technician or master oil and solid fuel burning technician.

See title page for effective date.

CHAPTER 208

S.P. 146 - L.D. 378

An Act To Facilitate the Issuance of a Gravestone for a Deceased Veteran with No Next of Kin

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

Sec. 1. 22 MRSA §2843-A, sub-§1, ¶D, as amended by PL 2009, c. 159, §1, is further amended to read:

D. "Next of kin" means a person having the following relationship to the subject, in the following order of priority:

- (1) The spouse;
- (1-A) A domestic partner. For purposes of this section, "domestic partner" means the partner of the subject who:
 - (a) Is a mentally competent adult;
 - (b) Had been legally domiciled with the subject for at least 12 months immediately preceding the death of the subject;
 - (c) Is not legally married to or legally separated from another individual;
 - (d) Was the sole partner of the subject; and
 - (e) Was jointly responsible with the subject for each other's common welfare as evidenced by joint living arrangements, joint financial arrangements or joint ownership of real or personal property;
- (2) An adult son or daughter;
- (3) A parent;
- (4) An adult brother or sister;
- (5) An adult grandchild;
- (6) An adult niece or nephew who is the child of a brother or sister;
- (7) A maternal grandparent;
- (8) A paternal grandparent;
- (9) An adult aunt or uncle;
- (10) An adult first cousin; ~~or~~
- (11) Any other adult relative in descending order of blood relationship; or
- (12) If the subject is a veteran and has no known living spouse or adult relative, the Adjutant General or the Adjutant General's designee. For purposes of this paragraph, "veteran" has the same meaning as in section 2900, subsection 1, paragraph B.

Sec. 2. 22 MRSA §2900, sub-§3, as enacted by PL 2011, c. 318, §1, is amended to read:

3. Sharing information. Notwithstanding any other provision of law, a funeral director, the Adjutant General or other authorized person under subsection 2