

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST SPECIAL SESSION

August 26, 2019

SECOND REGULAR SESSION

January 8, 2020 to March 17, 2020

**THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
NOVEMBER 25, 2019**

**THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 16, 2020**

**PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.**

**Augusta, Maine
2020**

performance of the commanding officer's obligations under state laws and under agreements with agencies of the United States or any other jurisdiction.

For purposes of this subsection, "laws of this State" includes Passamaquoddy tribal law as described in Title 30, section 6209-A, subsections 1-A and 2 and Penobscot tribal law as described in Title 30, section 6209-B, subsections 1-A and 2.

Sec. E-3. 25 MRSA §1542-A, sub-§3, ¶A, as enacted by PL 1987, c. 512, §3, is amended to read:

A. The law enforcement agency having primary responsibility for the criminal investigation and prosecution shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph A. If the offender is subjected to a custodial arrest, fingerprints ~~shall~~ must be taken prior to that ~~person~~ person's being released from custody. If the offender is summonsed to appear or, relative to a Class D or Class E crime, released at the scene by a law enforcement officer ~~after taking who has taken~~ the personal recognizance of any such person for his the person's appearance, fingerprints ~~shall~~ must be taken within 5 days at a time and place specified by the responsible agency. The offender shall appear at the specified time and place and shall submit to the process. To the extent possible, the fingerprinting ~~shall~~ must occur prior to arraignment. At the time of arraignment, the state court or tribal court shall inquire as to whether fingerprints have been taken or as to whether arrangements have been made for fingerprinting. If this has not occurred, the state court or tribal court shall instruct both the responsible law enforcement agency and the person charged as to their respective obligations in this regard.

Sec. E-4. 25 MRSA §1544, first ¶, as amended by PL 1985, c. 779, §67, is further amended to read:

It ~~shall be~~ is the duty of all state, county, tribal and municipal law enforcement agencies, including those employees of the University of Maine System appointed to act as ~~police~~ law enforcement officers, to submit to the State Bureau of Identification uniform crime reports, to include such information as is necessary to establish a Criminal Justice Information System and to enable the commanding officer to comply with section 1541, subsection 3. It ~~shall be~~ is the duty of the bureau to prescribe the form, general content, time and manner of submission of such uniform crime reports. The bureau shall correlate the reports submitted to it and shall compile and submit to the Governor and Legislature annual reports based on such reports. ~~A copy The bureau shall furnish copies of such annual reports shall be furnished to all state, county, tribal and municipal law enforcement agencies.~~

See title page for effective date, unless otherwise indicated.

CHAPTER 622

H.P. 776 - L.D. 1053

An Act To Reduce the Duration of Execution Liens

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

Sec. 1. 14 MRSA §4651-A, sub-§9, as reallocated by RR 2001, c. 1, §17, is amended to read:

9. Duration of lien created before September 1, 2020; renewal. A lien created pursuant to this section ~~after the effective date of this subsection September 21, 2001 but before September 1, 2020~~ continues for a period of 20 years from the date of the filing of the writ of execution or of the recording of the writ of execution in the registry of deeds, unless the judgment is paid, discharged or released. A lien may be renewed once for a period of 20 years from the filing or recording of a renewal, pluries or alias writ of execution in the same manner as the original writ of execution was filed or recorded, with the same notice as required by subsection 5.

A. If the renewal writ is filed or recorded before the expiration of the 20-year period of the original writ of execution, the renewal writ relates back to the date that the original writ of execution was filed or recorded and prevents the expiration of the lien.

B. A lien created pursuant to this section when the date of the recording of the writ of execution in the registry of deeds is more than 18 years prior to ~~the effective date of this subsection September 21, 2001~~ may be renewed as provided in this subsection if the renewal writ is recorded ~~within 2 years of the effective date of this subsection by September 21, 2003.~~

Sec. 2. 14 MRSA §4651-A, sub-§9-A is enacted to read:

9-A. Duration of lien created on or after September 1, 2020; renewal. A lien created pursuant to this section on or after September 1, 2020 continues for a period of 10 years from the date of the filing of the writ of execution or of the recording of the writ of execution in the registry of deeds, unless the judgment is paid, discharged or released. A lien may be renewed under this subsection once for a period of 10 years from the filing or recording of a renewal, pluries or alias writ of execution in the same manner as the original writ of execution was filed or recorded, with the same notice as required by subsection 5.

