

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

SECOND SPECIAL SESSION
September 29, 2021

SECOND REGULAR SESSION
January 5, 2022 to May 9, 2022

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 29, 2021

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 8, 2022

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

Augusta, Maine
2022

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

Sec. 1. 1 MRSA §150-G, as enacted by PL 2011, c. 92, §1, is amended to read:

§150-G. Vietnam War ~~Remembrance~~ Veterans Day

In recognition of the service and sacrifice of those veterans of the United States Armed Forces who served during the Vietnam War, the State designates March ~~30th~~ 29th of each year as Vietnam War ~~Remembrance~~ Veterans Day. The Governor shall annually issue a proclamation urging the people of the State to observe the day with appropriate celebration and activity.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective March 29, 2022.

CHAPTER 526

S.P. 640 - L.D. 1813

An Act Related to Oversized All-terrain Vehicles

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation must take effect before the expiration of the 90-day period in order to make, as soon as possible, an amendment to law enacted by Public Law 2021, chapter 215, which took effect on October 18, 2021; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 12 MRSA §13155, sub-§1-A, as amended by PL 2021, c. 215, §5, is further amended to read:

1-A. Operating unregistered ATV. Except as provided in paragraph A and subsection 5-B, a person may not operate an ATV that is not registered in accordance with subsection 3.

A. The following exceptions apply.

- (1) Registration is not required for an ATV operated on land that the ATV operator owns or leases, regardless of where that ATV operator is domiciled, as long as the ATV is not

operated elsewhere within the jurisdiction of the State.

- (2) Registration is not required for an ATV operated by a commercial ski area for the purpose of packing snow or for rescue operations on the commercial ski area, unless the ATV is required to cross a public way during that operation.

- (3) An ATV owned and operated in the State by the Federal Government, the State or a political subdivision of the State is exempt from registration fees but must be registered and is required to display registration numbers.

- (4) An ATV registration for the farm use specified in Title 29-A, section 501, subsection 8, paragraph E is not required for a vehicle registered with the Secretary of State under Title 29-A, section 501, subsection 8.

- (5) An ATV registered in another state or in a Canadian province may be operated without being registered pursuant to this section at a special event organized to occur in this State if the special event organizer submits a request in writing to the commissioner 60 days prior to the special event and provides the commissioner with a map of the trails to be used during the special event and the commissioner approves the request.

- (6) An ATV owned or under the control of an ATV manufacturer may be operated without a Maine registration at a demonstration event organized to occur in this State if such operation is approved by the commissioner. An ATV manufacturer or a representative of an ATV manufacturer must submit a request in writing to the commissioner at least 60 days prior to the demonstration event and shall include a description and the location of the event.

- (7) The commissioner may annually establish one 3-consecutive-day period, 2 days of which are weekend days, during which a nonresident may operate in the State an ATV that is not registered in this State if the nonresident's ATV has a valid registration from another state or a Canadian province.

B. The following penalties apply to violations of this subsection.

- (1) A person who violates this subsection commits a civil violation for which a fine of not less than \$200 nor more than \$500 may be adjudged.

- (2) A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part

within the previous 5-year period commits a Class E crime.

Sec. 2. 12 MRSA §13155, sub-§5-B, as enacted by PL 2021, c. 215, §8, is amended to read:

5-B. Oversized ATV; exception. A person may not register an oversized ATV except as provided in this subsection. A resident who has registered an oversized ATV prior to January 1, 2022 may continue to register that oversized ATV upon payment of the fee specified in subsection 5, paragraph A, and upon a transfer of ownership of that registered oversized ATV, the new owner may also register that oversized ATV upon payment of the fee specified in subsection 5, paragraph A. Registration is not required for an oversized ATV operated by a person on the land of another if written permission is received from the landowner or lessee of the land and the person is engaged solely in a business activity, other than a business activity involving recreational use of the oversized ATV. For purposes of this subsection, "oversized ATV" means an ATV that is wider than 65 inches or weighs more than 2,000 pounds according to the manufacturer's specifications.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective March 31, 2022.

CHAPTER 527

S.P. 689 - L.D. 1953

An Act To Fix Inconsistencies within the Sex Offender Registration and Notification Act of 2013

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation is necessary to correct errors in laws passed in the last legislative session; and

Whereas, the corrections made by this legislation are necessary to maintain a consistent system within the Sex Offender Registration and Notification Act of 2013; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 34-A MRSA §11273, sub-§14, ¶E, as enacted by PL 2011, c. 663, §3, is amended to read:

E. Title 17-A, section 855, subsection 1, paragraph A; ~~and, if:~~

(1) The crime is committed before October 18, 2021; and

(2) The person is convicted of the crime without regard to whether the person who sought the prostitution knew or believed that the person whose prostitution was sought had not attained 18 years of age; and

Sec. 2. 34-A MRSA §11273, sub-§15, ¶C, as amended by PL 2021, c. 447, §5, is further amended to read:

C. Title 17-A, section 855, subsection 1, paragraph A; ~~and, if:~~

(1) The crime is committed on or after October 18, 2021; or

(2) Both:

(a) The crime is committed before October 18, 2021; and

(b) The person who sought the prostitution knew that the person whose prostitution was sought had not attained 18 years of age; and

Sec. 3. 34-A MRSA §11273, sub-§16, ¶D-1 is enacted to read:

D-1. Title 17-A, section 852, subsection 1-A, if the crime is committed on or after March 1, 2022;

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective March 31, 2022.

CHAPTER 528

S.P. 719 - L.D. 2001

An Act To Clarify State Policy and Legislative Intent Regarding the Maine Veterans' Homes, To Require Notification of Closure of the Maine Veterans' Homes to the Legislature and To Fund Public Homes in Caribou and Machias in Order To Keep Them Open

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and