

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 1567

H.P. 1149

House of Representatives, April 14, 2003

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**An Act To Implement Recommendations of the MCJUSTIS Policy  
Board Concerning the Drafting of Crimes and Civil Violations  
Pursuant to Resolve 1997, Chapter 105, as Amended**

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Reported by Representative NORBERT of Portland for the MCJUSTIS Board pursuant to  
Resolve 2001, chapter 45.

Reference to the Committee on Judiciary suggested and ordered printed under Joint Rule  
218.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

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

2

**PART A**

4

**Sec. A-1. 5 MRSA §3307-C, sub-§2**, as amended by PL 2001, c. 471, Pt. A, §3, is further amended to read:

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**2. Reporting of owners and lessees of primary storage facilities.** Each owner or lessee of primary storage facilities in the State shall make an accurate report on the first and 3rd Monday of each month to the State Planning Office on a form provided by the director. ~~This~~ The form must contain a conspicuous statement of the penalties provided in subsection 4 and must require the following information:

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A. The total inventory of each petroleum product stored in the State, as measured within not more than 3 working days prior to the reporting date; and

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B. The quantities of each petroleum product delivery expected into the State within 15 days of the reporting date or within any longer period established by the director.

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**Sec. A-2. 5 MRSA §3307-C, sub-§3**, as amended by PL 1999, c. 758, §2, is further amended to read:

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**3. Reporting of primary suppliers.** Each primary supplier of petroleum products shall make an accurate report on the 3rd Monday of each month to the State Planning Office on a form provided by the director, unless the report is already being submitted in accordance with federal regulations. The form must contain a conspicuous statement of the penalties provided in subsection 4 and must require the following information:

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~~This form shall contain a conspicuous statement of the penalties provided in subsection 4 and shall require the following information:~~

38

A. Actual deliveries of all petroleum products in this State during the preceding calendar month;

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B. Anticipated deliveries of all petroleum products in this State during the following calendar month or during any longer period established by the director; and

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C. Allocation fractions for all petroleum products for the following month or for any longer period established by the director.

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2 **Sec. A-3. 5 MRSA §3307-C, sub-§4**, as enacted by PL 1989, c.  
3 501, Pt. DD, §13, is repealed and the following enacted in its  
4 place:

5 **4. Penalty provisions.** A person who violates this section  
6 is subject to the following penalties.

7 A. An owner or lessee of a primary storage facility or a  
8 primary supplier covered by this section who fails to  
9 provide the information required by this section commits a  
10 Class D crime. Violation of this paragraph is a strict  
11 liability crime as defined in Title 17-A, section 34,  
12 subsection 4-A.

13 B. An owner or lessee of a primary storage facility or a  
14 primary supplier covered by this section who knowingly or  
15 recklessly supplies false or misleading information is  
16 guilty of a violation of Title 17-A, section 453.

17 C. An owner or lessee of a primary storage facility who  
18 supplies false or misleading information commits a civil  
19 violation for which a fine of \$2,500 may be adjudged.

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23 **PART B**

24  
25 **Sec. B-1. 7 MRSA §445**, as amended by PL 1977, c. 696, §57, is  
26 repealed and the following enacted in its place:

27  
28 **§445. Permits**

29 1. Violation. After notice of the establishment of grades  
30 or standards and the determination of brands, labels or  
31 trademarks, a person may not use a brand, label or trademark to  
32 identify farm products and sardines as being of a grade  
33 established before a permit is granted or after the revocation of  
34 the right to use such brand, label or trademark by the  
35 commissioner.

36 2. Penalty. The following penalties apply to violations of  
37 this section.

38 A. A person who violates subsection 1 commits a civil  
39 violation for which a fine of not more than \$50 may be  
40 adjudged.

41 B. A person who violates subsection 1 after having  
42 previously violated subsection 1 commits a civil violation  
43 for which a fine of not more than \$200 may be adjudged.

2           **Sec. B-2. 7 MRSA §488**, as repealed and replaced by PL 1977,  
c. 696, §59, is repealed.

4           **Sec. B-3. 7 MRSA §488-A** is enacted to read:

6           **§488-A. Prohibitions and penalties**

8           **1. Violation.** A person may not adulterate or misbrand,  
10 within the meaning of this Title, any commercial feeding stuff,  
12 commercial fertilizer, drug, food or vinegar or manufacture,  
14 sell, distribute, transport, offer or expose for sale,  
distribution or transportation any article of commercial feeding  
stuff, commercial fertilizer, drug, food or vinegar in violation  
of this Title.

16           **2. Penalty.** The following penalties apply to violations of  
18 this section.

20           A. A person who violates subsection 1 commits a civil  
22 violation for which a fine of not more than \$100 may be  
24 adjudged.

26           B. A person who violates subsection 1 after having  
28 previously violated subsection 1 commits a civil violation  
30 for which a fine of not more than \$200 may be adjudged.

32           **Sec. B-4. 7 MRSA §489**, as amended by PL 1981, c. 470, Pt. A,  
34 §10, is further amended to read:

36           **§489. Exceptions**

38           No A person shall ~~may not~~ be prosecuted under chapter 401,  
40 and sections 481 to 488 ~~488-A~~ and 640 to 643, when he ~~that person~~  
42 can establish proof of purchase, and a guaranty signed by the  
44 person residing in the United States from whom the purchase was  
46 made, to the effect that the article in question is not  
48 adulterated or misbranded within the meaning of this Title.

**Sec. B-5. 7 MRSA §530-A, sub-§3**, as enacted by PL 2001, c.  
334, §1, is amended to read:

**3. Misbranding.** If a manufacturer, distributor, processor,  
wholesaler or retailer falsely labels or advertises any food,  
food product or food ingredient offered for sale in the State as  
free of or made without recombinant deoxyribonucleic acid  
technology, genetic engineering or bioengineering, the food, food  
product or food ingredient is misbranded in violation of section  
~~488 488-A~~.

2           **Sec. B-6. 7 MRSA §616-A, sub-§2**, as enacted by PL 1989, c.  
841, §3, is repealed and the following enacted in its place:

4           **2. Civil violations.** The following violations are civil  
violations.

6           A. A person may not violate this subchapter or a rule  
8 adopted pursuant to this subchapter or Title 22, chapter  
258-A or a rule adopted pursuant to Title 22, chapter  
10 258-A. Except as provided in paragraph B, the following  
penalties apply to violations of this paragraph.

12                   (1) A person who violates this paragraph commits a  
14 civil violation for which a fine of not more than  
\$1,500 may be adjudged.

16                   (2) A person who violates this paragraph after having  
18 previously violated this paragraph within the previous  
20 4-year period commits a civil violation for which a  
fine of not more than \$4,000 may be adjudged.

22           B. A private applicator, as defined in Title 22, section  
24 1471-C, may not violate a rule regarding records maintained  
26 pursuant to section 606, subsection 2, paragraph G; Title  
28 22, section 1471-Q; or a rule adopted pursuant to Title 22,  
section 1471-Q. The following penalties apply to violations  
of this paragraph.

30                   (1) A person who violates this paragraph commits a  
32 civil violation for which a fine of not more than \$500  
may be adjudged.

34                   (2) A person who violates this paragraph after having  
36 previously violated this paragraph within the previous  
4-year period commits a civil violation for which a  
fine of not more than \$1,000 may be adjudged.

38           **Sec. B-7. 7 MRSA §616-A, sub-§2-A** is enacted to read:

40           **2-A. Criminal violation.** A person may not intentionally or  
42 knowingly violate this subchapter or Title 22, chapter 258-A, a  
44 rule adopted under this subchapter or Title 22, chapter 258-A or  
46 a restriction of a registration issued pursuant to this  
48 subchapter. A person who violates this subsection commits a  
Class E crime. Notwithstanding Title 17-A, sections 1252 and  
1301, the court may impose a sentencing alternative of a fine of  
not more than \$7,500 or a term of imprisonment of not more than  
30 days, or both, for each violation. Prosecution under this  
subsection is by summons and not by warrant. A prosecution under

2 this subsection is separate from an action brought pursuant to  
3 subsection 2.

4 **Sec. B-8. 7 MRSA §616-A, sub-§§4 and 5**, as enacted by PL 1989,  
5 c. 841, §3, are repealed.

