

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**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.**

---

---

**Augusta, Maine**  
**2017**

**Sec. 1. 15 MRSA §393, sub-§2**, as amended by PL 2013, c. 424, Pt. A, §5, is further amended to read:

**2. Application after 5 years.** A person subject to the provisions of subsection 1, paragraph A-1 or C as a result of a conviction or adjudication may, after the expiration of 5 years from the date that the person is finally discharged from the sentences imposed as a result of the conviction or adjudication, apply to the commissioner before January 1, 2018 for a permit to carry a firearm subject to subsection 4. A person subject to the provisions of subsection 1, paragraph A-1, subparagraphs (1) to (4) or paragraph C as a result of a conviction or adjudication may, after the expiration of 5 years from the date that the person is finally discharged from the sentences imposed as a result of the conviction or adjudication, apply to the commissioner on or after January 1, 2018 for a permit to carry a firearm subject to subsection 4. That person may not be issued a permit to carry a concealed handgun pursuant to Title 25, chapter 252. A permit issued pursuant to this subsection is valid for 4 years from the date of issue unless sooner revoked for cause by the commissioner. For purposes of this subsection, "firearm" does not include a firearm defined under 18 United States Code, Section 921(3).

See title page for effective date.

---



---

## CHAPTER 228

H.P. 956 - L.D. 1377

### An Act To Prohibit Posing as a Governmental Entity in Commerce

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

**Sec. 1. 10 MRSA c. 229** is enacted to read:

#### CHAPTER 229

#### POSING AS A GOVERNMENTAL ENTITY OR AGENT IN COMMERCE

**§1500-H. Posing as a governmental entity or agent  
in commerce**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Governmental entity" means a unit, subdivision or entity of the Federal Government, the State, a county, a municipality or another state, including an agency, department, board, commission, bureau, division or military or public safety organization.

**2. False representation of posing as a governmental entity or agent in commerce.** A person who is not an official, agent or representative of a governmental entity or who does not have express approval of a governmental entity may not in commerce:

A. Represent, imply or otherwise cause a likelihood of confusion that the person is an official, agent or representative of a governmental entity in the sale, advertising for sale, marketing, offering, distribution or solicitation of any goods or services;

B. Simulate a summons, complaint, jury notice, tax form or other judicial or administrative process or make an untrue statement that any good, service, advertisement or offer was sent or distributed by or has been approved, authorized or endorsed in whole or in part by a governmental entity;

C. Use language or a symbol, logo, representation, statement, title, name, seal, emblem, insignia, trade or brand name, business or control tracking number, website, e-mail address or any other term or content that falsely represents or implies or otherwise causes a likelihood of confusion that any goods, services, advertisement or offer is from a governmental entity; or

D. Offer a document that is available free of charge or at a lesser price from a governmental entity without conspicuously disclosing that availability in a manner that is clearly visible to a consumer.

**3. Unfair trade practice.** A violation of this section constitutes an unfair or deceptive act or practice in violation of Title 5, chapter 10.

See title page for effective date.

---



---

## CHAPTER 229

H.P. 1084 - L.D. 1577

### An Act To Amend the Motor Vehicle Laws

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

**Sec. 1. 5 MRSA §17716**, as amended by PL 2007, c. 491, §135, is further amended to read:

**§17716. Motor vehicle detectives**

A motor vehicle ~~investigator~~ detective, senior motor vehicle ~~investigator~~ detective, principal motor vehicle ~~investigator~~ detective or chief motor vehicle ~~investigator~~ detective who elects the retirement option provided in section 17851, subsection 14 shall contribute to the State Employee and Teacher Retirement

Program or have pick-up contributions made by the employer as provided in section 17852, subsection 15.

