

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 2016 to August 2, 2017**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**NOVEMBER 1, 2017**

**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**  
**2017**

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

Effective April 20, 2017.

## CHAPTER 24

S.P. 285 - L.D. 885

### An Act To Update References to the United States Internal Revenue Code of 1986 Contained in the Maine Revised Statutes

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

**Whereas,** state tax law needs to be updated to conform to federal law before the 90-day period expires to avoid delay in the processing of income tax returns for 2016; and

**Whereas,** legislative action is immediately necessary to ensure continued and efficient administration of the state income tax and certain other state taxes; 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. 36 MRSA §111, sub-§1-A,** as amended by PL 2015, c. 388, Pt. A, §1 and affected by §16, is further amended to read:

**1-A. Code.** "Code" means the United States Internal Revenue Code of 1986 and amendments to that Code as of December 31, ~~2015~~ 2016.

**Sec. 2. Application.** This Act applies to tax years beginning on or after January 1, 2016 and to any prior tax years as specifically provided by the United States Internal Revenue Code of 1986 and amendments to that Code as of December 31, 2016.

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

Effective April 26, 2017.

## CHAPTER 25

H.P. 164 - L.D. 208

### An Act To Allow Vehicles Hauling Animal Bedding To Travel over County or Town Ways without a Permit

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

**Sec. 1. 29-A MRSA §2395, sub-§4,** as amended by PL 1999, c. 600, §1, is further amended to read:

**4. Designation by counties and municipalities.** County commissioners and municipal officers may designate public ways other than those in subsection 3 and impose restrictions within their respective jurisdictions similar to those made by the Department of Transportation under subsection 3. Any vehicle delivering home heating fuel or organic animal bedding material and operating in accordance with a permit issued by the Department of Transportation pursuant to this section may travel over any county or town way without a specific municipal or county permit. A municipality may impose additional restrictions for ~~home heating fuel delivery trucks~~ a vehicle delivering home heating fuel or organic animal bedding material to operate on public ways within that municipality but may not require a permit to operate according to those restrictions.

See title page for effective date.

## CHAPTER 26

H.P. 29 - L.D. 28

### An Act To Allow Alternate Flashing Headlights on a School Bus

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

**Sec. 1. 29-A MRSA §2054, sub-§2, ¶A,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5 and amended by PL 2011, c. 657, Pt. W, §5, is further amended to read:

A. Only an ambulance; an emergency medical service vehicle; a fire department vehicle; a police vehicle; a Department of Agriculture, Conservation and Forestry vehicle used for forest fire control; a Department of Corrections vehicle as described in subsection 1, paragraph B, subparagraph (6); a school bus as defined in section 2301, subsection 5; and a highway maintenance vehicle

may be equipped with a device that provides for alternate flashing of the vehicle's headlights.

See title page for effective date.

## CHAPTER 27

### S.P. 92 - L.D. 306

#### An Act To Require State Compliance with Federal REAL ID Guidelines

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

**Sec. 1. 29-A MRSA §1260** is enacted to read:

**§1260. REAL ID compliant driver's license or nondriver identification card**

The Secretary of State may issue, upon request of the applicant, a driver's license under this subchapter or a nondriver identification card under section 1410 that meets the standards of the federal REAL ID Act of 2005, Public Law 109-13. A person may not hold a REAL ID compliant driver's license simultaneously with another license with the same class or restriction indicated on the license.

**Sec. 2. 29-A MRSA §1301, sub-§2-A**, as amended by PL 2013, c. 163, §1, is further amended to read:

**2-A. Legal presence requirement.** The Secretary of State may not issue a license to an applicant unless the applicant presents to the Secretary of State valid documentary evidence of legal presence in the United States, ~~except that the Secretary of State may exempt a person from the requirements of this subsection if that person is renewing a noncommercial driver's license and that person has continuously held a valid driver's license under this chapter since December 31, 1989 or was born before December 1, 1964.~~

**Sec. 3. 29-A MRSA §1401, sub-§9**, as enacted by PL 2011, c. 149, §6, is amended to read:

**9. Use of biometric technology.** The Secretary of State may ~~not~~ use biometric technology, including, but not limited to, retinal scanning, facial recognition or fingerprint technology, to produce a license or nondriver identification card. ~~This subsection does not apply to digital images.~~

**Sec. 4. 29-A MRSA §1405, sub-§3**, as repealed and replaced by PL 2015, c. 206, §7, is amended to read:

**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. The fee for a duplicate license or duplicate

nondriver identification card under section 1260 is \$30.

**Sec. 5. 29-A MRSA §1406-A, sub-§§1 and 2**, as enacted by PL 2013, c. 381, Pt. B, §25, are amended to read:

**1. Driver's license fees; expiration of license; persons under 65 years of age.** The following provisions apply to the expiration of a driver's license for persons under 65 years of age.

A. Except as provided in section 1255, a noncommercial driver's license to operate a motor vehicle issued to a person under 65 years of age expires at midnight on the license holder's 6th birthday following the date of issuance. ~~The fee for the 6-year noncommercial driver's license is \$30~~ following fees apply.

(1) The fee for the 6-year noncommercial driver's license is \$30.

(2) The fee for the 6-year noncommercial driver's license under section 1260 is \$55.

B. Except as provided in section 1255, a commercial driver's license to operate a motor vehicle issued to a person under 65 years of age expires at midnight on the license holder's 5th birthday following the date of issuance. ~~The fee for the 5-year commercial driver's license is \$34~~ following fees apply.

(1) The fee for the 5-year commercial driver's license is \$34.

(2) The fee for the 5-year commercial driver's license under section 1260 is \$59.

**2. Driver's license fees; expiration of license; persons 65 years of age and over.** A noncommercial or commercial driver's license to operate a motor vehicle issued to a person 65 years of age or older at the date of issuance expires at midnight on the license holder's 4th birthday following the date of issuance. ~~The fee for the 4-year noncommercial driver's license is \$21. The fee for the 4-year commercial driver's license is \$28~~ following fees apply.

A. The fee for the 4-year noncommercial driver's license is \$21.

B. The fee for the 4-year noncommercial driver's license under section 1260 is \$41.

C. The fee for the 4-year commercial driver's license is \$28.

D. The fee for the 4-year commercial driver's license under section 1260 is \$48.

**Sec. 6. 29-A MRSA §1410, sub-§8**, as amended by PL 2013, c. 163, §2, is further amended to read: