

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2016 to April 29, 2016

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 29, 2016

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

Augusta, Maine
2016

CHAPTER 472
S.P. 547 - L.D. 1447

**An Act To Authorize the
Maine Governmental
Facilities Authority To Issue
Securities To Pay for Capital
Repairs and Improvements to
the Maine Correctional Center
in South Windham and a
Facility Owned by the
Department of Corrections in
Washington County**

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

Sec. 1. 4 MRSA §1610-I is enacted to read:

§1610-I. Additional securities for capital construction, repairs and improvements

Notwithstanding any limitation on the amount of securities that may be issued pursuant to section 1606, subsection 2, as limited by section 1610-A, the authority may issue additional securities in an amount not to exceed \$149,700,000 outstanding at any one time to pay for capital construction, repairs and improvements to the Maine Correctional Center in South Windham and a facility owned by the Department of Corrections in Washington County.

See title page for effective date.

CHAPTER 473
S.P. 581 - L.D. 1483

**An Act To Amend Maine's
Motor Vehicle Laws**

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; 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. 3 MRSA §959, sub-§1, ¶O, as amended by PL 2013, c. 505, §1, is further amended to read:

O. The joint standing committee of the Legislature having jurisdiction over transportation matters shall use the following schedule as a guideline for scheduling reviews:

- (1) Maine Turnpike Authority in 2021;
- (2) The Bureau of Motor Vehicles within the Department of the Secretary of State in 2015;
- (3) The Department of Transportation in ~~2015~~ 2017; and
- (4) Maine State Pilotage Commission in 2017.

Sec. 2. 29-A MRSA §101, sub-§15-A, as enacted by PL 2009, c. 315, §3, is amended to read:

15-A. Combination vehicle. "Combination vehicle" means a motor vehicle consisting of a truck or truck tractor in combination with one or more trailers or semitrailers.

Sec. 3. 29-A MRSA §201, sub-§2, ¶C, as amended by PL 1997, c. 776, §6, is further amended to read:

C. If authorized to issue registrations and renewals of registrations, issue:

- (1) Registrations for pickup trucks registered for ~~9,000~~ 10,000 pounds or less gross vehicular weight, automobiles, trailers, semitrailers and farm tractors; and
- (2) Registrations for trucks of greater gross weight than provided in subparagraph (1), after the agent has satisfactorily participated in special training as prescribed by the Secretary of State.

Sec. 4. 29-A MRSA §401, sub-§2, as corrected by RR 2009, c. 2, §81, is amended to read:

2. Content of application. An application must contain information requested by the Secretary of State, including legal name, residence and address of the registrant, current mileage of a motor vehicle, a brief description of the vehicle, the maker, the vehicle identification number, the year of manufacture, and the type of motor fuel or motive power and, for trucks, truck tractors and special mobile equipment, the gross weight. A registrant that is a corporation, trust, limited partnership or other similar entity must provide either a federal taxpayer identification number or an identification number issued by the department. An initial application for registration must be signed by the registrant or the registrant's legal representative. The Secretary of State shall keep initial applications on file until that registration is terminated.

Sec. 5. 29-A MRSA §456-A, sub-§8, ¶A, as enacted by PL 2011, c. 356, §3, is amended to read:

A. A vehicle that qualifies for a specialty license plate under section 468, subsection 8, ~~and~~.

Sec. 6. 29-A MRSA §456-A, sub-§8, ¶B, as enacted by PL 2011, c. 356, §3, is repealed.

Sec. 7. 29-A MRSA §456-F, sub-§7, ¶B, as enacted by PL 2007, c. 703, §10, is amended to read:

B. A truck registered under section 504, subsection 1 ~~or section 505~~.

Sec. 8. 29-A MRSA §504, as amended by PL 2007, c. 647, §3 and affected by §8, is further amended to read:

§504. Registration of trucks and truck tractors

1. Truck or truck tractor. For a truck or truck tractor equipped with pneumatic tires, the following annual registration fee schedule applies.

A. For gross weight from 0 to 6,000 pounds, the fee is \$35.

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.

