

# 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**

manslaughter. If the charges against the person are dismissed or the person is acquitted of the charges before the final disposition takes place, the person regains the right of custody and control in the same position of priority established in this subsection.

The remains or a dead body is considered abandoned if no one takes custody and control of the remains or dead body for a period of 15 days. A funeral director or practitioner of funeral service who has physical possession of abandoned remains or an abandoned dead body may bury the remains or dead body. The funeral director or practitioner of funeral service may embalm or refrigerate abandoned remains or an abandoned dead body without authorization. A certificate of abandonment that indicates the means of disposition must be filed in the municipality where the death occurred.

See title page for effective date.

**CHAPTER 39**  
**H.P. 245 - L.D. 331**

**An Act To Correct the Maine  
Uniform Trust Code  
Concerning Certain  
Beneficiaries**

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

**Sec. 1. 18-B MRSA §110, sub-§1, ¶C**, as enacted by PL 2005, c. 184, §7, is amended to read:

C. Would be a distributee or permissible distributee of trust income or principal if the trust terminated on that date.

See title page for effective date.

**CHAPTER 40**  
**H.P. 284 - L.D. 393**

**An Act To Clarify That the  
Department of Transportation  
Is Exempt from Property  
Assessment Liabilities When  
Acquiring Property by  
Condemnation**

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

**Sec. 1. 23 MRSA §161, sub-§1**, as amended by PL 1971, c. 593, §22, is further amended to read:

**1. Reimbursement.** When the department acquires real or personal property for transportation pur-

poses, the department is not required to pay any taxes or assessments on that property. The department, as soon as practicable after the date of payment of just compensation, shall reimburse the owner from whom ~~land or rights in land were~~ the property has been acquired for highway transportation purposes, to the extent the department deems fair and reasonable, for expenses ~~such~~ the owner necessarily incurred for:

A. Recording fees, transfer taxes and similar expenses, if any, incidental to conveying such property to the State;

B. Penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering such real property; and

C. The pro rata portion of real property taxes paid which are allowable to a period subsequent to the date of vesting title in the State, or the effective date of possession of such real property by the State, whichever is earlier.

See title page for effective date.

**CHAPTER 41**  
**H.P. 312 - L.D. 432**

**An Act To Designate a Maine  
Community Litter Cleanup  
Day**

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

**Sec. 1. 1 MRSA §150-N** is enacted to read:

**§150-N. Maine Community Litter Cleanup Day**

The first Saturday in May is designated Maine Community Litter Cleanup Day, and the Governor shall annually issue a proclamation inviting and urging the citizens of the State to observe this day through appropriate activities such as removing litter from roads.

See title page for effective date.

**CHAPTER 42**  
**H.P. 22 - L.D. 21**

**An Act To Amend the Law  
Regarding the Execution of  
Temporary Powers of Attorney**

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

**Sec. 1. 18-A MRSA §5-104, sub-§(c), ¶(4)**, as enacted by PL 2015, c. 467, §2, is amended to read:

(4). An organization, other than an organization whose primary purpose is to provide free legal

services or to provide hospital services, that is exempt from federal income taxation under Section 501(a) of the United States Internal Revenue Code of 1986 as an organization described by Section 501(c)(3) and that assists parents or guardians with the process of executing a power of attorney for the temporary care of a minor shall ensure that a background check is conducted for the agent and any adult members of the agent's household, whether by completing the background check directly or by verifying that a current background check has already been conducted. The background check must include the following sources, and the results must be shared with the parent or guardian and the proposed agent:

- (i) A screening for child and adult abuse, neglect or exploitation cases in the records of the Department of Health and Human Services; and
- (ii) A criminal history record check that includes information obtained from the Federal Bureau of Investigation.

The organization shall maintain records on the training and background checks of agents, including the content and dates of training and full transcripts of background checks, for a period of not less than 5 years after the minor attains 18 years of age. The organization shall make the records available to a parent or guardian executing a power of attorney under this subsection and to the ombudsman under Title 22, section 4087-A and any local, state or federal authority conducting an investigation involving the agent, the parent or guardian or the minor.

Without regard to whether an organization is included or excluded by the terms of this paragraph, nothing in this section changes the restrictions on the unauthorized practice of law as provided in Title 4, section 807 with regard to the preparation of powers of attorney.

See title page for effective date.

## CHAPTER 43

### S.P. 146 - L.D. 444

#### **An Act To Increase the Maximum Registered Gross Weight Allowed for Vehicles with Disabled Veterans or Special Veterans Registration Plates**

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

**Sec. 1. 29-A MRSA §523, sub-§2,** as amended by PL 2007, c. 383, §14, is further amended to read:

**2. Disabled veterans; special free license plates.** The Secretary of State, on application and upon evidence of payment of the excise tax required by Title 36, section 1482, shall issue a registration certificate and set of special designating plates to be used in lieu of regular registration plates for a vehicle with a registered gross weight of not more than ~~10,000~~ 26,000 pounds to any 100% disabled veteran when that application is accompanied by certification from the United States Veterans Administration or any branch of the United States Armed Forces as to the veteran's permanent disability and receipt of 100% service-connected benefits. A disability placard is issued in addition to the disabled veteran registration plate at no fee.

These special designating plates must bear the words "Disabled Veteran," which indicate that the vehicle is owned by a disabled veteran.

**Sec. 2. 29-A MRSA §523, sub-§3,** as amended by PL 2009, c. 80, §1, is further amended to read:

**3. Special veterans registration plates.** The Secretary of State, on application and evidence of payment of the excise tax required by Title 36, section 1482 and the registration fee required by section 501 or by section 504, subsection 1 for a vehicle with a registered gross weight over 10,000 pounds, shall issue a registration certificate and a set of special veterans registration plates to be used in lieu of regular registration plates for a vehicle with a registered gross weight of not more than ~~10,000~~ 26,000 pounds to any person who has served in the United States Armed Forces and who has been honorably discharged or to a person who has served in the United States Armed Forces for at least 3 years and continues to serve. If a person who qualifies for a special veterans registration plate under this subsection is the primary driver of 3 vehicles, the Secretary of State may issue in accordance with this section a set of special veterans registration plates for each vehicle.

Each application must be accompanied by the applicant's Armed Forces Report of Transfer or Discharge, DD Form 214, certification from the United States Veterans Administration or the appropriate branch of the United States Armed Forces verifying the applicant's military service and honorable discharge, or a letter from the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services verifying active duty military service and length of service.

The Secretary of State shall recall a special veterans registration plate of a recipient who has been less than