

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTY-FIRST LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 2022 to March 30, 2023**

**FIRST SPECIAL SESSION**  
**April 5, 2023 to July 26, 2023**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NONEMERGENCY LAWS IS**  
**JUNE 29, 2023**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NONEMERGENCY LAWS IS**  
**OCTOBER 25, 2023**

**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**  
**2023**

**Sec. 2. 5 MRSA §4622, sub-§1**, as amended by PL 2021, c. 366, §21, is further amended by enacting after paragraph D a new blocked paragraph to read:

If the commission issued a right-to-sue letter, the plaintiff may not be awarded attorney's fees, civil penal damages or compensatory and punitive damages unless the plaintiff establishes that the plaintiff received the right-to-sue letter before filing the civil action.

See title page for effective date.

**CHAPTER 256**

**H.P. 658 - L.D. 1022**

**An Act to Extend the Time Allowed Between a Regional School Unit Budget Meeting and a Budget Validation Referendum**

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

**Sec. 1. 20-A MRSA §1486, sub-§2**, as amended by PL 2015, c. 463, §2, is further amended to read:

**2. Validation referendum procedures.** The budget validation referendum must be held on or before the ~~30th~~ 45th calendar day following the scheduled date of the regional school unit budget meeting. The referendum may not be held on a Sunday or legal holiday. The vote at referendum is for the purpose of approving or rejecting the total regional school unit budget approved at the regional school unit budget meeting. The regional school unit board shall provide printed information to be displayed at polling places to assist voters in voting. That information is limited to the total amounts proposed by the regional school unit board for each cost center summary budget category article, the amount approved at the regional school unit budget meeting, a summary of the total authorized expenditures and, if applicable because of action on an article under section 15690, subsection 3, paragraph A, a statement that the amount approved at the regional school unit budget meeting includes locally raised funds that exceed the maximum state and local spending target pursuant to section 15671-A, subsection 5. If the legislative body of the regional school unit at the regional school unit budget meeting approves an article pursuant to section 1485, subsection 5, the substance of the article must be included in the printed information displayed at polling places for the budget validation referendum.

See title page for effective date.

**CHAPTER 257**  
**S.P. 441 - L.D. 1072**

**An Act Regarding the Bureau of Motor Vehicles**

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

**Sec. 1. 29-A MRSA §152, sub-§5**, as amended by PL 1997, c. 776, §5, is further amended to read:

**5. Assign new identification number.** Assign a new identification number to a vehicle if it has none, or if the vehicle's identification number is destroyed or obliterated, or if the frame, chassis or, if the vehicle is a truck, the cab is changed, or if the vehicle is a reconstructed motorcycle, and shall issue a new certificate of title showing the new identification number upon surrender of the old certificate and completion of an application for title and payment of the fee; ~~and~~

**Sec. 2. 29-A MRSA §152, sub-§6**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**6. Other data.** Require data necessary on forms, applications, certificates, licenses or other documents; ~~and~~

**Sec. 3. 29-A MRSA §152, sub-§7** is enacted to read:

**7. Waive penalty or fee.** Waive a penalty or fee required under this Title if the Secretary of State or the secretary's designee determines that the circumstances justify a waiver. The Secretary of State shall adopt rules to administer this subsection that must include but are not limited to rules identifying circumstances that may justify a waiver. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 4. 29-A MRSA §251, sub-§2-A**, as enacted by PL 2003, c. 434, §4 and affected by §37, is amended to read:

**2-A. Databases.** The Secretary of State may provide databases of records pertaining to applications, registrations and certifications of vehicles and to driver's licenses to individuals, businesses and other entities as allowed by section 256 and all other applicable laws. The Secretary of State shall adopt rules to establish a fee schedule and governing procedures.

**Sec. 5. 29-A MRSA §351, sub-§5**, as amended by PL 2001, c. 671, §4, is further amended to read:

**5. Expiration of 14-day 30-day temporary registration plate.** Notwithstanding the provisions of this section, a person who operates a vehicle with an expired temporary registration plate issued pursuant to section 462 954-A commits:

A. A traffic infraction for which a ~~forfeiture fine~~ of not more than \$50 may be adjudged if the registration has been expired for less than 150 days; or

B. A Class E crime if the registration has been expired for 150 days or more.

**Sec. 6. 29-A MRSA §460-A**, as enacted by PL 2011, c. 356, §4, is repealed.

**Sec. 7. 29-A MRSA §462**, as amended by PL 2021, c. 126, §1, is reallocated to 29-A MRSA §954-A.

**Sec. 8. 29-A MRSA §501, sub-§7, ¶A**, as amended by PL 2019, c. 650, §2, is further amended to read:

A. A temporary registration permit is limited in use for transportation of a vehicle after sale, transportation necessary for service or repairs of a vehicle, occasional seasonal relocation of a vehicle or occasional transportation necessary for the relocation of a tiny home:

(1) Between the points of origin and destination and intermediate points, as set forth in the permit; or

(2) From the point of origin to the destination and back to the point of origin, including any intermediate points, as set forth in the permit.

**Sec. 9. 29-A MRSA §523, sub-§3**, as amended by PL 2023, c. 85, §1, is further amended to read:

**3. Special veterans registration plates.** The Secretary of State, on application and evidence of payment of the excise tax required by Title 36, section 1482 and the registration fee required by section 501 or by section 504, subsection 1 for a vehicle with a registered gross weight over 10,000 pounds, shall issue a registration certificate and a set of special veterans registration plates to be used in lieu of regular registration plates for a vehicle with a registered gross weight of not more than 26,000 pounds to any person who has served in the United States Armed Forces and who has been honorably discharged, any person who has served a minimum of 20 years in the National Guard and has been honorably discharged or to a person who has served in the United States Armed Forces for at least 3 years and continues to serve. If a person who qualifies for a special veterans registration plate under this subsection is a primary driver of any vehicle, the Secretary of State may issue in accordance with this section a set of special veterans registration plates for each vehicle.

Each application must be accompanied by the applicant's Armed Forces Report of Transfer or Discharge, DD Form 214, certification from the United States Veterans Administration or the appropriate branch of the United States Armed Forces verifying the applicant's military service and honorable discharge, ~~or~~ a letter from the Department of Defense, Veterans and Emer-

gency Management, Maine Bureau of Veterans' Services verifying active duty military service and length of service or a Form 22 from the United States Department of Defense, National Guard Bureau indicating a minimum of 20 years of service.

The Secretary of State shall recall a special veterans registration plate of a recipient who has been less than honorably discharged from the United States Armed Forces.

All surplus revenue collected for issuance of the special registration plates is retained by the Secretary of State to maintain and support this program.

The surviving spouse of a special veteran plate recipient issued plates in accordance with this subsection may retain and display the special veteran plates as long as the surviving spouse remains unmarried. Upon remarriage, the surviving spouse may not use the special veteran plates on a motor vehicle, but may retain them as a keepsake. Upon the death of the surviving spouse, the family may retain the special veteran plates, but may not use them on a motor vehicle.

The Secretary of State may issue a special disability registration plate for veterans in accordance with section 521, subsections 1, 5, 7 and 9. The special disability registration plate for veterans must bear the International Symbol of Access.

The Secretary of State may issue a set of special veterans registration plates when the qualifying veteran is the primary driver of a company-owned vehicle if:

A. The company is owned solely by a veteran who qualifies for a veteran plate under this section;

B. The vehicle is leased by a veteran who qualifies for the veteran plate under this subsection; or

C. The vehicle is leased by the employer of a veteran who qualifies for the veteran plate and the employer has assigned the vehicle exclusively to the veteran. The employer must attest in writing that the veteran will have exclusive use of the vehicle and agrees to the display of the special veteran plate.

**Sec. 10. 29-A MRSA §523, sub-§3-A**, as amended by PL 2023, c. 85, §2, is further amended to read:

**3-A. Motorcycle plates; veterans.** In addition to any plate issued pursuant to subsection 3, the Secretary of State, on application and evidence of payment of the excise tax required by Title 36, section 1482 and the registration fee required by section 515, subsection 1, shall issue a registration certificate and a special veterans registration plate for any designated motorcycles owned or controlled by a person who has served in the United States Armed Forces and who has been honorably discharged, a person who has served a minimum of 20 years in the National Guard and has been honorably

discharged or to a person who has served in the United States Armed Forces for at least 3 years and continues to serve.

Each application must be accompanied by the applicant's Armed Forces Report of Transfer or Discharge, DD Form 214, certification from the United States Department of Veterans Affairs or the appropriate branch of the United States Armed Forces verifying the applicant's military service and honorable discharge, ~~or~~ a letter from the Department of Defense, Veterans and Emergency Management, Maine Bureau of Veterans' Services verifying active duty military service and length of service or a Form 22 from the United States Department of Defense, National Guard Bureau indicating a minimum of 20 years of service.

The Secretary of State shall recall a special veterans registration plate of a recipient who has been less than honorably discharged from the United States Armed Forces.

All surplus revenue collected for issuance of the special veterans registration plates is retained by the Secretary of State to maintain and support this program.

Upon request the Secretary of State shall issue special veterans registration plates for a motorcycle that are also vanity plates. These plates are issued in accordance with this section and section 453. Vanity plates issued under this subsection may not duplicate vanity plates issued in another class of plate.

The surviving spouse of a recipient of a special veterans registration plate issued in accordance with this subsection may retain and use the plate or plates as long as the surviving spouse remains unmarried. Upon remarriage, the surviving spouse may not use the plate or plates, but may retain them. Upon the death of the surviving spouse, the family may retain the plate or plates, but may not use them.

The Secretary of State may not issue special commemorative decals under subsection 5 or 6 for use on special veterans registration plates for a motorcycle.

**Sec. 11. 29-A MRSA §702, sub-§2-A**, as enacted by PL 2021, c. 216, §20, is amended to read:

**2-A. Lienholder registration.** A lienholder who ~~secures a lien on 15 or more titles annually~~ participates in the electronic lien titling program is required to register with the Secretary of State for a lienholder identification number in accordance with rules adopted by the Secretary of State.

**Sec. 12. 29-A MRSA §1253, sub-§7** is enacted to read:

**7. Conviction for severe forms of trafficking in persons.** The Secretary of State shall permanently revoke, without preliminary hearing, the commercial driver's license of a person who has been convicted of a felony involving an act or practice of severe forms of

trafficking in persons, as defined in 22 United States Code, Section 7102.11 (2000), in which a commercial motor vehicle was used.

**Sec. 13. 29-A MRSA §1301, sub-§6-A**, as amended by PL 2017, c. 229, §19, is further amended to read:

**6-A. Confidentiality.** Except as required by 18 United States Code, Section 2721(b) or as needed to implement the federal National Voter Registration Act of 1993, the federal Help America Vote Act of 2002 or other federal election law, the Secretary of State may not disseminate information collected under subsection 6. 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. 14. 29-A MRSA §1354, sub-§2**, as amended by PL 2021, c. 216, §§42 and 43, is further amended to read:

**2. Licenses required.** A person may not operate a driver education school, conduct driver education or act as an instructor unless licensed by the Secretary of State.

A. A Class ~~A 1~~ driver education school license may be issued to a driver education school that employs Class ~~A 1~~ instructors and that is authorized to teach both the classroom and behind-the-wheel phases of driver education and behind-the-wheel private lessons to individuals who hold a valid learner's permit, driver's license or temporary driver's license. A driver education school licensed under this paragraph may also employ Class ~~B 2~~ instructors to provide the behind-the-wheel phase of driver education and behind-the-wheel private lessons. A driver education school licensed under this paragraph may teach both the classroom and behind-the-wheel phases of driver education and behind-the-wheel private lessons.

B. A Class ~~A 1~~ instructor license authorizes the holder to teach both the classroom and behind-the-wheel phases of driver education as an employee or affiliate of a licensed driver education school.

C. A Class ~~B 2~~ instructor license authorizes the holder to teach only the behind-the-wheel phase of driver education as an employee or affiliate of a licensed driver education school.