**Sec. 2. 5 MRSA §17851, sub-§14**, as enacted by PL 1997, c. 402, §2, is amended to read:

**14. Motor vehicle detectives; option.** A motor vehicle ~~investigator~~ detective, senior motor vehicle ~~investigator~~ detective, principal motor vehicle ~~investigator~~ detective or chief motor vehicle ~~investigator~~ detective qualifies for a service retirement benefit upon reaching 55 years of age after completing at least 25 years of creditable service in that capacity if notice of election of the option and payment of employee contributions and actuarial costs are made as provided in section 17852, subsection 15.

**Sec. 3. 5 MRSA §17852, sub-§15**, as amended by PL 2007, c. 491, §§171, 172, is further amended to read:

**15. Motor vehicle investigators and motor vehicle detectives; option.** The retirement benefit of a person who qualifies under section 17851, subsection 14 and who retires upon or after reaching 55 years of age is computed in accordance with subsection 1 if:

A. The person was first employed as a motor vehicle investigator or a motor vehicle detective on or after October 1, 1997, elects the option provided in section 17851, subsection 14 and pays to the State Employee and Teacher Retirement Program an increased employee payroll contribution in an amount that equals the full actuarial cost of electing that option; or

B. The person was first employed as a motor vehicle investigator before October 1, 1997, elects the option provided in section 17851, subsection 14 and pays to the State Employee and Teacher Retirement Program a single payment or periodic payments of a lump sum or a combination of single and periodic payments of that amount that equals the full actuarial cost of electing that option for service before that date.

A person who requests calculation of the full actuarial cost, regardless of whether the person elects the option, must pay to the retirement system by a single lump sum payment the reasonable administrative costs of determining the full actuarial costs. Payment of the full actuarial cost related to service on or after October 1, 1997 is made as part of the employee payroll contribution.

For the purposes of this subsection, "full actuarial cost" means that the person's payment or payments must fully offset any unfunded liability that would or does result from retirement under the option provided in section 17851, subsection 14 and must fully fund the cost of the person's retirement prior to normal retirement age so that an additional employer contribution is not required.

A person who makes the election provided in section 17851, subsection 14 at any time after the date on which the person is first employed as a motor vehicle investigator or a motor vehicle detective must include interest, at a rate to be set by the board not to exceed regular interest by 5 or more percentage points, applied as of the date on which the person was first employed in that capacity to the contributions the person would have paid or had picked up by the employer had the person elected that option at the date of first employment.

This subsection takes effect October 1, 1997. Election to retire under this subsection is a one-time irrevocable election. A person who was first employed as a motor vehicle investigator or a motor vehicle detective on or after October 1, 1997 must make the election no later than 90 days after the date of first employment. A person who was first employed in that capacity before October 1, 1997 must make the election no later than January 1, 1998.

**Sec. 4. 5 MRSA §17852, sub-§16**, as enacted by PL 1997, c. 401, §3, is further amended to read:

**16. Motor vehicle detectives exercising option; retirement before 55 years of age.** For a person exercising the option provided in section 17851, subsection 14 who makes the payments required in subsection 15 and who retires before reaching 55 years of age, the retirement benefit is determined as follows.

A. For members with 10 years of creditable service on July 1, 1993, the retirement benefit is determined in accordance with subsection 1, except that:

(1) The amount arrived at under subsection 1 is reduced by applying to that amount the percentage that a life annuity due at 55 years of age bears to the life annuity due at the age of retirement; and

(2) For the purpose of making the computation under subparagraph (1), the board-approved tables of annuities in effect at the date of the member's retirement are used.

For the purpose of calculating creditable service under this subsection only, "creditable service" includes time during which a member participated in the voluntary cost-savings plan or the voluntary employee incentive program; authorized by Public Law 1989, chapter 702, Part F, section 6 and Public Law 1991, chapter 591, Part BB and chapter 780, Part VV; 10 years of combined creditable service under this Part and Title 3, chapter 29; or creditable service available to a member that the member was eligible to purchase on June 30, 1993 and that the member does purchase in accordance with rules adopted by the board.