If the renewal writ is filed or recorded before the expiration of the 10-year period of the original writ of execution, the renewal writ relates back to the date that the original writ of execution was filed or recorded and prevents the expiration of the lien.

See title page for effective date.

CHAPTER 623

S.P. 313 - L.D. 1081

An Act Regarding Smoking in Vehicles When a Minor Is Present

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

Sec. 1. 29-A MRSA §2120, as enacted by PL 2017, c. 165, §9, is amended to read:

§2120. Smoking in vehicles when minor ~~under 16 years of age~~ is present

1. Definition. As used in this section, unless the context otherwise indicates, "smoking" means inhaling, exhaling, burning or carrying a lighted cigarette, cigar, pipe, weed, plant, regulated narcotic or other combustible substance.

2. Prohibition. Smoking is prohibited in a motor vehicle by the operator or a passenger when a ~~person who has not attained 16 years of age~~ minor is present in that motor vehicle, regardless of whether the motor vehicle's windows are open.

3. Prohibition on inspection or search. A motor vehicle, the contents of the motor vehicle or the operator or a passenger in the motor vehicle may not be inspected or searched solely because of a violation of this section.

4. Penalty. A person who violates subsection 2 commits a traffic infraction for which a fine of \$50 must be adjudged.

See title page for effective date.

CHAPTER 624

S.P. 460 - L.D. 1498

An Act To Provide Equity for Commercial Vehicles on Roads and Bridges in Maine

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

Sec. 1. 29-A MRSA §2354-C, sub-§1, first ¶, as amended by PL 2015, c. 119, §§1 and 2, is further amended to read:

1. Canadian gross vehicle weight limits. Notwithstanding section 2354, except as provided in subsection 5, the Commissioner of Transportation, in consultation with the Department of Public Safety and the Department of the Secretary of State, is authorized to allow certain commercial vehicles at Canadian gross vehicle weight limits to travel from the United States-Canada border at Calais to Baileyville, from the United States-Canada border at Madawaska to a paper mill at Madawaska and from the United States-Canada border at Van Buren to a rail yard in Van Buren. Vehicles are allowed to travel from the United States-Canada border under the following conditions.

Sec. 2. 29-A MRSA §2354-C, sub-§4, as enacted by PL 2009, c. 326, §2, is amended to read:

4. Monitor; report. The Department of Transportation shall monitor and evaluate the effects of the allowance under this section on road conditions. The Commissioner of Transportation shall submit ~~an initial~~ a report to the joint standing committee of the Legislature having jurisdiction over transportation matters ~~for presentation to the Second Regular Session of the 126th Legislature and a final report to the First Regular Session of the 129th Legislature~~ by January 1, 2024. The report must include any findings regarding the effects on road conditions and recommendations for continuance, discontinuance or modification of the allowance under this section. The joint standing committee of the Legislature having jurisdiction over transportation matters may submit legislation based on the findings and recommendations in the report to the Second Regular Session of the 131st Legislature.

Sec. 3. 29-A MRSA §2354-C, sub-§5 is enacted to read:

5. Exemption for wood. After December 31, 2025, the department may not authorize under this section the routes identified in subsection 1 for the travel of commercial vehicles transporting wood, as defined in Title 10, section 2361-A, subsection 11, at Canadian gross vehicle weight limits that exceed the gross vehicle weight limits established in this chapter. Nothing in this subsection prevents the department from authorizing an entity to operate a specified commercial motor vehicle configuration on a specified route of travel under section 2354-D.

See title page for effective date.

CHAPTER 625

S.P. 498 - L.D. 1563

An Act To Encourage the Development of Broadband Coverage in Rural Maine

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