

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**June 19, 2018 to September 13, 2018**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**DECEMBER 13, 2018**

**ONE HUNDRED AND TWENTY-NINTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2018 to June 20, 2019**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 2019**

**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**  
**2019**

**Sec. 9. 12 MRSA §12661, sub-§3**, as amended by PL 2017, c. 164, §22, is further amended to read:

**3. Removal of abandoned ice-fishing shacks.** A person may not leave a structure on another person's land without permission from the landowner. Notwithstanding the provisions of Title 33, chapter 41 and Title 17, section 2263-A, a landowner on whose property an ice fishing abandoned ice-fishing shack as defined in Title 17, section 2263 is left in violation of this section may remove or destroy the shack. The landowner may recover any costs of removing or destroying the shack from the owner of the shack in a civil action.

**Sec. 10. 17 MRSA §2263, sub-§1-D**, as enacted by PL 1993, c. 144, §3, is amended to read:

**1-D. Abandoned ice-fishing shack.** "Abandoned ice-fishing shack" means a temporary structure used for ice fishing and left on property not owned by the person owning the structure without permission of the landowner ~~for more than 15 days after the inland waters on which the shack or structure was located are closed to ice fishing.~~

See title page for effective date.

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## CHAPTER 326

H.P. 1212 - L.D. 1697

### An Act Regarding the Timeliness of Payments to the State

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

**Sec. 1. 5 MRSA §131**, as amended by PL 1989, c. 501, Pt. P, §7; PL 1995, c. 502, Pt. E, §30; PL 2011, c. 657, Pt. W, §7; and PL 2013, c. 405, Pt. A, §24, is repealed and the following enacted in its place:

**§131. Departmental collections**

**1. Departmental collections; immediate payment to State Treasury.** A department or agency of the State collecting or receiving public money, or money from any source whatsoever, belonging to or for the use of the State, or for the use of any state department or agency, shall pay the money immediately into the State Treasury, without any deductions on account of salaries, fees, costs, charges, expenses, refunds, claims or demands of any description whatsoever. The Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands may refund daily use and camping fees based on the bureau's standard refund policies. A department or agency may deposit such money to the credit of the State upon communicating with the Treasurer of State and receiv-

ing from the Treasurer of State instructions as to what state depository may be used for that purpose, and in every such case the depositor shall send to the Treasurer of State a statement of the deposits certified by the bank receiving it. This section does not apply to county or town officers.

**2. Certain payments not immediate.** Notwithstanding subsection 1, payments from a department or agency of the State made to the State Treasury through the use of automated procedures, electronic processes and computer-driven technology must be deposited in the State Treasury in accordance with the requirements established in rules adopted by the Treasurer of State and the State Controller. The Treasurer of State and the State Controller shall adopt rules to implement this subsection, including rules outlining procedures for the use of automated procedures, electronic processes and computer-driven technology for the collection of these payments pursuant to this subsection. Rules adopted pursuant to this subsection may not waive prohibitions against deductions on account of salaries, fees, costs, charges, expenses, refunds, claims or demands of any description whatsoever. Rules adopted pursuant to this subsection are major substantive rules as defined by section 8071.

See title page for effective date.

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## CHAPTER 327

S.P. 490 - L.D. 1555

### An Act To Improve Highway Maintenance Safety

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

**Sec. 1. 29-A MRSA §2054, sub-§2, ¶C**, as amended by PL 2015, c. 31, §1 and c. 32, §2, is further amended to read:

C. The use of amber, white and green lights on vehicles is governed by the following.

(1) A vehicle engaged in highway maintenance or in emergency rescue operations by emergency management and public safety agencies and a public service vehicle may be equipped with auxiliary lights that emit an amber light.

(1-A) A Department of Labor motor vehicle operated by a workplace safety inspector may be equipped with auxiliary lights that emit an amber light.

(1-B) A municipal public works vehicle or a vehicle operating under direction of the Department of Transportation or the Maine Turnpike Authority may be equipped with

auxiliary lights that are green, white or amber or any combination of green, white or amber. Lights under this subparagraph may be located on the front, rear or sides of the vehicle and may flash, oscillate, strobe or blink.

(2) A wrecker must be equipped with a flashing light mounted on top of the vehicle in such a manner as to emit an amber light over a 360-degree angle. The light must be in use on a public way or a place where public traffic may reasonably be anticipated when servicing, freeing, loading, unloading or towing a vehicle.

(3) A vehicle engaged in snow removal or sanding operations on a public way must be equipped with and display an auxiliary light that provides visible light coverage over a 360-degree range. The light must emit an amber beam of light and be equipped with a blinking or strobe light function and have sufficient intensity to be visible at 500 feet in normal daylight. When the left wing of a plow is in operation and extends over the center of the road, an auxiliary light must show the extreme end of the left wing. That light may be attached to the vehicle so that the beam of light points at the left wing. The light illuminating the left wing may be controlled by a separate switch or by the regular lighting system and must be in operation at all times when the vehicle is used for plowing snow on public ways.

(4) A vehicle equipped and used for plowing snow on other than public ways may be equipped with an auxiliary rotary flashing light that must be mounted on top of the vehicle in such a manner as to emit an amber beam of light over a 360-degree angle, or an amber strobe, or combination of strobes, that emits at a minimum a beam of 50 candlepower and provides visible light coverage over a 360-degree range. The light may be in use on a public way only when the vehicle is entering the public way in the course of plowing private driveways and other off-highway locations.

(5) A rural mail vehicle may be equipped with auxiliary lights.

(a) The lights used to the front must be white or amber, or any shade between white and amber.

(b) The lights used to the rear must be amber or red, or any shade between amber and red.

(c) The lights, whether used to the front or rear, must be mounted at the same

level and as widely spaced laterally as possible.

(d) The lights, whether used to the front or rear, must flash simultaneously.

(e) The lights must be visible from a distance of at least 500 feet in normal daylight.

(6) A vehicle used or provided by a contract security company to assist in traffic control and direction at construction or maintenance sites on a public way may be equipped with amber auxiliary lights.

(7) A Department of Public Safety vehicle operated by a motor carrier inspector or motor vehicle inspector may be equipped with auxiliary lights that emit an amber light.

(8) A vehicle used by an animal control officer appointed pursuant to Title 7, section 3947 may be equipped with auxiliary lights that emit a flashing amber light.

(9) A refuse, garbage or trash business vehicle used by an individual to transport refuse, garbage and trash may be equipped with auxiliary lights that emit a flashing amber light.

(10) A vehicle used by an individual to transport and deliver newspapers may be equipped with auxiliary lights that emit a flashing amber light.

**Sec. 2. 29-A MRSA §2069**, as amended by PL 2015, c. 159, §4, is further amended to read:

**§2069. Authority to remove an improperly parked vehicle; vehicles used in commission of a crime**

**1. Parked in violation.** A law enforcement officer ~~or~~ employees or agents of the Department of Transportation or employees or agents of the Maine Turnpike Authority may cause the removal of a vehicle or require the operator to move the vehicle from a location in violation of section 2068, subsection 1 or rules adopted by the Maine Turnpike Authority to a location where parking is permitted.

**2. Interfering with snow removal, normal traffic movement.** A law enforcement officer may cause the removal to a suitable parking place, at the expense of the registered owner, of a vehicle interfering with snow removal or the normal movement of traffic or parked within the limits of a right-of-way. The Department of Transportation or the Maine Turnpike Authority may take the same action, through use of their employees or agents, for a vehicle standing on property under ~~its jurisdiction~~ their respective jurisdictions.

**3. Vehicle used in connection with a crime or operating after suspension traffic infraction.** A law enforcement officer may cause the removal to a suitable parking place of a vehicle connected with:

- A. The arrest of the operator or owner of that vehicle;
- B. The issuance of a summons for a traffic infraction as described in section 2412-A, subsection 8;
- C. A suspended registration pursuant to Title 23, section 1980 or the suspension of the owner's right to operate the vehicle pursuant to section 2461 for failure to pay a toll; or
- D. The commission of a crime.

When a vehicle has been removed pursuant to paragraph C, the vehicle may be released only after the tolls, fees and penalties have been paid and the vehicle's registration has been reinstated or the owner's right to operate the vehicle has been restored.

**4. Liability for damages; charges.** The State, a political subdivision of the State ~~or, the Maine Turnpike Authority~~, a law enforcement officer or a 3rd-party agent acting on behalf of the State, a political subdivision of the State or the Maine Turnpike Authority is not liable for damage that may be caused by removal of a vehicle or for any towing or storage charges.

**5. Notification.** Upon removal of a vehicle in accordance with this section, the notification requirements and provisions for payment of towing and storage costs in chapter 15, subchapter 3 apply.

See title page for effective date.

**CHAPTER 328**

**S.P. 468 - L.D. 1519**

**An Act Concerning the Establishment of Benefit Corporations**

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

**Sec. 1. 13-C MRSA c. 18** is enacted to read:

**CHAPTER 18**

**BENEFIT CORPORATIONS**

**SUBCHAPTER 1**

**GENERAL PROVISIONS**

**§1801. Application and effect of chapter**

**1. Application of chapter.** This chapter applies to all benefit corporations.

**2. Application of corporation law generally.** This chapter does not create an implication that a contrary or different rule of law applies to a corporation that is not a benefit corporation. This chapter does not affect a statute or rule of law that applies to a corporation that is not a benefit corporation.

**3. Laws applicable.** Except as otherwise provided in this chapter, this Title is generally applicable to all benefit corporations. A benefit corporation may be subject simultaneously to this chapter and Title 13, chapter 22-A. This chapter supersedes other provisions of this Title and Title 13, chapter 22-A with regard to benefit corporations.

**4. Limit on articles and bylaws.** A provision of the articles of incorporation or bylaws of a benefit corporation may not limit, be inconsistent with or supersede a provision of this chapter.

**§1802. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Benefit corporation.** "Benefit corporation" means a corporation:

- A. That has elected to become subject to this chapter pursuant to section 1804; and
- B. The status of which as a benefit corporation has not been terminated.

**2. Benefit director.** "Benefit director" means the director designated as the benefit director of a benefit corporation under section 1822.

**3. Benefit enforcement proceeding.** "Benefit enforcement proceeding" means a claim or action or proceeding for:

- A. Failure of a benefit corporation to pursue or create general public benefit or a specific public benefit purpose set forth in its articles; or
- B. Violation of any obligation, duty or standard of conduct under this chapter.

**4. Benefit officer.** "Benefit officer" means the individual designated as the benefit officer of a benefit corporation under section 1824.

**5. General public benefit.** "General public benefit" means a material positive impact on society and the environment, taken as a whole, assessed against a 3rd-party standard, from the business and operations of a benefit corporation.

**6. Independent.** "Independent" means having no material relationship with a benefit corporation or a subsidiary of the benefit corporation, except that serving as benefit director or benefit officer does not make an individual not independent. A material relationship between an individual and a benefit corporation or any