6 **Sec. B-9. 7 MRSA §718**, as enacted by PL 1971, c. 77, §1, is  
7 amended to read:

10 **§718. Prohibited acts**

12 **1. Prohibitions.** The following acts and the causing thereof  
13 within the State of Maine are prohibited:

14 A. The manufacture or distribution of any commercial feed  
15 that is adulterated or misbranded;

18 B. The adulteration or misbranding of any commercial feed;

20 C. The distribution of agricultural commodities such as  
21 whole seed, hay, straw, stover, silage, cobs, husks and  
22 hulls, which are adulterated within the meaning of section  
23 717, subsection 1;

24 D. The removal or disposal of a commercial feed in  
25 violation of an order under section 721;

28 E. The failure or refusal to register in accordance with  
29 section 714; and

30 F. The violation of ~~the last paragraph of~~ section 722,  
31 subsection 3.

34 **Sec. B-10. 7 MRSA §722**, as amended by PL 2001, c. 421, Pt. B,  
35 §7 and affected by Pt. C, §1, is repealed and the following  
36 enacted in its place:

38 **§722. Penalties**

40 **1. Civil violation.** A person may not violate this  
41 subchapter or impede, hinder or otherwise prevent the  
42 commissioner or the commissioner's duly authorized agent from  
43 performing the commissioner's duties in connection with this  
44 subchapter. The following penalties apply to violations of this  
45 subsection.

46 A. A person who violates this subsection commits a civil  
47 violation for which a fine of not less than \$100 and not  
48 more than \$200 may be adjudged.

50

2 B. A person who violates this subsection after having  
3 previously violated this subsection commits a civil  
4 violation for which a fine of not less than \$200 and not  
5 more than \$500 may be adjudged.

6 2. Trade secret violation. A person may not use to that  
7 person's own advantage or reveal to other than the commissioner  
8 or officers of the department or to the courts when relevant in  
9 any judicial proceeding information acquired under the authority  
10 of this subchapter concerning a method, record, formulation or  
11 process that as a trade secret is entitled to protection. A  
12 person who violates this subsection commits a civil violation for  
13 which a fine of not less than \$100 and not more than \$500 may be  
14 adjudged. This prohibition does not prohibit the commissioner or  
15 the commissioner's duly authorized agent from exchanging  
16 information of a regulatory nature with duly appointed officials  
17 of the United States Government or of other states who are  
18 similarly prohibited by law from revealing this information.

19 3. Application. This subchapter may not be construed as  
20 requiring the commissioner or the commissioner's agent to cause  
21 suit to be brought or institute seizure proceedings or issue a  
22 withdrawal from distribution order as a result of minor  
23 violations of this subchapter or when the commissioner believes  
24 that the public interest will best be served by suitable notice  
25 of warning in writing.

26 4. Process. The authorities to whom a violation is  
27 reported shall cause appropriate proceedings to be instituted in  
28 a court of competent jurisdiction without delay. Before the  
29 commissioner reports a violation for suit to be brought, the  
30 distributor must have an opportunity to present the distributor's  
31 view to the commissioner.

32 5. Injunction. The commissioner is authorized to apply for  
33 and the court to grant a temporary or permanent injunction  
34 restraining a person from violating or continuing to violate this  
35 subchapter or any rule or regulation adopted under this  
36 subchapter notwithstanding the existence of other remedies at  
37 law. This injunction must be issued without bond.

38 6. Review. A person adversely affected by an act, order or  
39 ruling made pursuant to this subchapter may bring action within  
40 45 days after that act, order or ruling in the Superior Court in  
41 the county of the enforcement official's office for judicial  
42 review of the actions. The form of the proceeding must be any  
43 that may be provided by statute of the State to review decisions  
44 of administrative agencies or, in the absence or inadequacy of  
45 such a form, any applicable form of legal action, including  
46 such a form, any applicable form of legal action, including  
47 such a form, any applicable form of legal action, including  
48 such a form, any applicable form of legal action, including



2 actions for declaratory judgments or writs of prohibitory or  
3 mandatory injunctions.

4 **Sec. B-11. 7 MRSA §750**, as repealed and replaced by PL 1977,  
5 c. 696, §72, is repealed and the following enacted in its place:

6 **§750. Violations**

8 **1. Violation.** A person, firm or corporation may not  
9 violate this subchapter or a rule adopted pursuant to this  
10 subchapter.

11 **2. Penalty.** The following penalties apply to violations of  
12 this section.

13 **A.** A person who violates subsection 1 commits a civil  
14 violation for which a fine of not more than \$100 may be  
15 adjudged.

16 **B.** A person who violates subsection 1 after having  
17 previously violated subsection 1 commits a civil violation  
18 for which a fine of not more than \$200 may be adjudged.

19 **3. Application.** This subchapter may not be construed as  
20 requiring the commissioner or the commissioner's agent to report  
21 for suit or for the institution of seizure proceedings as a  
22 result of minor violations of this subchapter when the  
23 commissioner believes that the public interest will be best  
24 served by a suitable notice of warning in writing.

25 **Sec. B-12. 7 MRSA §769**, as enacted by PL 1987, c. 425, §§1  
26 and 3, is repealed and the following enacted in its place:

27 **§769. Forfeitures for violations**

28 **1. Violation.** A person, firm or corporation may not  
29 violate this subchapter or a rule adopted pursuant to this  
30 subchapter.

31 **2. Penalty.** The following penalties apply to violations of  
32 this section.

33 **A.** A person who violates subsection 1 commits a civil  
34 violation for which a fine of not more than \$100 may be  
35 adjudged.

36 **B.** A person who violates subsection 1 after having  
37 previously violated subsection 1 commits a civil violation  
38 for which a fine of not more than \$200 may be adjudged.

2           **3. Application.** This subchapter may not be construed as  
3 requiring the commissioner or the commissioner's agent to bring  
4 suit or institute seizure proceedings as a result of minor  
5 violations of this subchapter when the commissioner believes that  
6 the public interest will be best served by a suitable notice of  
7 warning in writing.

8           **Sec. B-13. 7 MRSA §1034-A, sub-§1,** as enacted by PL 1989, c.  
9 459, §3, is amended to read:

10           **1. Rules.** The commissioner shall adopt rules in accordance  
11 with ~~the Maine Administrative Procedure Act~~, Title 5, chapter  
12 375, concerning the program, including, but not limited to,  
13 program participation, identification of the varieties of  
14 potatoes eligible for inclusion in the potato variety labeling  
15 program, requirements of the inspection of potatoes in the  
16 program and appropriate methods of labeling. ~~No~~ A rule may not  
17 be adopted that requires the inspection of potatoes labeled by  
18 variety when the packer is not a participant in the potato  
19 variety labeling program.

20           **Sec. B-14. 7 MRSA §1034-A, sub-§3,** as enacted by PL 1989, c.  
21 459, §3, is repealed and the following enacted in its place:

22           **3. Violation.** A participant in the potato variety labeling  
23 program may not pack potatoes in a bag labeled with the name of a  
24 different potato variety. For the purposes of this subsection,  
25 each load of potatoes constitutes a separate violation.

26           **Sec. B-15. 7 MRSA §1034-A, sub-§5** is enacted to read:

27           **5. Penalties.** The following penalties apply to violations  
28 of this section.

29           **A.** A person who violates subsection 3 commits a civil  
30 violation for which a fine of not more than \$1,000 may be  
31 adjudged.

32           **B.** A person who violates subsection 3 after having  
33 previously violated subsection 3 commits a civil violation  
34 for which a fine of not more than \$2,000 may be adjudged.

35           **Sec. B-16. 7 MRSA §1706,** as repealed and replaced by PL 2001,  
36 c. 572, §24, is repealed and the following enacted in its place:

37           **§1706. Penalties**

2           1. Violation. Except as provided in section 1707 or unless  
3 another specific penalty or forfeiture is provided, a person  
4 commits a civil violation if that person violates a provision of  
5 or a rule or regulation adopted pursuant to:

6           A. This chapter;

8           B. Chapter 207;

10          C. Chapter 303; or

12          D. Chapter 305.

14           2. Penalty. A person who violates this section commits a  
15 civil violation for which a fine of not more than \$500 per day  
16 for each violation may be adjudged, except that the total of the  
17 fines may not exceed \$50,000.

18           Sec. B-17. 7 MRSA §2872, as enacted by PL 1985, c. 572, is  
19 repealed and the following enacted in its place:

22           **§2872. Violations**

24           1. Civil violation. A person commits a civil violation if  
25 that person violates:

26           A. Chapter 521;

28           B. Chapter 523; or

30           C. Chapter 527.

32           2. Penalty. A person who violates this section commits a  
33 civil violation for which a fine of not less than \$1 and not more  
34 than \$50 may be adjudged for each colony in violation of chapter  
35 521, 523 or 527.

38           Sec. B-18. 7 MRSA §2902-B, as enacted by PL 1999, c. 418, §2,  
39 is repealed and the following enacted in its place:

40           **§2902-B. Sale of unpasteurized milk and milk products**

42           1. Sale of unpasteurized milk or milk product. A person  
43 may not sell unpasteurized milk or a product made from  
44 unpasteurized milk unless the label on that product contains the  
45 words "not pasteurized."

48           2. Sale of unpasteurized milk or milk product at eating  
49 establishment. A person may not sell unpasteurized milk or a

2 product made from unpasteurized milk at an eating establishment  
3 as defined in Title 22, section 2491, subsection 7.

4 3. Exception. This section does not apply to farm cheese  
5 or to cheese that has been aged at a temperature above 35 degrees  
6 Fahrenheit for at least 60 days prior to sale.