B. For members who do not have 10 years of creditable service on July 1, 1993, the retirement benefit is determined in accordance with subsection 1, except that the benefit is reduced by 6% for each year that the person's age precedes 55 years of age.

**Sec. 5. 20-A MRSA §12552, sub-§2**, as amended by PL 2009, c. 421, §1, is further amended to read:

**2. Law enforcement officer.** "Law enforcement officer" means an active state police officer, municipal police officer, county sheriff or deputy sheriff in this State. "Law enforcement officer" also means an active game warden, fire marshal, forest ranger, Baxter State Park ranger, detective employed by the Office of the Attorney General pursuant to Title 5, section 202, person employed by the Department of Corrections as an investigative officer as defined in Title 34-A, section 1001, subsection 10-A, juvenile community corrections officer as described in Title 34-A, section 5602, probation officer, security officer appointed by the Commissioner of Public Safety pursuant to Title 25, section 2908, motor vehicle ~~investigator~~ detective or supervisor appointed by the Secretary of State pursuant to Title 29-A, section 152, military security police officer appointed by the Adjutant General, University of Maine System police officer or marine patrol officer, if employed on a full-time basis in that position in this State.

**Sec. 6. 25 MRSA §1611, sub-§5**, as amended by PL 2013, c. 147, §2, is further amended to read:

**5. Law enforcement officer or officer.** "Law enforcement officer" or "officer" means an active state police officer, municipal police officer, county sheriff, deputy sheriff, game warden, an employee of the Office of the State Fire Marshal who has law enforcement powers pursuant to section 2396, subsection 7, fire marshal, judicial marshal, forest ranger, Baxter State Park ranger, a detective employed by the Office of the Attorney General pursuant to Title 5, section 202, a person employed by the Department of Corrections as an investigative officer as defined in Title 34-A, section 1001, subsection 10-A, a juvenile community corrections officer as described in Title 34-A, section 5602, a probation officer, a security officer appointed by the Commissioner of Public Safety pursuant to section 2908, a motor vehicle ~~investigator~~ detective or supervisor appointed by the Secretary of State pursuant to Title 29-A, section 152, a military security police officer appointed by the Adjutant General, a University of Maine System police officer or marine patrol officer in this State.

**Sec. 7. 29-A MRSA §101, sub-§80-A** is enacted to read:

**80-A. Tow-away transporter combination.** "Tow-away transporter combination" means a combi-

nation of vehicles, with a combined gross weight not exceeding 26,000 pounds, consisting of a truck or truck and tractor and 2 trailers or semitrailers, which do not carry property and constitute inventory property of a manufacturer, distributor or dealer of such trailers or semitrailers.

**Sec. 8. 29-A MRSA §152, sub-§2**, as amended by PL 2007, c. 12, §1, is further amended to read:

**2. Deputize agents, examiners and detectives.** Appoint and deputize agents, examiners and motor vehicle ~~investigators~~ detectives, stationed at convenient places, to receive applications for registration and licenses for the operation of vehicles, to conduct examinations and to perform assigned duties.

A motor vehicle ~~investigator~~ detective has the powers and duty to enforce all provisions of this Title and Title 17-A and all the laws of the State with the same powers that a sheriff has in a county. A motor vehicle ~~investigator~~ detective is at all times subject to all other investigatory duties assigned by the Secretary of State.

**Sec. 9. 29-A MRSA §201, sub-§1**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**1. Appointment of agents by Secretary of State; scope of authority.** With the approval of the municipal officers, the Secretary of State may appoint a municipal tax collector, or other persons designated by a municipality, to collect excise taxes on vehicles and to receive applications for ~~licenses, noncommercial driver's license renewals, and duplicates, non-driver identification card renewals and duplicates and~~ new registrations and renewals of registrations of motor vehicles, trailers and semitrailers. The Secretary of State may authorize a municipal agent to issue ~~licenses, registrations and renewals and duplicates of noncommercial driver's licenses and, nondriver identification cards, new registrations and renewals of registrations~~ or may limit the agent's authority to the issuance of renewals only.