B. For gross weight from 6,001 to 10,000 pounds, the fee is \$37.

C. For gross weight from 10,001 to 12,000 pounds, the fee is \$48.

D. For gross weight from 12,001 to 14,000 pounds, the fee is \$81.

E. For gross weight from 14,001 to 16,000 pounds, the fee is \$105.

F. For gross weight from 16,001 to 18,000 pounds, the fee is \$130.

G. For gross weight from 18,001 to 20,000 pounds, the fee is \$161.

H. For gross weight from 20,001 to 23,000 pounds, the fee is \$188.

I. For gross weight from 23,001 to 26,000 pounds, the fee is \$220.

J. For gross weight from 26,001 to 28,000 pounds, the fee is \$267.

K. For gross weight from 28,001 to 32,000 pounds, the fee is \$308.

L. For gross weight from 32,001 to 34,000 pounds, the fee is \$342.

M. For gross weight from 34,001 to 38,000 pounds, the fee is \$379.

N. For gross weight from 38,001 to 40,000 pounds, the fee is \$403.

O. For gross weight from 40,001 to 42,000 pounds, the fee is \$426.

P. For gross weight from 42,001 to 45,000 pounds, the fee is \$450.

Q. For gross weight from 45,001 to 48,000 pounds, the fee is \$497.

R. For gross weight from 48,001 to 51,000 pounds, the fee is \$533.

S. For gross weight from 51,001 to 54,000 pounds, the fee is \$568.

T. For gross weight from 54,001 to 55,000 pounds, the fee is \$580.

U. For gross weight from 55,001 to 60,000 pounds, the fee is \$640.

V. For gross weight from 60,001 to 65,000 pounds, the fee is \$699.

W. For gross weight from 65,001 to 69,000 pounds, the fee is \$762.

X. For gross weight from 69,001 to 72,000 pounds, the fee is \$797.

Y. For gross weight from 72,001 to 75,000 pounds, the fee is \$821.

Z. For gross weight from 75,001 to 78,000 pounds, the fee is \$857.

AA. For gross weight from 78,001 to 80,000 pounds, the fee is \$877.

BB. For gross weight from 80,001 to 90,000 pounds, the fee is \$982.

CC. For gross weight from 90,001 to 94,000 pounds, the fee is \$1,026.

DD. For gross weight from 94,001 to 100,000 pounds, the fee is \$1,234.

2. Credit for certain motor vehicles. If a ~~commercial~~ motor vehicle registered for a gross weight of 23,001 pounds or more is operated only in the truck tractor-semitrailer configuration, a credit of \$40 is allowed for the original annual registration fee. The owner of the vehicle must be issued a truck tractor registration plate, which must be displayed on its front.

3. On ways adjoining premises. A registration or license is not required for the use of a truck, trailer or tractor on that part of a way adjoining the premises of the vehicle's owner.

4. Federal heavy vehicle use tax; proof of payment required. Except as provided by 26 Code of Federal Regulations, Section 41.6001-2(b)(3), a registration certificate may not be issued for a motor vehicle subject to the use tax imposed by the Internal

Revenue Code of 1986, 26 United States Code, Section 4481, until the applicant has presented proof of payment as prescribed by the Secretary of the United States Treasury.

The Secretary of State shall keep records and may issue evidence to comply with 26 Code of Federal Regulations, Part 41, revised as of May 23, 1985, and the Internal Revenue Code of 1986, 26 United States Code, Sections 4481, 4482 and 4483.

Pursuant to rule, the Secretary of State may certify that a vehicle qualifies for exemptions under 26 Code of Federal Regulations, Section 41.4483-3(g) or Section 41.4483-6(b), revised as of May 23, 1985.

5. Truck or truck tractor and semitrailer. In computing fees for a combination of truck or truck tractor and semitrailer, the vehicle to be registered for gross weight is the truck or truck tractor and the rate is the same as for a truck of similar gross vehicle weight. The gross weight used to determine the registration fee under subsection 1 is the combined gross weight of the truck or truck tractor and semitrailer.

Sec. 9. 29-A MRSA §507, first ¶, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

When a truck is properly base registered in this State, the registrant may increase the registered gross vehicle weight of the truck upon application and payment of the proper fee. Temporary registered gross weight increases may be issued by the Bureau of Motor Vehicles, the Bureau of the State Police or by any agent appointed by the Secretary of State who has been appointed for that specific purpose. ~~Agents must be either municipal tax collectors or town or city managers.~~

Sec. 10. 29-A MRSA §521, sub-§3, ¶B, as amended by PL 1995, c. 645, Pt. A, §4, is further amended to read:

B. The placard must be blue with white print and contain the International Symbol of Access, at least 3 inches high, centered on the placard. The placard must contain the permit number, the expiration date and the seal of the Secretary of State. In the case of an organization or agency, the placard must be green with white print and contain the same information, except that the name of the organization must appear along with the expiration date that must be determined by the Secretary of State. ~~A placard issued to a person with a disability under this section expires in the applicant's month of birth in the 4th year following the date of issuance.~~