C-1. A Class 3 instructor license authorizes the holder to teach only the classroom phase of driver education as an employee or affiliate of a licensed driver education school.

D. A Class ~~B 2~~ driver education school license may be issued to a driver education school that employs a Class ~~A 1~~ or Class ~~B 2~~ instructor. A driver education school licensed under this paragraph may provide only behind-the-wheel private lessons to

individuals who hold a valid learner's permit, driver's license or temporary driver's license.

**Sec. 15. 29-A MRSA §1354, sub-§4, ¶I,** as enacted by PL 2021, c. 216, §44, is amended to read:

I. The applicant shall submit to having fingerprints taken. The Bureau of Motor Vehicles shall make available an approved list of agencies providing fingerprinting. Upon payment to an approved agency by the applicant and after the approved agency takes or causes to be taken the applicant's fingerprints and forwards the fingerprints to the State Bureau of Identification, the State Bureau of Identification shall conduct state and national criminal history record checks. Fingerprinting is required upon initial application and every 5 6 years thereafter.

**Sec. 16. 29-A MRSA §2454, sub-§1,** as enacted by PL 1995, c. 368, Pt. AAA, §19, is amended to read:

**1. Minimum revocation.** Subject to the longer period of revocation provided in subsection 2, the license of any person who, as a result of the operation of a motor vehicle in such a manner as to cause the death of any person, is convicted of criminal homicide or an attempt of criminal homicide, or who is adjudicated to have committed a juvenile offense of criminal homicide or an attempt of criminal homicide, must be revoked immediately by the Secretary of State upon receipt of an attested copy of the court records, without further hearing, for a period of at least 5 years as long as the attested copy of court records is received within one year of the date of conviction.

**Sec. 17. 29-A MRSA §2458, sub-§2-A,** as amended by PL 2019, c. 467, §1, is further amended to read:

**2-A. Minimum suspension for negligent operation.** The Secretary of State without preliminary hearing shall suspend for a period of at least one year a person's license if the Secretary of State, based on the Secretary of State's records or other sufficient evidence, finds that person to have negligently operated a motor vehicle in a manner so as to cause the death of another person. Prior to the ~~determination and~~ issuance of the suspension, the Secretary of State shall notify any immediate family of the victim and shall consider written or oral statements received from the immediate family in response to the notice. Upon suspending the person's license, the Secretary of State shall notify that person of an opportunity for hearing as provided in section 2483. If a person whose license is suspended under this subsection requests a hearing, the suspension is stayed pursuant to section 2483.

See title page for effective date.

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**CHAPTER 258**

**S.P. 449 - L.D. 1080**

**An Act to Require Supervised Lenders or Mortgage Loan Servicers to Notify Private Mortgage Insurance Consumers of Their Rights Under the Federal Homeowners Protection Act of 1998**

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

**Sec. 1. 9-A MRSA §9-315** is enacted to read:

**§9-315. Notice of rights under federal Homeowners Protection Act of 1998**

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

A. "Private mortgage insurance" has the same meaning as in the federal Homeowners Protection Act of 1998, as in effect on January 1, 2023, 12 United States Code, Section 4901(13).

B. "Residential mortgage transaction" means a transaction in which a mortgage, deed of trust, purchase money security interest arising under an installment contract or equivalent consensual security interest is created or retained against a single-family dwelling or a dwelling that consists of no more than 4 units that is the principal residence of the mortgagor to finance the acquisition, initial construction or refinancing of that dwelling.

**2. Annual notice.** A supervised lender, or a mortgage loan servicer acting on behalf of a supervised lender, in a residential mortgage transaction shall disclose in an annual written statement to the mortgagor:

A. The rights of the mortgagor under the federal Homeowners Protection Act of 1998 to cancellation or termination of the private mortgage insurance requirement; and

B. The address and telephone number that the mortgagor may use to contact the supervised lender or mortgage loan servicer to determine whether the mortgagor may cancel the private mortgage insurance.

**Sec. 2. Application.** This Act applies to private mortgage insurance created or renewed on or after the effective date of this Act and to residential mortgage transactions entered into on or after the effective date of this Act.

See title page for effective date.

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