**Sec. 10. 29-A MRSA §201, sub-§3**, as amended by PL 2005, c. 573, §2, is further amended to read:

**3. Service fees.** Municipal agents appointed in accordance with subsection 1 may charge service fees for ~~licenses, registrations and renewals of licenses and registrations~~ as follows.

A. A municipal agent may charge an applicant a fee not to exceed \$3 over the required fee for each renewal of a noncommercial driver's license or nondriver identification card or registration issued and a fee not to exceed \$4 over the required fee for each new ~~license or~~ registration issued.

B. In a municipality in which agents are authorized to issue ~~licenses, registrations or renewals of~~

noncommercial driver's licenses, nondriver identification cards or registrations for applicants from another municipality or from an unorganized territory, the agent may charge those applicants \$1 in addition to the fees authorized by this subsection for each ~~license~~, registration or renewal.

C. A municipal agent authorized to issue temporary registration permits may charge an applicant a fee not to exceed \$1 over the required permit fee.

D. A municipal agent authorized to process permits and decals for vehicles with gross vehicle weight in excess of 6,000 may charge a fee not to exceed \$1 over the required fee for each permit or decal issued.

E. A municipal agent may charge a fee not to exceed \$1 over the required fee for the issuance of a duplicate registration, duplicate noncommercial driver's license or duplicate nondriver identification card.

~~F. A municipal agent may charge any applicant a fee not to exceed \$2 over and above the required operator's license fee for each renewal issued.~~

G. A municipal agent may charge an applicant a fee not to exceed \$1 over the required fee when an applicant is requesting issuance of a set of plates designated as specialty plates by the Secretary of State to replace previously issued plates.

H. The Secretary of State may authorize municipal agents to charge a fee not to exceed \$1 over the required fee for other transactions that the municipal agent carries out on behalf of the Secretary of State and that are not listed in this subsection.

The municipality may retain all service fees authorized in this subsection.

**Sec. 11. 29-A MRSA §256**, as enacted by PL 1995, c. 645, Pt. B, §6 and affected by §24, is amended to read:

**§256. Federal Driver's Privacy Protection Act of 1994**

The Secretary of State shall ~~comply with~~ adopt routine technical rules to implement the provisions of ~~Title 18~~, United States Code, Chapter 123 in disclosing records.

**Sec. 12. 29-A MRSA §525, sub-§6, ¶B**, as amended by PL 1995, c. 482, Pt. B, §13 and affected by §22, is further amended to read:

B. A cab card must be carried in the vehicle at all times. For the purposes of this paragraph, "cab card" means identification issued or approved by the Secretary of State that contains the legal name and address of the person who has established a

fuel use reporting account for the vehicle. With the approval of the Secretary of State, the cab card may be carried and presented in an electronic format.

**Sec. 13. 29-A MRSA §525, sub-§10**, as amended by PL 2009, c. 213, Pt. YYYY, §1, is further amended to read:

**10. Suspension.** If a person fails to file a fuel tax report or to pay any taxes, interest, penalties or audit assessment as required pursuant to Title 36, chapter 459 or any rule adopted pursuant to this section, the Secretary of State shall suspend the person's fuel tax license, all fuel decals issued to the person and that person's privilege to operate as a motor carrier. The operation of a vehicle after suspension under this section is a traffic infraction. A suspension or revocation issued by another jurisdiction pursuant to the International Fuel Tax Agreement is a suspension in this State. In order to be reinstated, the person must file all delinquent tax returns and pay all assessments, interest and penalties. In addition, the person must pay a \$50 reinstatement fee pursuant to section 2486, subsection 1.

**Sec. 14. 29-A MRSA §525, sub-§15** is enacted to read:

**15. Pilot projects.** Notwithstanding any provision of this section, the Secretary of State, in consultation with the State Tax Assessor and the Commissioner of Public Safety, may participate in a pilot project relative to the distribution and display of International Fuel Tax Agreement credentials and may modify or waive requirements for the display of fuel decals for approved licensees.