Sec. 11. 29-A MRSA §755, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

3. Suspension. The Secretary of State may suspend the certificate of registration of a vehicle reported stolen or converted. ~~Until the Secretary of State learns of that vehicle's recovery or that the report of theft or conversion was erroneous, the Secretary of State may not issue a certificate of title or certificate of salvage for the vehicle.~~

Sec. 12. 29-A MRSA §1256, first ¶, as amended by PL 2013, c. 606, §1, is further amended to read:

A person who ~~has reached~~ is 15 years of age and who has successfully completed a driver education course and passed an examination for operation of a motor vehicle as provided in section 1301 may be issued a special restricted license based on educational, employment or medical need without the person's having held a permit for a period of 6 months as required by section 1304, subsection 1, paragraph H, subparagraph (1) as follows.

Sec. 13. 29-A MRSA §1256, sub-§2-A, as enacted by PL 2013, c. 606, §4, is amended to read:

2-A. Medical need. A person seeking to qualify for a special restricted license based on medical need must file an application. The Secretary of State may grant a person who ~~has reached~~ is 15 years of age a special restricted license under circumstances of medical necessity that are experienced by the person or a member of the person's immediate family if the Secretary of State determines the circumstances to be exigent and not inconsistent with the interest of highway safety and if that person has completed a minimum of ~~35~~ 70 hours of driving, including ~~5~~ 10 hours of night driving, while accompanied by a parent, guardian or licensed driver at least 20 years of age. ~~A person is issued a special restricted license must complete a minimum of 35 additional hours of driving, including 5 additional hours of night driving, while accompanied by a parent, guardian or licensed driver at least 20 years of age in order to qualify for a provisional license without restriction. The Secretary of State may reduce the required minimum hours of driving under this subsection if the secretary determines a reduction is not inconsistent with the interest of highway safety.~~

A. An application must include:

- (1) A signed, notarized statement from a physician attesting to the existence of circumstances of medical necessity; and
- (2) A signed, notarized statement from the applicant or the applicant's parent or guardian that:
 - (a) No readily available alternative means of transportation exists; and
 - (b) Use of a motor vehicle is necessary for transportation in connection with circumstances of medical necessity that are

experienced by the person or a member of the person's immediate family.

B. A special restricted license issued pursuant to this subsection only authorizes the holder to operate a motor vehicle between the holder's residence and school and locations necessitated by the circumstances of medical necessity unless accompanied by a licensed driver who meets the requirements of section 1304, subsection 1, paragraph E, subparagraphs (1) to (4).

Sec. 14. 29-A MRSA §1304, sub-§2, ¶E, as amended by PL 2013, c. 381, Pt. B, §16, is further amended to read:

E. ~~Failure~~ If the holder of a learner's permit fails to complete the driving test within 2 years from the date of issuance of a learner's permit requires reexamination the holder must retake the motorcycle driver education program for a subsequent learner's permit to be issued.

Sec. 15. 29-A MRSA §1352, sub-§2, ¶A, as amended by PL 2005, c. 577, §21, is further amended to read:

A. A motorcycle driver education program must consist of ~~an 8 hour block of classroom and hands-on~~ instruction directly related to the actual operation of motorcycles, emphasizing safety measures designed to ensure greater awareness of careful and skillful operation of motorcycles.

Sec. 16. 29-A MRSA §1352, sub-§2, ¶D, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. 17. 29-A MRSA §1354, sub-§10, as enacted by PL 2013, c. 381, Pt. C, §3, is amended to read:

10. Surety bond. ~~The Except for a noncommercial driver education school exempt from license fees under subsection 5-A, paragraph D, the~~ Secretary of State shall require a driver education school licensed pursuant to subsection 2 to provide a surety bond to guarantee the discharge of the duties required under this subchapter.

Sec. 18. 29-A MRSA §2356, as amended by PL 2009, c. 598, §39, is further amended to read:

§2356. Operation of a vehicle exceeding registered weight

1. Operation prohibited. A person commits a traffic infraction if that person operates or causes operation of a vehicle in excess of its registered weight on a public way.

2. Prima facie evidence. Operation of a vehicle is prima facie evidence that the operation was caused by the vehicle registrant.

4. Penalty. Notwithstanding Title 17-A, section 4-B, the fine for a violation of subsection 1 is twice the difference in the registration fees for the actual weight and the registered weight of the vehicle. The minimum fine for a violation of this section is \$25.

6. Private ways exempted. This section does not apply to operating on private ways.

7. Notice of failure to appear or noncompliance with orders. If a person after being ordered to appear to answer a violation fails to appear or after appearing fails to comply with an order issued pursuant to this section, the court shall notify the Secretary of State.

