

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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

J.S. McCarthy Company
Augusta, Maine
1999

Sec. 3. 36 MRSA §1752, sub-§17-A, ¶G, as amended by PL 1993, c. 701, §4, is further amended to read:

G. Rental of audio and video tapes and audio and video equipment; ~~and~~

Sec. 4. 36 MRSA §1752, sub-§17-A, ¶H, as amended by PL 1995, c. 281, §14 and affected by §42, is further amended to read:

H. Rental or lease of an automobile-; and

Sec. 5. 36 MRSA §1752, sub-§17-A, ¶I is enacted to read:

I. Rental of furniture.

Sec. 6. 36 MRSA §1760, sub-§31, as amended by PL 1989, c. 501, Pt. V, §§4 and 5, is repealed and the following enacted in its place:

31. Machinery and equipment. Sales of machinery and equipment:

A. For use by the purchaser directly and primarily in either the production of tangible personal property intended to be sold or leased ultimately for final use or consumption, or in the production of tangible personal property pursuant to a contract with the United States Government or any agency thereof. This exemption applies even if the purchaser sells the machinery or equipment and leases it back in a sale and leaseback transaction. This exemption also applies whether the purchaser agrees before or after the purchase of the machinery or equipment to enter into the sale and leaseback transaction and whether the purchaser's use of the machinery or equipment in production commences before or after the sale and leaseback transaction occurs; and

B. To a bank, leasing company or other person as part of a sale and leaseback transaction, by a person that uses the machinery or equipment as described in paragraph A, whether the original purchaser's use of the machinery or equipment in production commences before or after the sale and leaseback transaction occurs.

Sec. 7. Application. The portions of this Act relating to the rental of furniture and audio equipment apply to rental-purchase agreements, as defined by the Maine Revised Statutes, Title 9-A, section 11-105, subsection 7, entered into on or after October 1, 1999. Those portions do not apply to rental-purchase agreements entered into before October 1, 1999.

See title page for effective date.

CHAPTER 517

S.P. 116 - L.D. 313

An Act to Allow Honorably Discharged Veterans to Be Buried in the Veterans' Memorial Cemetery

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

Sec. 1. 37-B MRSA §504, sub-§4, ¶A-1, as repealed and replaced by PL 1993, c. 680, Pt. A, §33, is amended to read:

A-1. As used in this subsection, unless the context indicates otherwise, the following terms have the following meanings.

(1) "Eligible dependent" means the wife, husband, surviving spouse, unmarried minor child, unmarried dependent child enrolled in secondary school or unmarried adult child who became incapable of self-support before reaching 18 years of age on account of mental or physical defects.

(2) "Eligible veteran" means any person who:

(a) ~~Served on active duty in the United States Armed Forces during any federally recognized period of conflict, served on active duty in the United States Armed Forces at any time during the period December 22, 1961 to August 5, 1964 or was eligible for an Armed Forces Expeditionary Medal or campaign medal, and~~ who:

(i) If discharged, received an honorable discharge or a general discharge under honorable conditions, provided that the discharge was not upgraded through a program of general amnesty; and

(ii) Was a resident of the State at the time of entering military service, death or the death of an eligible dependent; or

(b) Served in the Maine National Guard and died as a result of injury, disease or illness sustained while serving on state active duty as provided in chapter 3, subchapter III; ~~or~~ .

(e) Served in the Armed Forces in the United States at any time and was killed or died as a result of hostile action and was a resident of the State at the time of entering military service, at the time of death or at the time of the death of an eligible dependent.

(3) "Federally recognized period of conflict" means World War I, April 6, 1917 to November 11, 1918, or March 31, 1920 if service was in Russia; World War II, December 7, 1941 to December 31, 1946; Korean Conflict, June 27, 1950 to January 31, 1955; the Vietnam War, August 5, 1964 to May 7, 1975; and the Persian Gulf War, August 7, 1990 to April 11, 1991.

See title page for effective date.

CHAPTER 518

H.P. 767 - L.D. 1090

An Act to Change the Tax Treatment of Truck Campers

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

Sec. 1. 36 MRSA §1764, as amended by PL 1997, c. 133, §2, is further amended to read:

§1764. Tax against certain casual sales

The tax imposed by chapters 211 to 225 must be levied upon all casual sales involving the sale of camper trailers, truck campers, motor vehicles, special mobile equipment except farm tractors and lumber harvesting vehicles or loaders, livestock trailers, watercraft or aircraft except those sold for resale at retail sale or to a corporation, partnership, limited liability company or limited liability partnership when the seller is the owner of a majority of the common stock of the corporation or of the ownership interests in the partnership, limited liability company or limited liability partnership.

Sec. 2. 36 MRSA §1765, sub-§9, as enacted by PL 1987, c. 402, Pt. A, §180, is amended to read:

9. Camper trailers and truck campers. Camper trailers and truck campers.

See title page for effective date.

CHAPTER 519

S.P. 320 - L.D. 954

An Act to Improve Alcohol Server Education Courses

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

Sec. 1. 28-A MRSA §2515, sub-§1, ¶A, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

A. The server's and server's employees attendance at a an approved server education training course; and

Sec. 2. 28-A MRSA §2519, sub-§2, ¶D, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

D. A representative of the ~~Department of Human Services~~ Office of Substance Abuse;

Sec. 3. 28-A MRSA §2519, sub-§2, ¶E, as amended by PL 1989, c. 700, Pt. A, §117, is further amended to read:

E. A representative of the ~~Department of Education~~ education community;

Sec. 4. 28-A MRSA §2519, sub-§3-A is enacted to read:

3-A. Precourse evaluation waiver. After review of a course, the advisory committee may exempt that course from evaluating its participants prior to taking the course.

Sec. 5. 28-A MRSA §2519, sub-§5, as amended by PL 1997, c. 373, §167, is further amended to read:

5. Fee. The fee for enrollment in a bureau alcohol server education course is \$28 per participant. The fees collected must be retained by the bureau to cover the costs related to alcohol server education training.

Sec. 6. 28-A MRSA §2519, sub-§6, as amended by PL 1997, c. 373, §168, is further amended to read:

6. Instructor training. Each instructor providing instruction in an approved alcohol server education course shall biennially attend a seminar on the liquor laws of the State provided by an employee officer of the bureau. The instructor shall attend the seminar prior to teaching an approved alcohol server education course in this State. If the instructor meets the requirements of subsection 6-A, the instructor