**Sec. 15. 29-A MRSA §654, sub-§2**, as amended by PL 2011, c. 356, §16, is further amended to read:

**2. Purchased from the dealer.** If the application is for a vehicle purchased from a dealer, in addition to the requirement set forth in subsection 1, the application must be signed by the dealer and must contain the name and the address of any lienholder or assignee holding an interest created or reserved at the time of sale and the date of the lien. The dealer shall, within 30 days after the sale, deliver the application to the Secretary of State. The dealer must deliver a copy of the application to the lienholder.

~~Violation of this subsection is a traffic infraction for which a fine of not less than \$100 and not more than \$500 may be adjudged for each infraction.~~

A. Violation of this subsection is a traffic infraction when the application is delivered to the Secretary of State more than 30 days but less than 90 days after the date of sale.

B. Violation of this subsection is a Class E crime when the application has not been delivered to the

Secretary of State 90 days or more after the date of sale.

**Sec. 16. 29-A MRSA §754, sub-§1**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**1. Examination of identification numbers.** A State Police officer or a motor vehicle ~~investigator~~ detective may examine the vehicle identification numbers of a vehicle or vehicle part. Failure to allow the examination is a Class E crime.

**Sec. 17. 29-A MRSA §901, sub-§4**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**4. Surety bonds.** A dealer other than an equipment and light trailer dealer shall file with the Secretary of State and maintain a surety bond in the following amount, based on the prior year's sales:

- A. For 0 to 50 sales, ~~\$5,000~~ \$25,000;
- B. For 51 to 100 sales, ~~\$10,000~~ \$50,000;
- C. For 101 to 150 sales, ~~\$15,000~~ \$75,000; or
- D. For 151 to 200 sales and over, ~~\$20,000; or \$100,000.~~
- E. ~~For 201 sales and over, \$25,000.~~

Initial licensees shall file a bond based on projected sales.

Persons beginning in the business as licensed vehicle dealers are subject to review after initial bonding depending on volume.

All licensees must be reviewed annually by the Secretary of State to determine compliance with the correct amount of the bonds.

Failure to maintain such a bond is grounds for immediate suspension of the dealer license.

Any persons with a claim against the bond required by this subsection must file the claim within 3 years from the date of sale.

**Sec. 18. 29-A MRSA §1002, sub-§8, ¶B**, as enacted by PL 2003, c. 652, Pt. B, §5 and affected by §8, is amended to read:

B. A dealer must obtain a written permit from the Secretary of State to operate a vehicle or combination of vehicles carrying a load. The permit must be issued in accordance with the following provisions.

- (1) The operation of the vehicle or combination of vehicles and load must be in conjunction with the sale or purchase of a motor vehicle, vehicle or equipment by the dealer.

(2) The load must consist of a motor vehicle, trailer or equipment that the dealer is licensed to sell.

(3) The load may not consist of more than one automobile, truck or truck tractor at any time.

(4) The initial fee and renewal fee for a permit issued under this paragraph are \$200 each.

(5) A permit expires ~~one year~~ 90 days from the date of issuance and may be renewed ~~annually~~.

(6) A permit must contain the name and address of the licensed dealer, an effective date, an expiration date and any other information required by the Secretary of State.

**Sec. 19. 29-A MRSA §1301, sub-§6-A**, as enacted by PL 2011, c. 149, §4, is amended to read:

**6-A. Confidentiality.** Except as ~~authorized under~~ required by 18 United States Code, Section 2721(b), the Secretary of State may not disseminate information collected under subsection 6 ~~to any entity without specific authorization from the Legislature.~~ For every willful violation of this subsection, a person commits a civil violation for which a fine of not more than \$500 may be adjudged.