8. Suspension of registrations. After receiving notice pursuant to subsection 7, the Secretary of State shall suspend the person's ~~commercial~~ registration certificates and plates and the privilege to operate a ~~commercial~~ motor vehicle in this State. The suspension remains in effect until the person appears in court and complies with a court order.

9. Subsequent violation. A person issued a summons for violating this section does not commit a subsequent violation of this section involving the same vehicle and same load until the next business day.

Sec. 19. 29-A MRSA §2458, sub-§6, ¶A, as enacted by PL 1997, c. 111, §2, is amended to read:

A. For the purposes of this subsection, unless the context otherwise indicates, the following terms have the following meanings.

(1) "Entity" means a corporation, firm, partnership, sole proprietorship, joint venture, association, fiduciary, trust, estate or any other legal or commercial entity.

(2) "Related entity" includes:

(a) All entities owned, operated or controlled by the person or named entity, by related individuals, by any person who is an officer or director of the named entity or by shareholders of the named entity;

(b) Any entity that has as an officer, director or partner an individual whose license or authority to engage in the business or commercial activity has been suspended;

(c) Any entity that has an officer, partner or 25% of its directors in common with the named entity; and

(d) Any entity in which 25% of the outstanding shares are owned or controlled by the suspended person or by an individual, related individual or entity who, taken together, also owned 25% or more

of the outstanding shares of the named entity.

(3) "Related individual" means a spouse, domestic partner, parent, grandparent, sibling, child or grandchild, whether by blood or marriage, of a person whose license or authority to engage in the business or commercial activity has been suspended.

(4) "Suspension" means a suspension or revocation.

Sec. 20. 36 MRSA §3202, sub-§2-C, as amended by PL 2011, c. 644, §11, is further amended to read:

2-C. IFTA governing documents. "IFTA governing documents" means the IFTA Articles of Agreement, the IFTA Audit Manual and the IFTA Procedures Manual, as amended as of ~~December 31, 2014~~ July 15, 2015.

Sec. 21. Appropriations and allocations. The following appropriations and allocations are made.

SECRETARY OF STATE, DEPARTMENT OF

Administration - Motor Vehicles 0077

Initiative: Provides funding for the approved reorganization of one Business Manager I position to a Motor Vehicles Section Manager position.

HIGHWAY FUND	2015-16	2016-17
Personal Services	\$4,434	\$10,457
All Other	\$207	\$488
HIGHWAY FUND TOTAL	\$4,641	\$10,945

Administration - Motor Vehicles 0077

Initiative: Provides funding for the approved reclassification of one Public Service Manager I position to a Public Service Manager II position.

HIGHWAY FUND	2015-16	2016-17
Personal Services	\$2,456	\$13,260
All Other	\$115	\$618
HIGHWAY FUND TOTAL	\$2,571	\$13,878

Administration - Motor Vehicles 0077

Initiative: Provides funding for the approved reorganization of one Office Assistant II position to a Customer Representative Associate II-MV position.

HIGHWAY FUND	2015-16	2016-17
Personal Services	\$5,239	\$14,233

All Other	\$244	\$644
HIGHWAY FUND TOTAL	\$5,483	\$14,877
SECRETARY OF STATE, DEPARTMENT OF		
DEPARTMENT TOTALS	2015-16	2016-17
HIGHWAY FUND	\$12,695	\$39,700
DEPARTMENT TOTAL - ALL FUNDS	\$12,695	\$39,700

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 15, 2016.

CHAPTER 474

S.P. 685 - L.D. 1673

An Act To Establish a Presidential Primary System in Maine

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

Sec. 1. 21-A MRSA §335, sub-§5, ¶B-2 is enacted to read:

B-2. For a candidate for the office of President of the United States, at least 2,000 and not more than 3,000 voters.

This paragraph is repealed December 1, 2018;

Sec. 2. 21-A MRSA §335, sub-§6, as enacted by PL 1985, c. 161, §6, is amended to read:

6. When signed. A Except as provided in subchapter 7, a petition may not be signed before January 1st of the election year in which it is to be used.

Sec. 3. 21-A MRSA §335, sub-§8, as amended by PL 1995, c. 459, §23, is further amended to read:

8. When filed. A Except as provided in subchapter 7, a primary petition must be filed in the office of the Secretary of State before 5 p.m. on March 15th of the election year in which it is to be used.

Sec. 4. 21-A MRSA c. 5, sub-c. 7 is enacted to read: