

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
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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.

Augusta, Maine
2019

§3036-B. Reentry houses

1. Reentry house defined; requirement. For purposes of this section, "reentry house" means a correctional program provided by the department through a written contract with one or more private employers under which the employers provide and maintain housing for specified prisoners, employ those prisoners and provide to those prisoners all meals, laundry facilities and transportation to and from job sites. A reentry house is not a correctional facility. A reentry house must meet all state and local building and life safety codes for the type of building in which the reentry house is located.

2. Contract. The commissioner may enter into contracts for the establishment of reentry houses for the purpose of providing housing and other assistance to prisoners transferred to supervised community confinement under section 3036-A.

3. Other assistance. The department shall employ, or contract for, program staff to provide other assistance to prisoners housed at a reentry house, including, but not limited to, assistance with reentry planning.

4. Transfer. A prisoner may be transferred to supervised community confinement to be housed in a reentry house only if the prisoner meets all of the eligibility requirements of section 3036-A and the rules adopted by the commissioner pursuant to section 3036-A, has successfully participated in a work release program at a department facility and has the skills necessary to perform a job available from a private employer with which the department has contracted.

5. Supervision. All of the provisions of section 3036-A and the rules adopted by the commissioner pursuant to section 3036-A apply to a prisoner housed at a reentry house, and supervision of the prisoner must be conducted by a probation officer in the same manner as for any other prisoner transferred to supervised community confinement.

6. Escape. A prisoner who is transferred to supervised community confinement who intentionally violates a requirement to reside at a reentry house or otherwise escapes is guilty of escape under Title 17-A, section 755.

See title page for effective date.

CHAPTER 397

H.P. 1268 - L.D. 1783

**An Act To Amend the Motor
Vehicle Laws**

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

Sec. 1. 29-A MRSA §106, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

§106. Enforcement of laws pertaining to dealers, transporters and automobile graveyards

All state, county and local law enforcement officers and all ~~investigators~~ motor vehicle detectives appointed by the Secretary of State pursuant to section 152, subsection 2 shall expeditiously enforce the provisions of chapter 9; section 1612; Title 10, chapter 217; and Title 30-A, chapter 183, subchapter 1 as it relates to automobile graveyards.

Sec. 2. 29-A MRSA §409, sub-§2, ¶A, as amended by PL 2017, c. 67, §1, is further amended to read:

A. ~~Submitted a dealer's certificate in a form prescribed by the State Tax Assessor a properly completed bill of sale, showing either that:~~

- (1) The sales tax due has been collected by the dealer; or
- (2) The sale of the vehicle is not subject to tax; or

Sec. 3. 29-A MRSA §409, sub-§3, as amended by PL 2017, c. 67, §1, is further amended to read:

3. Collection fee. ~~Each official shall retain from the use taxes collected a fee of The Secretary of State must be reimbursed by the State Tax Assessor \$1.25 for each vehicle per use tax certificate processed, even if a certificate indicates that no use tax is due.~~

Retained fees must be transmitted to the Treasurer of State and credited to the Highway Fund.

Taxes collected must be transmitted to the Treasurer of State and credited to the General Fund.

Sec. 4. 29-A MRSA §453, sub-§3-A, ¶E, as enacted by PL 2015, c. 206, §2, is amended to read:

E. ~~The Secretary of State finds consists~~ Consists of language that encourages violence or may result in an act of violence or other unlawful activity because of the content of the language requested by the registrant.

Sec. 5. 29-A MRSA §456-C, sub-§5, as enacted by PL 2007, c. 240, Pt. LLLL, §2, is repealed.

Sec. 6. 29-A MRSA §462, sub-§8, as amended by PL 2003, c. 132, §1, is repealed.

Sec. 7. 29-A MRSA §462, sub-§11, as enacted by PL 2003, c. 452, Pt. Q, §5 and affected by Pt. X, §2, is amended to read:

11. Records. A person issued temporary registration plates by the Secretary of State shall maintain a written record on a form prescribed by the Secretary of State of the use or disposal of every plate. The record

must be available for inspection by the Secretary of State at the person's place of business and must be submitted annually upon application for renewal of a dealer license. A person who violates this subsection commits a traffic infraction.

Sec. 8. 29-A MRSA §467, as enacted by PL 1995, c. 645, Pt. C, §7, is repealed.

