

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**November 28, 1995 to December 1, 1995**

**SECOND REGULAR SESSION**  
**January 3, 1996 to April 4, 1996**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 4, 1996**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1995**

**Sec. 1. 29-A MRSA §2081, sub-§3**, as repealed by PL 1995, c. 432, §1 and affected by §4, is reenacted to read:

**3. Person between 4 and 19.** When a person 4 years of age or older, but less than 19 years of age, is a passenger in a vehicle that is required by the United States Department of Transportation to be equipped with seat belts, the operator must have the person properly secured in a seat belt or in a child safety seat. When a person who is less than 19 years of age is the operator of a vehicle that is required by the United States Department of Transportation to be equipped with seat belts, that operator must be properly secured in a seat belt.

**Sec. 2. 29-A MRSA §2081, sub-§3-A**, as enacted by PL 1995, c. 432, §2 and affected by §4, is amended to read:

**3-A. Other passengers; operators.** When a person ~~4~~ 19 years of age or older is a passenger in a vehicle that is required by the United States Department of Transportation to be equipped with seat belts, the operator must have the person properly secured in a seat belt. The operator of a vehicle that is required by the United States Department of Transportation to be equipped with seat belts must be secured in the operator's seat belt.

**Sec. 3. 29-A MRSA §2081, sub-§4**, as amended by PL 1995, c. 65, Pt. A, §107 and affected by §153 and Pt. C, §15 and amended by c. 432, §3 and affected by §4, is further amended to read:

**4. Enforcement.** The following provisions apply to subsections 2, 3 and 3-A.

A. The requirements do not apply to a passenger over one year of age when the number of passengers exceeds the vehicle seating capacity and all of the seat belts are in use.

A-1. The requirements of subsection 3-A do not apply to a driver or passenger who has a medical condition that, in the opinion of a physician, warrants an exemption from the requirements of subsection 3-A and that medical condition and opinion are documented by a certificate from that physician. That certificate is valid for 5 years.

B. A person against whom enforcement action has been taken may not be adjudicated to have committed a subsequent violation of subsection 2 until 24 hours have elapsed from the date and time of the first violation indicated on the Violation Summons and Complaint.

C. A violation of subsection 2 is a traffic infraction. The court shall waive the fine for a first violation of subsection 2 by a parent or legal

guardian if the parent or legal guardian provides the court with satisfactory evidence that the parent or legal guardian has acquired a child safety seat for continuous use by the child within 30 days of the violation.

D. A violation of subsection 3 or 3-A is a traffic infraction. The fine for a violation of subsection 3 or 3-A may not be less than \$25 nor more than \$50.

E. Subsection 3-A may be enforced only if a law enforcement officer has detained the operator of a motor vehicle for a suspected violation of another law. An operator is not subject to the penalty established in paragraph D unless the operator is required to pay a fine for the primary violation.

**Sec. 4. 29-A MRSA §2081, sub-§6** is enacted to read:

**6. Exceptions.** Notwithstanding subsection 3-A:

A. A rural mail carrier of the United States Postal Service is not required to be secured in a seat belt while engaged in the delivery of mail; and

B. The operator of a taxicab is not responsible for securing in a seat belt a passenger transported for a fee.

See title page for effective date.

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## CHAPTER 598

### H.P. 1253 - L.D. 1722

#### An Act to Develop the Maine Public Health Improvement Plan

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

#### PART A

**Sec. A-1. 22 MRSA §3-D** is enacted to read:

#### **§3-D. Maine Center for Public Health Practice**

The department may establish a nonprofit corporation pursuant to the Maine Nonprofit Corporation Act to be known as the Maine Center for Public Health Practice and referred to in this chapter as the "corporation." The purpose of the corporation is to plan, promote and coordinate health services research, training and policy efforts utilizing a consortium of public and private organizations within the State including the public university system. The corpora-

tion's research, evaluation and demonstration efforts may include, but are not limited to, the following:

**1. The health of Maine's population.** The cause, effects, extent and nature of illness and disability among all or a particular group of the people of this State;

**2. The effects of ill health.** The impact of personal illness and disability on the economy of this State and the well-being of all or a particular group of the people of this State;

**3. Health-related issues.** Environmental, laboratory, social and other health-related issues;

**4. Health-related knowledge.** The health-related knowledge and practices of the people of this State;

**5. Health resources.** The quality and availability of health resources in this State, including, but not limited to, health care institutions and health professions;

**6. Health behaviors.** The determinants of health and nutrition practices and status, including, but not limited to, behaviors that are related to health;

**7. Access to care.** Access to and use of health care services by all or a particular group of the people of this State, including, but not limited to, the use of ambulatory health care services. The access and use may be categorized by specialty and type of practice of the health professional or health facility providing the service; and

**8. Public health.** Public health policies and programs.

See title page for effective date.

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**CHAPTER 599**

**H.P. 1264 - L.D. 1739**

**An Act Authorizing Officers of Closely Held Corporations to Represent those Corporations before Any Court**

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

**Sec. 1. 4 MRSA §807, sub-§3, ¶H,** as amended by PL 1995, c. 419, §2, is further amended to read:

H. A person who is not an attorney, but has been designated to represent either the Department of Human Services, under Title 22, section 3473,

subsection 3, or the Department of Mental Health and Mental Retardation, under Title 34-B, section 1204, subsection 7, in Probate Court proceedings; ~~or~~

**Sec. 2. 4 MRSA §807, sub-§3, ¶I,** as enacted by PL 1995, c. 419, §3, is amended to read:

I. A person who is not an attorney, but is representing the Department of Human Services in a child support enforcement matter as provided by Title 14, section 3128-A, subsection 7 and Title 19, section 504-C, subsection 10. This paragraph is repealed October 1, 1998; ~~or~~

**Sec. 3. 4 MRSA §807, sub-§3, ¶J** is enacted to read:

J. For the purposes of defending a civil action filed against a corporation, an officer of the corporation if the corporation is organized in this State and has 2 or fewer shareholders.

See title page for effective date.

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**CHAPTER 600**

**H.P. 1269 - L.D. 1744**

**An Act to Revise the State Active Service Laws**

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

**Sec. 1. 37-B MRSA §181,** as amended by PL 1989, c. 850, §4, is repealed.

**Sec. 2. 37-B MRSA §181-A** is enacted to read:

**§181-A. Authority to activate**

**1. By order of the Governor.** The Governor may order members of the state military forces to active state service in the case of, or imminent danger of, insurrection, invasion, tumult, riot, conspiracy to commit a felony or threat of violence to persons or property or upon the reasonable apprehension thereof; or for the safety of the inhabitants of this State; or, in the case of actual or imminent public disaster, to the aid of any civil authority.

**2. By order of a justice or sheriff.** In case of, or in the event of imminent danger of, insurrection, invasion, tumult, riot or conspiracy to commit a felony, to offer violence to persons or property or by force to break the laws of this State or the United States, a Justice of the Supreme Judicial Court or a Justice of the Superior Court or a county sheriff may