8 **Sec. B-19. 7 MRSA §2908**, as amended by PL 1999, c. 679, Pt.  
9 A, §11, is repealed.

10 **Sec. B-20. 7 MRSA §2908-A** is enacted to read:

12 **§2908-A. Violations**

14 1. Violation. A firm, person, corporation or society may  
15 not sell milk or milk products in the State without the license  
16 or permits provided in sections 2901-C and 2902-A, violate  
17 sections 2901-A to 2904-A or neglect, fail or refuse to comply  
18 with those sections and the rules, regulations and standards of  
19 identity and quality issued pursuant to section 2910.

22 2. Penalty. The following penalties apply to violations of  
23 this section.

24 A. A person who violates subsection 1 commits a civil  
25 violation for which a fine of not less than \$250 and not  
26 more than \$500 may be adjudged.

28 B. A person who violates subsection 1 after having  
29 previously violated subsection 1 commits a civil violation  
30 for which a fine of not less than \$500 and not more than  
31 \$1,000 may be adjudged.

34 **Sec. B-21. 7 MRSA §3950-A**, as amended by PL 1997, c. 690,  
35 §33, is repealed and the following enacted in its place:

36 **§3950-A. Official refusal or neglect of duty**

38 1. Violation. A mayor, municipal officer, clerk, town or  
39 city manager, administrative assistant to the mayor, town or city  
40 councilor, dog recorder of unorganized territories, constable,  
41 police officer, sheriff or animal control officer commits a civil  
42 violation if that person refuses or intentionally fails to  
43 perform the duties imposed by:

44 A. This chapter;

46 B. Chapter 719;

48 C. Chapter 720;

2           D. Chapter 721;

4           E. Chapter 725; or

6           F. Chapter 727.

8           2. Penalty. A person who violates subsection 1 commits a  
10 civil violation for which a fine of not less than \$50 and not  
more than \$250 and costs may be adjudged.

12           3. Investigation. The commissioner, at the commissioner's  
14 own instance or upon written complaint made to the commissioner  
by another person, shall investigate an alleged refusal or  
16 neglect of duty by a municipal officer.

18           4. Prosecution. The commissioner shall direct proceedings,  
20 actions and prosecutions instituted to enforce all laws relating  
to animals and to the liability of municipal officers and their  
22 agents for failure, neglect or refusal to comply with the laws  
relating to animals.

24           Sec. B-22. 7 MRSA §3991, as amended by PL 1999, c. 547, Pt.  
B, §24 and affected by §80, is repealed.

26           Sec. B-23. 7 MRSA §3991-A is enacted to read:

28           §3991-A. Regulation of research institutions

30           1. License necessary. A research or teaching institution  
32 of higher education may not employ live animals in scientific  
investigation, experiment or instruction or for the testing of  
34 drugs or medicines without first having been issued a license  
under this section by the commissioner.

36           2. Application. A research or teaching institution  
38 desiring to obtain a license shall make application to the  
commissioner. On receipt of the application, the commissioner  
40 shall investigate as necessary to determine whether the public  
interest will be served by the issuance of the license. The  
42 commissioner may issue the license as long as the research or  
teaching institution, by reason of its standards, facilities,  
44 practices or activities, is a fit and proper institution to  
receive the license and that its issuance is in the public  
46 interest. The standards for licensure are those contained in  
United States Code, Title 7, Section 2143 and any federal  
48 regulations issued pursuant to that law. This chapter may not be  
construed to be more restrictive than federal law. In the case of  
conflict between state law and federal law or a mandatory rule,

2 regulation or order of the Federal Government or its agencies,  
3 the federal law, rule, regulation or order governs.

4 3. Fees; license renewal. Before issuance of a license,  
5 each research or teaching institution licensed under this chapter  
6 shall pay to the commissioner a license fee of \$50. A license  
7 expires on June 30th next following the date of issue. The  
8 commissioner shall annually renew each license upon the  
9 application of the licensee, unless, after notice and hearing as  
10 provided in this chapter, the commissioner finds that, by reason  
11 of the standards, facilities, practices or activities of the  
12 licensee, the renewal is not in the public interest. The  
13 commissioner, after notice and hearing as provided in this  
14 chapter, may modify, fail to renew, suspend or revoke any license  
15 if the commissioner finds that, by reason of the standards,  
16 facilities, practices or activities of the licensee, the  
17 continuation of the license is not in the public interest.

18  
19 4. Noncompliance. If, in the opinion of the commissioner,  
20 there is or may be noncompliance with or a violation of this  
21 chapter or of a rule adopted by the commissioner that is of  
22 sufficient gravity to warrant further action, the commissioner  
23 may request an informal conference with the licensee. The  
24 commissioner shall provide the licensee with adequate notice of  
25 the conference and the issues to be discussed.

26  
27 If the commissioner finds that the factual basis of the alleged  
28 noncompliance with or violation of this chapter is true and may  
29 warrant further action, the commissioner:

30  
31 A. With the consent of the licensee, may enter into a  
32 consent agreement that fixes the period and terms of  
33 probation best adapted to protect the health and welfare of  
34 animals and to rehabilitate or educate the licensee;

35  
36 B. In consideration for acceptance of a voluntary surrender  
37 of the license, may negotiate stipulations, in a consent  
38 decree to be signed by the commissioner, the licensee and  
39 the Office of the Attorney General, that ensure protection  
40 of the health and welfare of animals and that serve to  
41 rehabilitate or educate the licensee;

42  
43 C. If the commissioner concludes that modification or  
44 nonrenewal of the license may be in order, shall hold an  
45 adjudicatory hearing in accordance with Title 5, chapter  
46 375, subchapter 4; or

47  
48 D. If the commissioner concludes that suspension or  
49 revocation of the license is in order, shall file a

2 complaint in the District Court in accordance with Title 4,  
3 chapter 5.

4 5. Grounds for discipline. Grounds for an action to  
5 modify, suspend, revoke or refuse to renew the license of a  
6 person licensed under this chapter are:

8 A. The practice of fraud or deceit in obtaining a license  
9 under this chapter or in connection with service rendered  
10 within the scope of the license issued;

12 B. A violation of this chapter or a rule adopted by the  
13 commissioner; and

14 C. Conviction of a crime involving cruelty to animals.

16 6. Violation; penalty. A person may not knowingly violate  
17 this chapter or the rules issued pursuant to this chapter. The  
18 following penalties apply.

20 A. A person who violates this subsection commits a civil  
21 violation for which a fine of not more than \$100 may be  
22 adjudged.

24 B. A person who violates this subsection after having  
25 previously violated this subsection commits a civil  
26 violation for which a fine of not more than \$250 may be  
27 adjudged.

30 7. Rules. The commissioner may adopt rules that are  
31 necessary to carry out the purposes of this chapter.

32 8. Inspection. In connection with the granting,  
33 continuance or renewal of a license and in connection with an  
34 investigation of alleged cruelty or alleged violation of this  
35 chapter or the rules issued pursuant to this chapter, the  
36 commissioner, at least annually, may visit and inspect the  
37 research and teaching institutions or animal research and care  
38 facilities of any licensee or of any research or teaching  
39 institution that has applied for a license.

42 **Sec. B-24. 7 MRSA §4204, sub-§1,** as amended by PL 1999, c.  
43 723, §1, is further amended to read:

44 **1. Nutrient management plan required.** A person who owns or  
45 operates a farm that meets the criteria established in subsection  
46 2 shall have a nutrient management plan for that farm and shall  
47 implement the provisions in that plan by the dates specified for  
48 that category of farm in subsection 4, 5, 6 or 7. The nutrient  
49 management plan must be prepared by a person certified in  
50

2 accordance with section 4202, subsection 2 and must address the  
3 storage and utilization of all farm nutrients generated on or  
4 transported to the farm. A nutrient management plan developed by a  
5 a farm owner or operator is deemed to have been prepared by a  
6 certified nutrient management specialist if a certified nutrient  
7 management specialist reviews the plan for compliance with this  
8 chapter, signs the plan and notifies the department in accordance  
9 with subsection 3. ~~For livestock farms, the nutrient management  
10 plan must address storage and utilization of farm nutrients for  
11 the entire farm operation including leased or rented land. For  
12 crop farms, the plan must address storage and utilization of farm  
13 nutrients on land on which manure is utilized or stored. The  
14 plan must establish minimum distances between manure storage,  
15 stacking and spreading areas and property lines and surface water  
16 based on site specific factors. The plan must provide for manure  
17 storage for a minimum of 180 days. A nutrient management plan  
18 prepared in accordance with this section is confidential and is  
19 not a public record as defined in Title 1, section 402,  
20 subsection 3. A copy of a nutrient management plan required  
21 under this section must be available to the commissioner or the  
22 commissioner's designee upon request. A nutrient management plan  
must include the following:~~

24 A. ~~Provisions for soil erosion control;~~

26 B. ~~Minimum distances between manure storage, stacking and  
27 spreading areas and property lines and surface waters;~~

28 C. ~~Results of soil tests for land designated in the plan  
29 for manure spreading or manure irrigation;~~

32 D. ~~Results of manure tests;~~

34 E. ~~Statement of yield goals for land receiving farm  
35 nutrients;~~

36 F. ~~Additional information established through rulemaking;~~

38 G. ~~Site specific dates recommended for the spreading of  
39 manure and spraying or irrigation of liquid manure. In  
40 compliance with section 4207, the plan may not recommend  
41 spreading between December 1st of a calendar year and March  
42 15th of the following calendar year; and~~

44 H. ~~A recommended timetable for implementing the plan.~~

46 **Sec. B-25. 7 MRSA §4204, sub-§1-A** is enacted to read:

48 **1-A. Plan requirements.** For livestock farms, the nutrient  
50 management plan must address storage and utilization of farm



2 nutrients for the entire farm operation including leased or  
4 rented land. For crop farms, the plan must address storage and  
6 utilization of farm nutrients on land on which manure is utilized  
8 or stored. A nutrient management plan must include or provide  
10 for:

12 A. Minimum distances between manure storage, stacking and  
14 spreading areas and property lines and surface water based  
16 on site-specific factors;

18 B. Manure storage for a minimum of 180 days;

20 C. Provisions for soil erosion control;

22 D. Minimum distances between manure storage, stacking and  
24 spreading areas and property lines and surface waters;

26 E. Results of soil tests for land designated in the plan  
28 for manure spreading or manure irrigation;

30 F. Results of manure tests;

32 G. A statement of yield goals for land receiving farm  
34 nutrients;

36 H. Additional information established through rulemaking;

38 I. Site-specific dates recommended for the spreading of  
40 manure and spraying or irrigation of liquid manure. In  
42 compliance with section 4207, the plan may not recommend  
44 spreading between December 1st of a calendar year and March  
46 15th of the following calendar year; and

48 J. A recommended timetable for implementing the plan.

50 **Sec. B-26. 7 MRSA §4204, sub-§§9 and 10** are enacted to read:

**9. Violation.** The following are civil violations for which  
a fine of up to \$1,000 plus up to an additional \$250 per day for  
each day that the violation continues may be adjudged:

A. Failure to develop a nutrient management plan in  
accordance this section; and

B. Failure to implement a nutrient management plan in  
accordance with this section or rules adopted pursuant to  
this section. Prior to the development of a plan, a person  
is not subject to a penalty for failure to implement a  
nutrient management plan.

2 10. Nutrient management plan confidential. A nutrient  
management plan prepared in accordance with this section is  
4 confidential and is not a public record as defined in Title 1,  
section 402, subsection 3. A copy of a nutrient management plan  
6 required under this section must be available to the commissioner  
or the commissioner's designee upon request.

8 **Sec. B-27. 7 MRSA §4205, sub-§4** is enacted to read:

10 4. Violation. The following are civil violations for which  
a fine of up to \$1,000 plus up to an additional \$250 per day for  
12 each day that the violation continues may be adjudged:

14 A. Failure to obtain a livestock operations permit in  
accordance with this section; and

16 B. Failure to comply with the conditions set forth in a  
18 livestock operations permit or a variance.

20 **Sec. B-28. 7 MRSA §4207,** as enacted by PL 1997, c. 642, §2,  
is repealed and the following enacted in its place:

22 **§4207. Winter spreading of manure prohibited**

24 1. Winter spreading prohibited. Except pursuant to a  
26 variance granted under subsection 2, a person may not spread  
manure on agricultural fields between December 1st of a calendar  
28 year and March 15th of the following calendar year. This  
prohibition includes the spreading of manure and spraying or  
30 irrigation of liquid manure.

32 2. Variance. Upon application to the commissioner, the  
commissioner may grant a variance to allow a person to spread  
34 manure during the winter due to financial hardship or other  
circumstances that necessitate the application. In granting a  
36 variance, the commissioner shall impose restrictions to minimize  
potential environmental degradation and prescribe actions to  
38 ensure future compliance.

40 3. Violation. A person who violates this section commits a  
civil violation for which a fine of up to \$1,000 per day for each  
42 day that spreading occurs may be adjudged.

44 **PART C**

46 **Sec. C-1. 8 MRSA §221-A, sub-§11** is enacted to read:

48 11. Value. "Value" is determined in accordance with Title  
50 17-A, section 352, subsection 5.

2           **Sec. C-2. 8 MRSA §222**, as amended by PL 1999, c. 671, §3, is  
repealed and the following enacted in its place:

4           **§222. Possession of fireworks**

6           **1. Possession prohibited.** A person may not possess or have  
8           under that person's control fireworks.

10           **2. Value does not exceed \$100.** If the value of the  
12           fireworks does not exceed \$100, a person who violates subsection  
1 commits a civil violation for which a fine of not more than \$50  
14           may be adjudged.

16           **3. Value exceeds \$100.** If the value of the fireworks  
18           exceeds \$100, a person who violates subsection 1 commits a Class  
E crime.

20           **4. Exception.** This section does not apply to a person  
issued a permit pursuant to section 227-A.

22           **Sec. C-3. 8 MRSA §223**, as enacted by PL 1985, c. 23, §2, is  
amended to read:

24           **§223. Sale of fireworks**

26           **1. Sale of fireworks prohibited.** No A person may not sell,  
28           possess with the intent to sell or offer for sale fireworks.

30           **2. Value exceeds \$5,000.** ~~It is a Class B crime to sell,~~  
~~possess with the intent to sell or offer for sale fireworks the~~  
32           ~~value of which~~ If the value of the fireworks exceeds \$5,000, a  
person who violates subsection 1 commits a Class B crime.

34           **3. Value exceeds \$1,000.** ~~It is a Class C crime to sell,~~  
~~possess with the intent to sell or offer for sale fireworks the~~  
36           ~~value of which~~ If the value of the fireworks exceeds \$1,000 but  
38           does not exceed \$5,000, a person who violates subsection 1  
commits a Class C crime.

40           **4. Value does not exceed \$1,000.** ~~It is a Class D crime to~~  
~~sell, --- possess --- with --- the --- intent --- to --- sell --- or --- offer --- for --- sale~~  
42           ~~fireworks the value of which~~ If the value of the fireworks does  
44           not exceed \$1,000, a person who violates subsection 1 commits a  
Class D crime.

46           **5. --- Value. --- "Value" --- is --- determined --- in --- accordance --- with --- Title**  
48           **17-A, --- section --- 352, --- subsection --- 5.**

2           **Sec. C-4. 8 MRSA §224**, as enacted by PL 1985, c. 23, §2, is  
amended to read:

4           **§224. Storage and manufacture of fireworks**

6           **1. Storage.** ~~No A person may not store fireworks except in~~  
~~such--buildings--as--may--be--permitted--by--the--rules--of--the~~  
8           ~~Commissioner-of-Public-Safety~~ in a building or structure outside  
the premises of a fireworks manufactory, if that building or  
10           other structure is located within 1,000 feet of any church,  
hospital, theatre, hall, place of assembly, workshop, factory or  
12           any inhabited building unless rules adopted by the commissioner  
permit storage in that building or structure.

14           **2. Certificate of public liability insurance required for**  
16           **manufacture.** No A person may not manufacture fireworks without  
first furnishing the Commissioner of Public Safety, in an amount  
18           to be determined by ~~him~~ the commissioner, a certificate of public  
liability insurance to cover the losses, damages or injuries to  
20           persons or property that might result.

22           **3. Penalty.** A person who violates this section commits a  
Class E crime.

24           **4. Strict liability.** Violation of this section is a strict  
26           liability crime as defined in Title 17-A, section 34, subsection  
4-A.

28           **Sec. C-5. 8 MRSA §225**, as enacted by PL 1985, c. 23, §2, is  
30           repealed and the following enacting in its place:

32           **§225. Transportation of fireworks**

34           **1. Transportation of fireworks.** A person may not transport  
fireworks in a motor vehicle or conveyance except as permitted by  
36           the rules adopted by the commissioner.

38           **2. Penalty.** A person who violates this section commits a  
Class E crime.

40           **3. Strict liability.** Violation of this section is a strict  
42           liability crime as defined in Title 17-A, section 34, subsection  
4-A.

44           **Sec. C-6. 8 MRSA §227-A, sub-§§4, 5 and 6** are enacted to read:

46           **4. Permits; violation.** A person may not conduct a  
48           fireworks display in violation of the permit issued under  
subsection 1.

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5. Penalties. The following penalties apply.

A. A person who conducts a fireworks display without a permit commits a Class D crime.

B. A person who conducts a fireworks display in violation of a permit issued under subsection 1 commits a Class E crime.

6. Strict liability. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

**Sec. C-7. 8 MRSA §229**, as amended by PL 1999, c. 671, §11, is repealed.

**Sec. C-8. 8 MRSA §389**, as enacted by PL 1999, c. 176, §1, is repealed and the following enacted in its place:

**§389. Forged lottery tickets**

1. Forge, counterfeit or alter ticket. A person may not forge or counterfeit a Maine State Lottery ticket, alter a Maine State Lottery ticket prepared by the Director of the State Lottery or cause such alteration or forgery.

2. Publish, pass or tender as true ticket. A person may not intentionally or knowingly publish, pass or tender as true a forged, altered or counterfeited Maine State Lottery ticket.

3. Secure or manufacture. A person may not, with intent to defraud, secure, manufacture or cause to be secured or manufactured a counterfeit Maine State Lottery ticket.

4. Possess counterfeit ticket or counterfeiting device. A person may not, with intent to defraud, possess a counterfeit Maine State Lottery ticket or a counterfeiting device.

5. Penalty. A person who violates this section commits a Class D crime.

**PART D**

**Sec. D-1. 9-B MRSA §466**, as amended by PL 2001, c. 44, §11 and affected by §14 and amended by c. 211, §15, is further amended to read:

**§466. Unlawful acts**

2           The acts set forth in this section ~~shall be~~ are unlawful and  
3 ~~shall be deemed~~ are criminal offenses unless otherwise provided.

4  
5           **1. Copying records of financial institutions.** Any A  
6 director, corporator, officer, agent or employee of a financial  
7 institution who copies any of the books, papers, records or  
8 documents belonging to or in the custody of such institution,  
9 either for his that person's own use or for the use of any other  
10 person other than in the ordinary and regular course of his that  
11 person's duties, ~~shall be punished by a fine of not more than~~  
12 ~~\$1,000 or by imprisonment for not more than 11 months, or by both~~  
13 commits a Class E crime.

14  
15           **2. Disclosures by service corporation employees.** Any  
16 information derived from financial institution records or sources  
17 by personnel of a service corporation formed pursuant to section  
18 445 shall may not be disclosed except in the regular course of  
19 business. ~~Whoever~~ A person who violates this subsection shall ~~be~~  
20 ~~punished by a fine of not more than \$1,000 or by imprisonment for~~  
21 ~~not more than 11 months, or by both~~ commits a Class E crime.

22  
23           **3. Violation of orders.** No A person shall may not violate  
24 any an order of the superintendent lawfully served upon him that  
25 person.

26  
27           **4. Unauthorized business.** A person may not engage in the  
28 business of banking unless the person is properly authorized, nor  
29 may a person represent that that person is acting as a financial  
30 institution, nor use an artificial or corporate name that  
31 purports to be or suggests that the person is a financial  
32 institution unless the financial institution is properly  
33 authorized to do business in this State and except as provided in  
34 section 241, subsection 12.

35  
36           **5. Procuring loans.** No A director, corporator, officer,  
37 agent, employee or attorney of a financial institution shall may  
38 not stipulate for or receive or consent or agree to receive any  
39 fee, commission, gift or thing of value, from any a person, firm  
40 or corporation for procuring or endeavoring to procure for such  
41 the person, firm or corporation, or for any other person, firm or  
42 corporation, from any such financial institution, any a loan or  
43 extension or renewal of loan or substitution of security, or the  
44 purchase or discount or acceptance of any a paper, note, draft,  
45 check or bill of exchange by any such financial institution.  
46 ~~Nothing contained in this~~ This subsection shall may not be  
47 construed to refer to the expenses of examining titles, drafting  
48 conveyances and mortgages and the performance of other purely  
49 legal services.

2           **6. Concealment.** No A director, corporator, officer, agent  
or employee of a financial institution shall may not conceal or  
endeavor to conceal any a transaction of the financial  
4 institution from any a director, corporator, officer, agent or  
employee of the institution ~~nor any~~ or an official or employee of  
6 the Bureau of Financial Institutions to whom it should be  
properly disclosed.

8  
10           **7. Deception; false statements.** No A director, corporator,  
officer, agent or employee of a financial institution shall may  
not maintain or authorize the maintenance of any an account of  
12 the financial institution in a manner which that, to his that  
person's knowledge, does not conform to the requirements  
14 prescribed by statutes applicable to the supervision of financial  
institutions or ~~regulations rules~~ issued thereunder under those  
16 statutes; nor shall such and that person may not, with intent to  
deceive, make any a false or misleading statement or entry or  
omit any a statement or entry that should be made in any a book,  
18 account, report or statement of the institution; or obstruct or  
endeavor to obstruct a lawful examination or investigation of the  
20 institution or any of its affairs by an official or employee of  
the Bureau of Financial Institutions.

22  
24           **8. Violation of Title or rules.** If, in the opinion of the  
superintendent, any a financial institution or its officers or  
26 directors have persistently violated any a provision of this  
Title, he the superintendent shall ~~forthwith~~ immediately report  
28 the same with such remarks as ~~he~~ deems the superintendent  
determines expedient to the Attorney General, who may ~~forthwith~~  
30 immediately institute a prosecution ~~therefor~~ on behalf of the  
State. ~~This section shall apply to section 363.~~

32  
34           **9. False returns.** No A director, corporator, officer, agent  
or employee of any a financial institution shall ~~willfully~~ may  
not intentionally or knowingly make a false return to the  
36 superintendent in response to any a call for information issued  
by the superintendent or by a deputy superintendent, ~~nor~~ or upon  
38 the making or filing of any a regular or special report required  
by this Title.

40  
42           **10. Failure to make returns.** Any A financial institution  
~~which shall fail that fails~~ to furnish reports and information to  
the superintendent, as required by this Title within the time  
44 specified, ~~shall be~~ is subject to a penalty of not more than \$100  
per day for each day it is in violation of this section, which  
46 penalty may be recovered in a civil action in the name of the  
State.

48           **11. General penalties.** The follow penalties apply.

2 A. Any A person responsible for an act or omission  
expressly declared to be a criminal offense by statutes  
4 pertaining to the supervision of financial institutions and  
for which no other penalty has been provided by statute  
6 ~~shall be guilty of a misdemeanor and shall be punished by~~  
~~imprisonment for not more than 11 months or by a fine of not~~  
8 ~~more than \$5,000 or by both~~ commits a Class E crime, except  
notwithstanding Title 17-A, section 1301, a fine of not more  
10 than \$5,000 may be imposed upon a natural person. If the act  
12 ~~or omission was intended to defraud, such person shall be~~  
~~guilty of a felony and shall be punished by a fine of not~~  
~~more than \$10,000 or by imprisonment for not more than 5~~  
14 ~~years, or by both.~~

16 A-1. A person who violates paragraph A with the intent to  
defraud commits a Class C crime.

18 B. A director, corporator, officer, agent or employee of a  
20 financial institution ~~shall be~~ is responsible for an act or  
omission of the institution declared to be a criminal  
22 offense against statutes pertaining to the supervision of  
financial institutions whenever, knowing that such act or  
24 omission is unlawful, he the person participates in  
authorizing, executing, ratifying or concealing such act, or  
in authorizing or ratifying such omission or, having a duty  
26 to take the required action, omits to do so.

28 12. Strict liability. Except as otherwise specifically  
30 provided, violation of this section is a strict liability crime  
as defined in Title 17-A, section 34, subsection 4-A.

32 **PART E**

34 **Sec. E-1. 10 MRSA §1602**, as amended by PL 1977, c. 694, §166,  
36 is repealed and the following enacted in its place:

38 **§1602. Licenses**

40 1. Unlawful use of trademark. After establishment by rules  
42 adopted in a manner consistent with the Maine Administrative  
Procedure Act of a trademark by the commission, a person may not  
44 use the trademark without first securing a permit or license from  
the Maine Potato Commission.

46 2. Penalty. The following penalties apply to violations of  
48 this section.



2           A. A person who violates this section commits a civil  
violation for which a fine of not more than \$50 may be  
adjudged.

4  
6           B. A person who violates this section after having  
previously violated this section commits a civil violation  
for which a fine of not more than \$200 may be adjudged.

8  
10           3. Additional remedies. The Maine Potato Commission or a  
duly authorized representative may recover penalties imposed for  
violation of this section in a civil action brought in the name  
12 of the commission, and if it prevails in such action may recover  
full costs; or the commission may prosecute for violations of  
14 this section by complaint or indictment. The District Court and  
the Superior Court have concurrent jurisdiction of actions  
16 brought for the recovery of penalties imposed by this section and  
of prosecutions for violations thereof. All fines received under  
18 this section by county treasurers must be paid by them to the  
Treasurer of State and those fines must be appropriated for  
20 carrying out this chapter.

22           **Sec. E-2. 10 MRSA §1606** is repealed.

24           **Sec. E-3. 10 MRSA §1661-B, sub-§2**, as enacted by PL 1989, c.  
83, §2, is repealed and the following enacted in its place:

26  
28           2. Penalties. The following penalties apply to violations  
of this section.

30           A. A person, firm, partnership or corporation who violates  
this section commits a civil violation for which a fine of  
32 not more than \$100 may be adjudged.

34           B. A person, firm, partnership or corporation who violates  
this section after having previously violated this section  
36 commits a civil violation for which a fine of not more than  
\$500 may be adjudged.

38           **Sec. E-4. 10 MRSA §1661-B, sub-§3** is enacted to read:

40  
42           3. Enforcement. The Commissioner of Agriculture, Food and  
Rural Resources shall enforce this section pursuant to Title 7,  
section 14.

44  
46           **Sec. E-5. 10 MRSA §1702**, as amended by PL 1977, c. 694, §168,  
is repealed and the following enacted in its place:

48           §1702. License

2 1. Unlawful use of trademark. After the Maine Sardine  
Council establishes a trademark as provided in section 1701, a  
4 person may not use the trademark without first securing a permit  
or license from the Maine Sardine Council.

6 2. Penalties. The following penalties apply to violations  
of this section.

8  
10 A. A person who violates this section commits a civil  
violation for which a fine of not more than \$50 may be  
adjudged.

12  
14 B. A person who violates this section after having  
previously violated this section commits a civil violation  
for which a fine of not more than \$200 may be adjudged.

16  
18 3. Enforcement. The Maine Sardine Council or a duly  
authorized representative may recover penalties imposed for  
20 violation of this section in a civil action brought in the name  
of the council, and if it prevails in such action may recover  
22 full costs; or the council may prosecute for violations of this  
section by complaint or indictment. The District Court and the  
24 Superior Court have concurrent jurisdiction of actions brought  
for the recovery of penalties imposed by this section and of  
26 prosecutions for violations thereof. All fines received under  
this section by county treasurers must be paid by them to the  
28 Treasurer of State and those fines must be appropriated for  
carrying out this chapter.

30 **Sec. E-6. 10 MRSA §1706** is repealed.

32 **Sec. E-7. 10 MRSA §2364-B, sub-§5,** as enacted by PL 1997, c.  
648, §2, is amended to read:

34  
36 **5. Enforcement; violations.** Upon request, a truck driver  
must present the trip ticket to any employee of the State charged  
38 with enforcing the provisions of this subchapter. Upon request,  
a wood scaler shall present the record of measurement including a  
40 copy of the trip ticket or information contained on the trip  
ticket to any employee of the State charged with enforcing the  
42 provisions of this subchapter. ~~A person who fails to comply with  
the provisions of this section or misrepresents information on a  
trip ticket is subject to the penalties provided in section 2368.~~

44  
46 A. A person who violates this section commits a civil  
violation and is subject to the penalties provided in  
section 2368.

48  
50 B. A person who violates this section after having  
previously violated this subchapter or rules adopted

2           pursuant to this subchapter commits a civil violation and is  
3           subject to the penalties provided in section 2368.

4           C. A person who misrepresents information on a trip ticket  
5           commits a civil violation and is subject to the penalties  
6           provided in section 2368.

7           D. A person who misrepresents information on a trip ticket  
8           after having previously violated this subchapter or rules  
9           adopted pursuant to this subchapter commits a civil  
10           violation and is subject to the penalties provided in  
11           section 2368.

12           **Sec. E-8. 10 MRSA §2368**, as enacted by PL 1983, c. 804, §11,  
13           is repealed and the following enacted in its place:

14           **§2368. Violations; penalties**

15           1. Civil violations. The following penalties apply to  
16           violations of this subchapter or a rule adopted pursuant to this  
17           subchapter.

18           A. A person who violates this subchapter or a rule adopted  
19           pursuant to this subchapter is subject to a civil penalty of  
20           not more than \$1,000.

21           B. A person who violates this subchapter or a rule adopted  
22           pursuant to this subchapter after having previously violated  
23           this subchapter or a rule adopted pursuant to this  
24           subchapter is subject to a civil penalty of not more than  
25           \$2,000.

26           These penalties may be recovered by the state sealer on behalf of  
27           the State in a civil action.

28           2. Private action. A person who violates this subchapter or  
29           a rule adopted pursuant to this subchapter is liable in a civil  
30           action to a person aggrieved by the violation pursuant to the  
31           remedies set forth in Title 26, section 626-A. The civil action  
32           for damages may be brought by either the aggrieved party or, at  
33           the request of the state sealer, by the Attorney General.

34           **Sec. E-9. 10 MRSA §2505**, as amended by PL 1999, c. 646, §2,  
35           is repealed and the following enacted in its place:

36           **§2505. Malfeasance**

37           1. Falsification of certificate. A licensed public  
38           weighmaster who falsifies a weight certificate or who delegates  
39           authority to a person not licensed as a licensed public  
40           authority to a person not licensed as a licensed public

2 weighmaster or who preseals a weight certificate with the  
3 licensed public weighmaster's official seal before performing the  
4 act of weighing commits a civil violation for which a fine of not  
5 more than \$100 may be adjudged.

6 2. Misuse of seal. A holder of a corporate public  
7 weighmaster's license may not allow a person not licensed as a  
8 licensed public weighmaster to issue a weight certificate using  
9 the corporate seal.

10  
11 A. A person who violates this subsection commits a civil  
12 violation for which a fine of not more than \$500 may be  
13 adjudged.

14  
15 B. A person who violates this subsection after having  
16 previously violated this subsection commits a civil  
17 violation for which a fine of not more than \$1,000 may be  
18 adjudged.

19  
20 3. Holder of corporate license. For the purposes of this  
21 section, the person whose name appears on the application for a  
22 corporate license pursuant to section 2501, subsection 2 is  
23 deemed to be the holder of the corporate license.

24  
25 **Sec. E-10. 10 MRSA §2656** is repealed and the following  
26 enacted in its place:

27  
28 **§2656. Penalties**

29  
30 1. Violation of subchapter; first and subsequent offenses.  
31 The following penalties apply to violations of this subchapter.

32  
33 A. A person who violates a provision of this subchapter  
34 commits a civil violation for which a fine of not more than  
35 \$100 may be adjudged.

36  
37 B. A person who violates a provision of this subchapter  
38 after having previously violated this subchapter commits a  
39 civil violation for which a fine of not more than \$200 may  
40 be adjudged.

41  
42 2. Conducting business without license; first and  
43 subsequent offenses. A person may not conduct a business of  
44 dealer or repairman without having a certificate in full force.

45  
46 A. A person who violates this subsection commits a civil  
47 violation for which a fine of not more than \$100 may be  
48 adjudged.

2           B. A person who violates this subsection after having  
3           previously violated this subsection commits a civil  
4           violation for which a fine of not more than \$200 may be  
5           adjudged.

6           **Sec. E-11. 10 MRSA §2702** is repealed and the following  
7           enacted in its place:

8           **§2702. Penalty for failure to pay**

10           **1. Payment for services rendered.** A person, firm or  
11           corporation for whom scales, weights and measures or any weighing  
12           or measuring devices have been tested by a local sealer of  
13           weights and measures may not neglect or refuse to pay for the  
14           services rendered.

16           **2. Penalties.** The following penalties apply to violations  
17           of this section.

20           A. A person, firm or corporation who violates subsection 1  
21           commits a civil violation for which a fine of \$3 plus costs  
22           must be adjudged.

24           B. A person, firm or corporation who violates subsection 1  
25           after having previously violated subsection 1 commits a  
26           civil violation for which a fine of not less than \$10 plus  
27           costs and not more than \$20 plus costs must be adjudged.

28           **Sec. E-12. 10 MRSA §8003-C, sub-§3,** as enacted by PL 1999, c.  
30           687, Pt. C, §12, is repealed and the following enacted in its  
31           place:

32           **3. Unlicensed practice; criminal penalties.** Notwithstanding  
33           any other provision of law:

36           A. A person who practices or represents to the public that  
37           the person is authorized to practice a profession or trade  
38           and intentionally, knowingly or recklessly fails to obtain a  
39           license as required by this Title or intentionally,  
40           knowingly or recklessly practices or represents to the  
41           public that the person is authorized to practice after the  
42           license required by this Title has expired or been suspended  
43           or revoked commits a Class E crime; and

44           B. A person who practices or represents to the public that  
45           the person is authorized to practice a profession or trade  
46           and intentionally, knowingly or recklessly fails to obtain a  
47           license as required by this Title or intentionally,  
48           knowingly or recklessly practices or represents to the  
49           public that the person is authorized to practice after the  
50           license required by this Title has expired or been suspended

2 license required by this Title has expired or been suspended  
3 or revoked when the person has a prior conviction under this  
4 subsection commits a Class D crime. Title 17-A, section 9-A  
5 governs the use of prior convictions when determining a  
6 sentence, except that, for purposes of this paragraph, the  
7 date of the prior conviction must precede the commission of  
8 the offense being enhanced by no more than 3 years.

## 10 PART F

12 **Sec. F-1. 10 MRSA §2364-B, sub-§1, ¶D,** as enacted by PL 1997,  
13 c. 648, §2, is amended to read:

14 D. For wood harvested in the State, the number on the  
15 harvest notification form filed with the Bureau of Forestry  
16 in accordance with Title 12, section ~~8883~~ 8883-B;

18 **Sec. F-2. 12 MRSA §903,** as amended by PL 1977, c. 694, §237,  
19 is repealed and the following enacted in its place:

### 22 **§903. Rules**

24 **1. Adoption of rules.** The Baxter State Park Authority may  
25 adopt rules pursuant to the Maine Administrative Procedure Act it  
26 considers necessary for the protection and safety of the public  
27 or for the proper observance of the conditions and restrictions  
28 expressed in the deeds of trust of the Baxter State Park to the  
29 State.

30 **2. Violation of rules.** A person who violates any of the  
31 rules of the Baxter State Park Authority commits a Class E  
32 crime. Except as otherwise specifically provided, these crimes  
33 are strict liability crimes as defined in Title 17-A, section 34,  
34 subsection 4-A.

35 **3. Destruction of structure, monument, marker or notice.** A  
36 person who intentionally or knowingly mutilates, defaces or  
37 destroys any structure, monument or marker lawfully erected  
38 within the boundaries of the Baxter State Park, or any notice or  
39 rule of the Baxter State Park Authority that is posted in  
40 conformity with this section, commits a Class E crime.

42 **Sec. F-3. 12 MRSA §1880, sub-§1,** as enacted by PL 1997, c.  
43 678, §13, is amended to read:

44 **1. Restricted zone; timber harvesting.** Timber harvesting  
45 operations are not permitted within the restricted zone, except:  
46  
47  
48

2 A. By direction of the bureau for the purpose of  
maintaining healthy forest conditions; or

4 B. By direction of the bureau for the purpose of correcting  
6 situations arising from natural disasters.

8 ~~The spraying of herbicides is prohibited within the restricted  
zone. No person may fly any aircraft equipped to spray  
10 herbicides lower than 500 feet above ground level over any  
portion of the restricted zone.~~

12 **Sec. F-4. 12 MRSA §1880, sub-§2**, as enacted by PL 1997, c.  
678, §13, is repealed.

14 **Sec. F-5. 12 MRSA §1880, sub-§§3 to 7** are enacted to read:

16 **3. Restricted zone; herbicides.** The spraying of herbicides  
18 is prohibited within the restricted zone.

20 **4. Restricted zone; aircraft.** A person may not fly an  
aircraft equipped to spray herbicides lower than 500 feet above  
22 ground level over any portion of the restricted zone.

24 **5. Waterway outside restricted zone.** A person may not:

26 A. Commence a timber harvesting operation in the waterway  
outside the restricted zone without consultation with or,  
28 when required under subsection 6, paragraph B, written  
approval from the bureau; or

30 B. Commence a herbicide application in the waterway outside  
32 the restricted zone without written approval from the bureau  
under subsection 6, paragraph B.

34 **6. Operations and application outside restricted zone.** The  
36 following requirements apply to timber harvesting and herbicide  
application in the waterway outside the restricted zone.

38 A. Before a timber harvesting operation is commenced in the  
40 waterway outside the restricted zone, a management plan must  
be submitted to the bureau. The plan must contain:

42 (1) A description of the proposed timber harvesting  
44 operation that includes the type of cutting;

46 (2) The amount of timber proposed to be removed;

48 (3) The time of year of cutting and removal;

2           (4) The location of principal haul roads and crossings  
4           in the waterway to be used in connection with the  
6           proposed timber harvesting operation;

8           (5) A plan for reforestation;

10           (6) A stand table indicating species composition, size  
12           class and health of the original and residual stands;

14           (7) The expected date of reentry;

16           (8) A pesticide or other chemical treatment planned,  
18           excluding the use of herbicides before December 1,  
20           1990; and

22           (9) A plan for mitigating evidence of harvesting.

24           When a permit is not required under paragraph B, those who  
26           are submitting the management plan shall cooperate with the  
28           bureau to address any concerns of the bureau.

30           B. When the bureau determines that a timber harvesting  
32           operation or herbicide application is proposed for an area  
34           in the waterway outside the restricted zone and visible from  
36           the watercourse, that operation may commence only with  
38           approval from the bureau. A request for approval on a form  
40           provided by the bureau must be completed and signed by the  
42           applicant. This paragraph may not be construed to excuse the  
44           applicant from obtaining other permits required by law.

46           C. The bureau shall, within 30 days of receipt of a form  
48           requesting approval, either approve in writing the proposed  
50           timber harvesting or herbicide application upon terms and  
          conditions the bureau determines are appropriate and  
          reasonable or disapprove the request, setting forth in  
          writing the reasons for the disapproval. If a decision is  
          not made within the 30 days, the request for the timber  
          harvesting operation or herbicide application is considered  
          approved under the provisions of the management plan  
          submitted.

D. The bureau shall approve a timber harvesting operation or  
          herbicide application when it finds that the management plan  
          provides for the silvicultural alternative that:

(1) Produces the least adverse impact upon the natural  
          character of the area in the waterway outside the  
          restricted zone and visible from the watercourse for  
          which the timber harvesting operation or herbicide  
          application is proposed; and



2           (2) Is economically feasible, except that an applicant  
4           may waive the requirement of a finding of economic  
              feasibility.

6           E. Notwithstanding the provisions of paragraph D, the bureau  
8           may not deny approval for the removal of trees that are  
              dead, dying or damaged by natural causes.

10          F. Before disapproving a request for approval or imposing  
12          terms and conditions under paragraph C, the bureau shall  
14          have the request for approval and the management plan  
              reviewed by an experienced professional forester.

16          7. Violations. The following penalties apply to violations  
of this section.

18          A. Except as otherwise provided in this subsection, a  
20          person who violates any provision of this section or rules  
22          adopted or permits issued under this section commits a civil  
              violation for which a fine of up to \$1,000 for each day of  
              the violation may be adjudged.

24          B. A person who intentionally or knowingly falsifies any  
26          statement contained in a management plan or application  
              under this section commits a civil violation for which a  
              fine of up to \$1,000 may be adjudged.

28          C. A person who violates the herbicide provisions of this  
30          section is subject to the penalties of Title 22, section  
              1471-J.

32          In addition, the bureau may in the name of the State institute  
34          any appropriate action, injunction or other proceeding to  
36          prevent, restrain, correct or abate any violation of this  
              subchapter or of the rules or permits issued under this  
              subchapter as provided in section 1884.

38          **Sec. F-6. 12 MRSA §1884, 3rd ¶**, as amended by PL 2001, c. 604,  
40          §16, is repealed.

42          **Sec. F-7. 12 MRSA §6204**, as enacted by PL 1977, c. 661, §5,  
44          is amended to read:

46          **§6204. General penalty**

48          A violation of any provision of marine resources' laws or  
50          any ~~regulation-authorized-thereunder~~ rule adopted pursuant to  
              marine resources' laws or adopted by legislative directive shall  
              be is a Class D crime, unless another penalty has been expressly

2 provided. Except as otherwise specifically provided, these  
3 crimes are strict liability crimes as defined in Title 17-A,  
4 section 34, subsection 4-A.

5 **Sec. F-8. 12 MRSA §6421, sub-§1,** as amended by PL 2001, c.  
6 421, Pt. B, §19 and affected by Pt. C, §1, is repealed and the  
7 following enacted its place:

8 **1. License required.** A person may not engage in the  
9 activities authorized under this section without a current:

10 A. Class I lobster and crab fishing license;

11 B. Class II lobster and crab fishing license;

12 C. Class III lobster and crab fishing license;

13 D. Apprentice lobster and crab fishing license;

14 E. Student lobster and crab fishing license;

15 F. Noncommercial lobster and crab fishing license; or

16 G. Other license issued under this Part authorizing the  
17 activities.

18 **Sec. F-9. 12 MRSA §6436, sub-§1,** as enacted by PL 1977, c.  
19 661, §5, is repealed and the following enacted in its place:

20 **1. Egg-bearing and v-notched lobsters.** A person may not  
21 take, transport, sell or possess:

22 A. Any lobster that is bearing eggs; or

23 B. Any female lobster marked with a v-notch in the right  
24 flipper next to the middle flipper or any female lobster  
25 that is mutilated in a manner that could hide or obliterate  
26 that mark. The right flipper is determined when the  
27 underside of the lobster is down and its tail is toward the  
28 person making the determination.