Sec. 9. 29-A MRSA §468-A, sub-§10, as enacted by PL 2007, c. 383, §6, is amended to read:

10. Limit on authorization. The Secretary of State shall retire and cease to issue any plate authorized after January 1, 2007 ~~upon the occurrence of the earlier of:~~

A. When the number of sets of the plate issued falls below 4,000 for more than one year; ~~and~~

~~B. Ten years after the date of authorization.~~

Sec. 10. 29-A MRSA §512, sub-§3, as enacted by PL 1997, c. 776, §16, is amended to read:

3. Permanent registration program. A person registering ~~30,000~~ 20,000 or more semitrailers may be issued 25-year permanent registrations. For the purposes of this subsection, "permanent registration" means a long-term trailer registration certificate and plate with an expiration date of December 31st, 25 years from the year of issue.

A. The fee for each registration is \$80. The fee is nonrefundable.

B. All registrations expire on December 31st, 25 years from the year of issue.

C. The registrant may transfer an unexpired registration to a semitrailer not previously registered to the registrant in this State. The transfer fee is \$20.

D. The Secretary of State may adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

Sec. 11. 29-A MRSA §523, sub-§7, as amended by PL 2013, c. 586, Pt. I, §1, is repealed.

Sec. 12. 29-A MRSA §532, sub-§8, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

8. Presentation of credentials. Upon request of any law enforcement officer, an operator of a motor vehicle registered pursuant to the plan must present temporary or permanent credentials for inspection. The credentials must be a legible original, legible copy or legible electronic image in compliance with the provisions of the plan governing credentials for apportioned registrations under the plan.

Sec. 13. 29-A MRSA §652, sub-§18, as amended by PL 2019, c. 141, §1, is further amended to read:

18. Vehicle model year at least 20 years old. A vehicle that is at least 20 years old according to its model year at the time of sale or transfer of ownership to a recycler, salvage vehicle dealer or scrap processor if:

A. The recycler, salvage vehicle dealer or scrap processor obtains the seller's name and the address of the seller's residence from a government-issued photograph identification document or credential and maintains the seller's name and address and vehicle identification number of the scrapped vehicle for a period of at least ~~one year~~ 5 years; and

B. The recycler, salvage vehicle dealer or scrap processor accurately reports the destruction of the vehicle to the Secretary of State within 30 days in a manner prescribed by the Secretary of State.

Violation of this subsection is a traffic infraction.

This subsection applies only to vehicles that are scrapped. For purposes of this subsection, a government-issued photograph identification document or credential includes, but is not limited to, a current and valid United States passport, military identification, driver's license or nondriver identification card.

Sec. 14. 29-A MRSA §667, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

3. Surrender and cancellation of certificate. Surrender and cancellation of a certificate of title or certificate of salvage must be as follows.

A. An owner who scraps or dismantles a vehicle shall ~~immediately~~ surrender the certificate of title or certificate of salvage to the Secretary of State for cancellation within 30 days of that action.

B. A person who acquires a vehicle to be scrapped or dismantled shall ~~immediately~~ surrender the certificate to the Secretary of State within 30 days of that action. If an owner transfers a vehicle for which a certificate of salvage has not been issued to a salvage dealer ~~or~~ recycler ~~or~~ scrap processor licensed under ~~this~~ chapter 9, the vehicle is deemed declared by the owner to be a salvage vehicle, and the salvage dealer ~~or~~ recycler ~~or~~ scrap processor shall immediately apply for a certificate of salvage for the vehicle in accordance with section 654 within 30 days, unless the vehicle's certificate of title is surrendered in compliance with this subsection.

C. A person who repairs or rebuilds for operation on public ways a salvage vehicle shall comply with subsection 4 and shall:

(1) If the vehicle was not insured, obtain the certificate of title from the owner; or

(2) If the vehicle was insured, obtain a certificate of salvage or a certificate of title from

the insurer and apply for a certificate of salvage.

D. A salvage dealer, recycler or scrap processor may retain possession of a certificate of salvage until the recycler scraps or dismantles the vehicle. Once a vehicle is scrapped or dismantled, the salvage dealer, recycler or scrap processor shall deliver the certificate of title or certificate of salvage to the Secretary of State for cancellation within 30 days of that action.

E. Except in the case of a dismantled vehicle that has been repaired or rebuilt, a certificate of title or registration to a scrapped or dismantled vehicle may not be reissued.