**Sec. 20. 29-A MRSA §1303, sub-§2, ¶A**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

A. An acceptable certificate signed by a doctor, optometrist, registered nurse or other person approved by the Secretary of State, setting forth the person's visual acuity in each eye, ~~both eyes combined~~ and field of vision. The certificate must indicate that it is based on an examination completed within one year of the date of application; or

**Sec. 21. 29-A MRSA §1304, sub-§2, ¶C**, as amended by PL 2005, c. 577, §19, is further amended to read:

C. An applicant for a motorcycle permit must complete a motorcycle ~~driver rider~~ education program course as required by section 1352.

**Sec. 22. 29-A MRSA §1304, sub-§2, ¶E**, as amended by PL 2015, c. 473, §14, is further amended to read:

E. 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 the holder must retake the motorcycle ~~driver rider~~ education program course for a subsequent learner's permit to be issued.

**Sec. 23. 29-A MRSA §1352**, as amended by PL 2015, c. 473, §§15 and 16, is further amended to read:

**§1352. Motorcycle rider education**

**1. Motorcycle rider education required.** Notwithstanding any other provision of law, a motorcycle learner's permit, license or endorsement may not be issued to a person, unless that person presents a certificate of successful completion of a motorcycle driver rider education program course and examination approved by the Secretary of State.

**2. Education course.** The following provisions apply to motorcycle driver rider education programs courses.

A. A motorcycle driver rider education program course must consist 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.

B. The program course may be offered by a public secondary school, a private secondary school approved for attendance purposes by the Commissioner of Education, a career and technical education center or career and technical education region or adult education program conducted under Title 20-A, chapter 316.

C. A motorcycle program course offered independently of an approved driver education course may not be offered for credit toward a high school diploma.

E. The Secretary of State must approve a motorcycle driver rider education program course.

**3. Instructors.** The following provisions apply to the certification licensing of instructors.

A. A person may not conduct a motorcycle driver rider education program course unless certified licensed by the Secretary of State as a qualified instructor.

B. The Secretary of State shall:

(1) Conduct, or authorize other qualified persons to conduct, certification instructor preparation courses; and

(2) Establish reasonable qualification standards and requirements for certification licensing. The requirements must include a provision to demonstrate proficiency in operating a motorcycle.

**4. Instructor availability.** When a certified licensed instructor is not available in a geographic area, the Secretary of State may assign a qualified instructor for the program course subject to the following provisions.

A. The requesting authority must ensure a minimum class size of 6 students.

B. The Secretary of State shall charge a program course fee comparable to other motorcycle driver rider education programs courses.

C. An instructor is not a "teacher" within the meaning of Title 5, section 17001, subsection 42 or Title 20-A.

**5. Completion certificates.** An instructor shall issue a completion certificate to a student who has successfully completed the course.

**6. Waiver of examination.** The Secretary of State may waive the required:

A. Written examination on receipt of a completion certificate; and

B. Road examination ~~for the holder of a valid motor vehicle operator's license~~ on receipt of a certificate demonstrating successful completion of a novice rider course approved by the Secretary of State. An endorsement issued pursuant to this paragraph prohibits the holder from carrying a passenger for a period of 60 days following the date of issuance of the endorsement.

**7. Suspension and revocation.** The Secretary of State may suspend, revoke or deny a certificate of completion or an instructor's certificate license for just cause in accordance with the Maine Administrative Procedure Act.

**Sec. 24. 29-A MRSA §1353**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**§1353. Motorcycle rider education fees**

The annual fee for an instructor certification license is \$100. The annual fee for inspection of a motorcycle education classroom is \$50. The annual fee for inspection of a motorcycle driving range is \$50.

**Sec. 25. 29-A MRSA §1401, sub-§2**, as amended by PL 2003, c. 434, §19 and affected by §37, is further amended to read:

**2. Photograph or digital image.** A license, except for a temporary license, must bear a full-face ~~color~~ photograph or digital image of the licensee. The following are exempt from the photographic or digital image requirement:

B. A person in active military service stationed outside the State; and

C. Another person approved by the Secretary of State.

**Sec. 26. 29-A MRSA §1401, sub-§6**, as repealed and replaced by PL 2011, c. 149, §5, is amended to read:



**6. Storage, recording, retention and distribution of digital images and digitized signatures.** Digital images and digitized signatures used to produce a license are confidential and may be distributed only for use by a law enforcement agency in carrying out its functions or as otherwise authorized ~~under the provisions of 18 United States Code, Section 2721 by rule adopted pursuant to section 256.~~ The Secretary of State may store, record and retain digital images and digitized signatures used only for the purpose of producing a license. A violation of this subsection is a violation of section 2103, subsection 4.

**Sec. 27. 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 the expedited issuance of a duplicate license or nondriver identification card is an additional \$10. The reason for the expedited issuance must be provided and the Secretary of State shall determine if expedited issuance is warranted.

**Sec. 28. 29-A MRSA §1406-A, sub-§2-A** is enacted to read:

**2-A. Expedited issuance of driver's license.** An applicant requesting the expedited issuance of a driver's license under this section must pay an additional fee of \$10 and provide the reason for the request. The Secretary of State shall determine if expedited issuance is warranted.

**Sec. 29. 29-A MRSA §1408, sub-§1,** as amended by PL 2013, c. 381, Pt. B, §26, is further amended to read:

**1. Immediate possession required.** A licensee, including a temporary licensee or holder of a learner's permit, must have the license in immediate possession when operating a motor vehicle. Possession may be in electronic form. For purposes of this section, "electronic form" means a digital representation of the information contained in a physical license or permit on a portable electronic device.

**Sec. 30. 29-A MRSA §1408, sub-§2,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**2. Display.** On demand of a law enforcement officer, the licensee must produce the license or an electronic version of the license for inspection. The use of a portable electronic device to provide license information does not constitute consent for a law enforcement officer to access other contents of the portable electronic device.

**Sec. 31. 29-A MRSA §1410, sub-§2-A** is enacted to read:

**2-A. Expedited issuance of nondriver identification cards.** An applicant requesting the expedited issuance of a nondriver identification card under this section must pay an additional fee of \$10 and provide the reason for the request. The Secretary of State shall determine if expedited issuance is warranted.

**Sec. 32. 29-A MRSA §2054, sub-§1, ¶B,** as amended by PL 2011, c. 657, Pt. W, §5 and repealed and replaced by c. 691, Pt. A, §30, is further amended to read:

B. "Authorized emergency vehicle" means any one of the following vehicles:

- (1) An ambulance;
- (2) A Baxter State Park Authority vehicle operated by a Baxter State Park ranger;
- (3) A Bureau of Marine Patrol vehicle operated by a coastal warden;
- (4) A Department of Agriculture, Conservation and Forestry vehicle operated by a forest ranger;
- (5) A Department of Agriculture, Conservation and Forestry vehicle used for forest fire control;
- (6) A Department of Corrections vehicle used for responding to the escape of or performing the high-security transfer of a prisoner, juvenile client or juvenile detainee;
- (7) A Department of Inland Fisheries and Wildlife vehicle operated by a warden;
- (8) A Department of Public Safety vehicle operated by a police officer appointed pursuant to Title 25, section 2908, a state fire investigator or a Maine Drug Enforcement Agency officer;
- (9) An emergency medical service vehicle;
- (10) A fire department vehicle;
- (11) A hazardous material response vehicle, including a vehicle designed to respond to a weapon of mass destruction;
- (12) A railroad police vehicle;
- (13) A sheriff's department vehicle;
- (14) A State Police or municipal police department vehicle;
- (15) A vehicle operated by a chief of police, a sheriff or a deputy sheriff when authorized by the sheriff;
- (16) A vehicle operated by a municipal fire inspector, a municipal fire chief, an assistant or deputy chief or a town forest fire warden;

