

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

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
2002

4. Bundled services. Notwithstanding any other provision of this Part, otherwise nontaxable charges that are aggregated with and not separately stated from taxable mobile telecommunications charges are subject to taxation unless the home service provider can, to the satisfaction of the State Tax Assessor, reasonably identify such charges from books and records kept in the regular course of its business. A customer may not rely upon the nontaxability of bundled services unless the customer's home service provider separately states the otherwise nontaxable services or the home service provider elects, after receiving written notice from the customer in the form required by the provider, to provide verifiable data based upon the home service provider's books and records that are kept in the regular course of business and that reasonably identify the nontaxable charges.

5. Transitional provision. Subject to subsection 2, a home service provider may treat the address used by it for purposes of the tax imposed by this Part for any customer under a service contract or agreement in effect on July 28, 2002 as that customer's place of primary use for the remaining term of the service contract or agreement, excluding any extension or renewal period.

Sec. 10. Application date. This Act applies to customer bills issued by providers of mobile telecommunications services after August 1, 2002.

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

Effective April 1, 2002.

CHAPTER 585

H.P. 1421 - L.D. 1867

An Act to Ensure the Safety of Maine Children While Riding in a Vehicle

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

Sec. 1. 29-A MRSA §2081, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the following enacted in its place:

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

A. "Child safety seat" means a child safety seat that meets the standards described in the Federal Motor Vehicle Safety Standards.

B. "Federal Motor Vehicle Safety Standards" means the standards described in 49 Code of Federal Regulations, Part 571, in effect on January 1, 1981, as subsequently amended.

C. "Federally approved child restraint system" means a child passenger restraint system that is designed to elevate a child to enable that child to properly sit in a federally approved lap and shoulder belt system and that meets the requirements of the Federal Motor Vehicle Safety Standards.

Sec. 2. 29-A MRSA §2081, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Children under 40 pounds. When a child who is weighs less than 4 years of age 40 pounds is being transported in a motor vehicle that is required by the United States Department of Transportation to be equipped with safety seat belts, the operator must have the child properly secured in accordance with the manufacturer's instructions in a child safety seat.

Sec. 3. 29-A MRSA §2081, sub-§3, as amended by PL 1997, c. 450, §1, is repealed and the following enacted in its place:

3. Passengers less than 18 years of age. Except as provided in subsection 2, the following provisions apply to passengers less than 18 years of age riding in a vehicle that is required by the United States Department of Transportation to be equipped with seat belts.

A. The operator shall ensure that a child who weighs at least 40 pounds but less than 80 pounds and who is less than 8 years of age is properly secured in a federally approved child restraint system.

B. The operator shall ensure that a child who is less than 18 years of age but more than 8 years of age or who is less than 18 years of age and more than 4 feet, 7 inches in height is properly secured in a seat belt unless that child is required to be secured in a federally approved child restraint system pursuant to this subsection or in a child safety seat pursuant to subsection 2.

C. The operator shall ensure that a child who is less than 12 years of age and who weighs less than 100 pounds is properly secured in the rear seat of a vehicle, if possible.

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

B. A person against whom enforcement action has been taken may not be adjudicated to have committed a subsequent violation of subsection 2 or subsection 3, paragraph A until 24 hours have elapsed from the date and time of the first violation indicated on the Violation Summons and Complaint.

Sec. 5. 29-A MRSA §2081, sub-§4, ¶C, as amended by PL 1995, c. 432, §3 and affected by §4, is further amended to read:

C. A violation of subsection 2 or subsection 3, paragraph A is a traffic infraction. The court shall waive the fine for a first violation of subsection 2 or subsection 3, paragraph A 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 or federally approved child restraint system for continuous use by the child within 30 days of the violation.

Sec. 6. Effective date. This Act takes effect January 1, 2003.

Effective January 1, 2003.

CHAPTER 586

H.P. 1615 - L.D. 2114

An Act to Provide Full Utility of Retired School Buildings

Emergency preamble. Whereas, Acts 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 be in place for the spring construction season and to facilitate municipal planning; 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. 20-A MRSA §4103, sub-§3, ¶C is enacted to read:

C. Notwithstanding any other provision of law, the receiving town or towns may use the building for municipal purposes.

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

Effective April 1, 2002.

CHAPTER 587

H.P. 1646 - L.D. 2152

An Act to Allow Qualified Shellfish Harvesters to Continue to Sample Water Quality

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

Whereas, a new policy prohibiting commercial shellfish license holders from serving as water quality samplers may result in the closure of clam flats due to a shortage of qualified water quality samplers; 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 c. 623, sub-c. I, art. 6 is enacted to read:

Article 6

WATER QUALITY

§6691. Water quality samplers

A commercial shellfish license holder who complies with the shellfish sanitation program's quality assurance and quality control training and certification requirements as administered by the department may serve as a volunteer water quality sampler for the department.

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

Effective April 1, 2002.