Sec. 15. 29-A MRSA §954, sub-§§6 and 7 are enacted to read:

6. Trailer transit plate. A business that delivers or services mobile homes, leases or transports storage trailers or transports light trailers, modular homes or frames for transporting modular homes may apply for a trailer transit license and plate. The transit plate may not be loaned, used in place of registration plates on another vehicle, used for personal reasons or used on the towing vehicle. Issuance of a trailer transit license and plate does not exempt the holder from compliance with any state law or municipal ordinance governing the movement of mobile homes, storage trailers, modular homes or frames for transporting modular homes or light trailers over the highways of this State and does not exempt the holder from required permits or certificates prior to moving the vehicles. Trailer transit plates issued pursuant to this subsection may be used only subject to the following conditions.

A. A storage trailer must be empty during transportation.

B. A light trailer may be transported with a load appropriate for the light trailer, as long as the load is owned by or in the custody of the transporting business.

C. A light trailer may be transported with a trailer transit plate only if the business owner or an employee of the business accompanies the vehicle transporting the light trailer.

Fees for trailer transit licenses and plates are established in section 852. Trailer transit licenses are exempt from section 951, subsection 6.

For purposes of this subsection, "business" means a corporation, firm, partnership, joint venture, sole proprietorship or other commercial entity. For the purposes of this subsection, "modular home" has the same meaning as in Title 30-A, section 4358, subsection 1, paragraph A, subparagraph (2).

A person who violates this subsection commits a traffic infraction.

7. Expiration date. A trailer transit plate under subsection 6 expires annually on the last day of the month of March.

Sec. 16. 29-A MRSA §1110, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Record keeping. A licensee shall maintain business records for 5 years, including a record of:

A. Every vehicle or component part received or disposed of; its make, model, model year, vehicle identification number and any other part identifying number; the date of its receipt or disposition; and the name and address of the person from whom received or to whom given; and

A-1. Every component part, as defined in section 602, subsection 2, received or disposed of; its part identifying number; the date of its receipt or disposition; and the name and address of the person from whom received or to whom given;

B. Every vehicle scrapped or dismantled by the licensee, the date of that action and the vehicle's make, model, model year and vehicle identification number; and

C. The seller's name and address from a government-issued photograph identification document or credential. For purposes of this subsection, "government-issued photograph identification document or credential" includes, but is not limited to, a current and valid United States passport, military identification card, driver's license or nondriver identification card.

A licensed mobile crusher must maintain an operator log for each location. The log must contain the make, model, model year and vehicle identification number of each vehicle crushed and the date of that action.

A scrap processor is exempt from the requirements set forth in paragraph A ~~A-1~~ for vehicles received that are already dismantled.

Sec. 17. 29-A MRSA §1110, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

3. Compliance with federal law. In the keeping of records, a licensee shall comply with the federal Truth in Mileage Act of 1986, Public Law 99-579, as amended, and the regulations of the United States Secretary of Transportation, 49 Code of Federal Regulations, Part 580. A licensee shall comply with the federal Anti Car Theft Act of 1992, Public Law 102-519, as amended, 49 United States Code, Section 30502 and the Code of Federal Regulations, Part 25.56.

Sec. 18. 29-A MRSA §1111, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. 19. 29-A MRSA §1304, sub-§4-A, ¶G, as enacted by PL 2013, c. 381, Pt. B, §16, is amended to read:

G. The commercial learner's permit is valid for no more than ~~180 days~~ one year from the date of issuance. ~~The Secretary of State may renew the commercial learner's permit for an additional 180 days without requiring the commercial learner's permit holder to retake the general and endorsement knowledge tests.~~

Sec. 20. 29-A MRSA §1354, sub-§8, as amended by PL 2011, c. 556, §20, is further amended to read:

8. Suspension or revocation of license; hearings. The Secretary of State may suspend, revoke or refuse to issue or renew a driver education school or instructor license or deny a certificate of completion for just cause or for noncompliance with statutory and regulatory requirements in accordance with the Maine Administrative Procedure Act. A person refused a license or denied a certificate of completion or whose license is suspended or revoked may request a hearing with the Secretary of State. A requested hearing must be conducted pursuant to chapter 23, subchapter 2 3, article 3.

Sec. 21. 29-A MRSA §1404, as amended by PL 2009, c. 598, §34, is further amended to read:

§1404. Design layout or marking of license of a minor

The Secretary of State shall provide that a license issued to a person less than 21 years of age bears a distinctive ~~color code~~ design layout or marking.

Sec. 22. 29-A MRSA §1404-A, as enacted by PL 2007, c. 123, §1, is amended to read:

§1404-A. Deaf or hard-of-hearing designation

The Secretary of State shall, at the request of a person who is deaf or hard-of-hearing, ~~issue a sticker to that person to place in a location designated by the Secretary of State on the back of the person's print a~~ driver's license or nondriver identification card with a distinctive marker or code to indicate that the person is deaf or hard-of-hearing. The Secretary of State may require appropriate documentation that a person is deaf or hard-of-hearing before issuing ~~the sticker~~ the driver's license or nondriver identification card. For purposes of this section, the terms "deaf person" and "hard-of-hearing person" have the same meanings as in section 1358, subsection 1.

Sec. 23. 29-A MRSA §1405, sub-§4, as amended by PL 2013, c. 381, Pt. B, §23, is further amended to read:

4. Change of information. When any change is made on ~~an operator's photograph or digitized a driver's license or, nondriver identification card, registra-~~

tion certificate or learner's permit, that updated driver's license or, nondriver identification card, registration certificate or learner's permit is considered a duplicate.

Sec. 24. 29-A MRSA §1410, sub-§2, as amended by PL 2013, c. 51, §6, is further amended to read:

2. Issuance of card; contents. Except as provided by section 1255, upon receipt of a completed application and payment of a fee of \$5, the Secretary of State shall issue a nondriver identification card to the applicant. If an applicant is the holder of a motor vehicle driver's license bearing a photograph or digital image of the individual and issued under this chapter, the Secretary of State or the Secretary of State's representative may refuse to issue a nondriver identification card. The Secretary of State shall provide that a nondriver identification card issued to a person less than 21 years of age has a distinctive ~~color code~~ design layout or marking. Each nondriver identification card must contain:

- A. The applicant's photograph or digital image;
- B. The applicant's name and address;
- C. The applicant's date of birth; and
- E. Any other information and identification that the Secretary of State by rule requires.

Sec. 25. 29-A MRSA §2054, sub-§1, ¶B, as amended by PL 2017, c. 229, §32, 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 in-

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 detective; ~~and~~
- (22) A University of Maine System vehicle operated by a University of Maine System police officer; ~~and~~

(23) A life support transport vehicle when parked on a Department of Transportation ferry vessel and being used to transport a person who requires constant medical support to survive.

Sec. 26. 29-A MRSA §2054, sub-§1, ¶H-1 is enacted to read:

H-1. "Life support transport vehicle" means a vehicle designated by the Commissioner of Public Safety that is equipped with life-sustaining medical equipment and that is used to transport a person who requires constant medical support to survive.

Sec. 27. 29-A MRSA §2054, sub-§1, ¶I, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

I. "Police vehicle" means any vehicle listed under paragraph B, subparagraph (2), (3), (4), (7), (8), (12), (13), (14) ~~or~~ (18), (20) or (21).

Sec. 28. 29-A MRSA §2054, sub-§§10 and 11 are enacted to read:

10. Life support transport vehicle. A life support transport vehicle may not be equipped with emergency lighting or sirens and may not exercise emergency privileges under subsection 4 or 5. The Commissioner of Public Safety may adopt rules for the purpose of designating life support transport vehicles. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

11. Maine State Ferry Service. The Commissioner of Transportation may adopt rules to allow certain authorized emergency vehicles, including but not limited to a life support transport vehicle, to idle on a vessel operated by the Maine State Ferry Service and any additional rules necessary to ensure passenger safety while such a vehicle is idling on a ferry. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. 29. PL 2007, c. 648, §6 is amended to read:

Sec. 6. Participation in verification program; report. ~~Notwithstanding the Maine Revised Statutes, Title 29-A, section 1411, the~~ The Secretary of State shall by December 1, 2009 participate in the federal Systematic Alien Verification for Entitlements Program maintained by United States Citizenship and Immigration Services for the exclusive purpose of verifying the lawful presence of noncitizen applicants for driver's licenses or nondriver identification cards.

~~No later than January 30th of each year, beginning in 2010, the Secretary of State shall report to the joint standing committee of the Legislature having jurisdiction over transportation matters regarding the operation and effectiveness of the Systematic Alien Verification for Entitlements Program.~~

See title page for effective date.