(17) A vehicle operated by a qualified deputy sheriff or other qualified individual to perform court security-related functions and services as authorized by the State Court Administrator pursuant to Title 4, section 17, subsection 15;

(18) A Federal Government vehicle operated by a federal law enforcement officer;

(19) A vehicle operated by a municipal rescue chief, deputy chief or assistant chief;

(20) An Office of the Attorney General vehicle operated by a detective appointed pursuant to Title 5, section 202;

(21) A Department of the Secretary of State vehicle operated by a motor vehicle investigator ~~investigator~~ detective; and

(22) A University of Maine System vehicle operated by a University of Maine System police officer.

**Sec. 33. 29-A MRSA §2303, sub-§1, ¶C**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

**Sec. 34. 29-A MRSA §2390, sub-§1, ¶K** is enacted to read:

K. A tow-away transporter combination may be operated with an overall length not exceeding 82 feet on the interstate highway system and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation pursuant to the federal Fixing America's Surface Transportation Act, Public Law 114-94, Section 5523 (2016).

**Sec. 35. 29-A MRSA §2451, sub-§3**, as repealed and replaced by PL 2015, c. 329, Pt. A, §17, is amended to read:

**3. Suspension period.** Unless a longer period of suspension is otherwise provided by law and imposed by the court, the Secretary of State shall suspend the license of a person convicted of OUI for the following minimum periods:

A. One hundred fifty days, if the person has one OUI conviction within a 10-year period;

B. Three years, if the person has 2 OUI offenses within a 10-year period;

C. Six years, if the person has 3 OUI offenses within a 10-year period; ~~or~~

E. Eight years, if the person has 4 or more OUI offenses within a 10-year period; ~~or~~

F. Ten years, if the person has a prior conviction for a Class B or Class C OUI offense pursuant to section 2411, subsection 1-A, paragraph D, subparagraph (2).

For the purposes of this subsection, a conviction or suspension has occurred within a 10-year period if the date of the new conduct is within 10 years of a date of suspension or imposition of sentence. The 10-year limitation does not apply to a prior conviction for a Class B or Class C OUI offense; the conviction may have occurred at any time.

**Sec. 36. 29-A MRSA §2472, sub-§2-B**, as amended by PL 2013, c. 496, §16, is further amended to read:

**2-B. Reexamination.** The holder of a juvenile provisional license convicted of an offense listed in section 2551-A, subsection 1, paragraph A, as limited by section 2551-A, subsection 3, must successfully complete an examination ~~pursuant to section 1301, subsection 4~~ as prescribed by the Secretary of State within 90 days after that license is restored. Failure to successfully complete the examination results in a subsequent suspension.

See title page for effective date.

---



---

## CHAPTER 230

### H.P. 321 - L.D. 454

#### An Act To Ensure Safe Drinking Water for Families in Maine

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

**Sec. 1. 22 MRSA §2601-A**, as enacted by PL 1999, c. 761, §1, is amended to read:

#### **§2601-A. Scope**

This chapter establishes a system designed to help ensure public health; to allow the State, municipalities and public water systems to identify significant public water supplies and strive for a higher degree of protection around source water areas or areas that are used as public drinking water supplies; ~~and~~ to allow the State, municipalities and water systems to pursue watershed or wellhead protection activities around significant public water supplies; ~~and to improve testing for and treatment of contaminants or properties in residential private drinking water wells.~~

**Sec. 2. 22 MRSA §2602-A, sub-§1**, as enacted by PL 1983, c. 837, §1, is amended to read:

**1. Purpose.** The Legislature finds that there is a growing threat to the ~~state's~~ State's drinking water from a variety of contaminants ~~or properties~~ and that testing of private residential water supplies ~~may be~~ is necessary ~~under certain circumstances~~ to protect the public health. The Legislature recognizes that certain testing may be prohibitively expensive and accord-