29 **Sec. F-10. 12 MRSA §6501, sub-§1,** as amended by PL 2001, c.  
30 421, Pt. B, §25 and affected by Pt. C, §1 is further amended to  
31 read:

32 **1. License required.** A person may not engage in the  
33 activities authorized under this section without a current  
34 commercial--fishing--license--or--other--license--under--this--Part  
35 authorizing-the-activities.:

2           A. Commercial fishing license for a resident operator;

4           B. Commercial fishing license for a resident operator and  
all crew members;

6           C. Commercial fishing license for a nonresident operator  
and all crew members; or

8           D. Other license under this Part authorizing the activities.

10           **Sec. F-11. 12 MRSA §6505-A, sub-§1**, as amended by PL 2001, c.  
12 421, Pt. B, §27 and affected by Pt. C, §1, is further amended to  
14 read:

16           **1. License required.** A person may not fish for or take  
elvers or possess, ship, transport or sell elvers that the person  
has taken unless the person is issued an one of the following  
18 elver fishing license licenses under this section.:

20           A. A resident elver fishing license for one device;

22           B. A resident elver fishing license for 2 devices;

24           C. A nonresident elver fishing license for one device; or

26           D. A nonresident elver fishing license for 2 devices.

28           **Sec. F-12. 12 MRSA §6551**, as enacted by PL 1977, c. 661, §5,  
is repealed and the following enacted in its place:

30           **§6551. Tuna; method of taking**

32           A person may not:

34           **1. Fish for or take tuna; permitted methods.** Fish for or  
36 take any tuna by any method other than by harpoons or by hook and  
line; or

38           **2. Possess.** Possess any tuna that was taken in an unlawful  
40 manner.

42           **Sec. F-13. 12 MRSA §6575-C, sub-§§1 and 2**, as enacted by PL  
1995, c. 536, Pt. A, §9, are amended to read:

44           **1. Dams with fishways.** ~~It is unlawful for a~~ A person to  
46 may not fish for or take elvers within 150 feet of any part of a  
dam with a fishway or within 150 feet of a fishway.

48           **2. Alewife traps.** ~~It is unlawful for a~~ A person to may not  
50 fish for or take elvers within 50 feet of a licensed alewife trap.

2           **Sec. F-14. 12 MRSA §6575-C, sub-§3**, as amended by PL 1997, c.  
3 575, §5, is repealed and the following enacted in its place:

4           **3. Portion of rivers, streams and brooks.** A person may  
5 not:

6           **A. Fish for or take elvers at any time within the middle**  
7 **1/3 of a river, stream, brook or other watercourse, as**  
8 **measured at mean high tide, within the coastal waters of the**  
9 **State; or**

10           **B. Obstruct the middle 1/3 of any river, stream, brook or**  
11 **other watercourse, as measured at mean low tide, within the**  
12 **coastal waters of the State.**

13           **Sec. F-15. 12 MRSA §6575-C, sub-§4**, as enacted by PL 1995, c.  
14 536, Pt. A , §9, is amended to read:

15           **4. Dip nets near elver fyke nets.** ~~It is unlawful for a~~ **A**  
16 **person to** ~~may not~~ fish for or take elvers with a dip net in the  
17 **mouth of an elver fyke net. For the purposes of this subsection,**  
18 **"mouth of an elver fyke net" means that area within an elver fyke**  
19 **net that is net-side of a straight line that runs from one meshed**  
20 **wing tip of the net to the other meshed wing tip.**

21           **Sec. F-16. 12 MRSA §6621, sub-§§1 and 2**, as enacted by PL 1977,  
22 c. 661, §5, are repealed and the following enacted in their place:

23           **1. Taking from closed areas.** A person may not:

24           **A. Fish for or take shellfish from any area closed by**  
25 **regulation;**

26           **B. Fish for or take shellfish from any area closed by**  
27 **regulation when the person has one or more prior convictions**  
28 **for violating paragraph A;**

29           **C. Possess, ship, transport or sell shellfish taken from**  
30 **any area closed by regulation; or**

31           **D. Possess, ship, transport or sell shellfish taken from**  
32 **any area closed by regulation when the person has one or**  
33 **more prior convictions for violating paragraph C.**

34           **2. Washing or holding in closed areas.** A person may not:

35           **A. Wash, hold or keep shellfish in any area closed by**  
36 **regulation;**

2           B. Wash, hold or keep shellfish in any area closed by  
4           regulation when the person has one or more convictions for  
              violating paragraph A;

6           C. Possess, ship, transport or sell shellfish washed, held  
              or kept in any area closed by regulation; or

8           D. Possess, ship, transport or sell shellfish washed, held  
10           or kept in any area closed by regulation when the person has  
12           one or more convictions for violating paragraph C.

14           **Sec. F-17. 12 MRSA §6621, sub-§4**, as amended by PL 1997, c.  
              628, §1, is further amended to read:

16           **4. Penalty.** A person who violates this article commits a  
18           Class D crime. The following minimum penalties apply:

20           A. For the first offense, a fine of not less than \$300; and

22           B. For subsequent offenses within 10 years from the date of  
              conviction for the first violation, a fine of not less than  
24           \$500.

26           The court may not suspend a fine imposed under this subsection.  
              Title 17-A, section 9-A governs the use of prior convictions when  
28           determining a sentence.

30           **Sec. F-18. 12 MRSA §6681, sub-§§3 and 4**, as enacted by PL 1983,  
              c. 838, §6, are amended to read:

32           ~~It is unlawful to~~ **3. Minimum size.** A person may not  
34           possess soft-shelled clam shell stock whose shells are less than  
              2 inches in the largest diameter;

36           A. If the soft-shelled clams comprise more than 10% but  
38           less than 20% of a bulk pile as determined under subsection  
              4;

40           B. If the soft-shelled clams comprise 20% or more of a bulk  
              pile as determined under subsection 4; or

42           C. If the soft-shelled clams comprise 20% or more of a bulk  
44           pile as determined under subsection 4 and the person has one  
46           or more prior convictions for violating paragraph B. Title  
              17-A, section 9-A governs the use of prior convictions when  
48           determining a sentence.

50           **4. Tolerance.** Any person may possess soft-shelled clams  
              that are less than 2 inches if, ~~beginning on the effective date~~

2 ~~of this Article, they comprise less than 30% of any bulk pile,~~  
3 ~~beginning in calendar year 1985, they comprise less than 20% of~~  
4 ~~any bulk pile, and beginning in calendar year 1986, they comprise~~  
5 less than 10% of any bulk pile. The tolerance shall ~~be~~ is  
6 determined by numerical count of not less than one peck nor more  
7 than 4 pecks taken at random from various parts of the bulk pile  
8 or by a count of the entire pile if it contains less than one  
peck.

10 **Sec. F-19. 12 MRSA §6703, sub-§3**, as enacted by PL 1985, c.  
11 662, §4, is amended to read:

12 **3. License limitation; quantity.** In any one day, the  
13 holder of a noncommercial scallop license may not take or possess  
14 more than 2 bushels of shell scallops or 4 quarts of shucked  
15 scallops. ~~The holder of a noncommercial scallop license may take~~  
16 ~~or possess scallops only for personal use and may not sell~~  
17 ~~scallops he has taken.~~

20 **Sec. F-20. 12 MRSA §6703, sub-§3-A** is enacted to read:

22 **3-A. License limitation; personal use.** The holder of a  
23 noncommercial scallop license may take or possess scallops for  
24 personal use only and may not sell scallops the holder has taken.

26 **Sec. F-21. 12 MRSA §6743, sub-§§1 and 2**, as enacted by PL 1981,  
27 c. 297, §4, are repealed and the following enacted in their place:

28 **1. Quahogs from closed areas.** A person may not:

29 **A. Fish for or take quahogs, including mahogany quahogs,**  
30 **from an area closed by regulation; or**

31 **B. Possess, ship, transport or sell quahogs, including**  
32 **mahogany quahogs, taken from an area closed by regulation.**

33 **2. Washing or holding in closed areas.** A person may not:

34 **A. Wash, hold or keep quahogs in an area closed by**  
35 **regulation; or**

36 **B. Possess, ship, transport or sell quahogs washed, held or**  
37 **kept in an area closed by regulation.**

38 **Sec. F-22. 12 MRSA §6747, sub-§§1 and 2**, as enacted by PL 1987,  
39 c. 328, §3, are repealed and the following enacted in their place:

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2           **1. Taking from closed areas. A person may not:**

4           A. Fish for or take mussels from an area closed by regulation; or

6           B. Possess, ship, transport or sell mussels taken from an area closed by regulation.

8           **2. Washing or holding in closed areas. A person may not:**

10          A. Wash, hold or keep mussels in an area closed by regulation; or

12          B. Possess, ship, transport or sell mussels washed, held or kept in an area closed by regulation.

14          **Sec. F-23. 12 MRSA §6803, sub-§1**, as amended by PL 2001, c. 421, Pt. B, §50 and affected by Pt. C, §1, is further amended to read:

16           **1. Permit required.** A Except as provided in subsections 1-A and 2, a person may not harvest, possess, ship, transport or sell seaweed without a current seaweed permit, except that an employee or immediate relation of a seaweed permit holder may harvest, possess or transport seaweed for commercial purposes with a supplemental seaweed permit.

18           A. Resident seaweed permit; or

20           B. Nonresident seaweed permit.

22          **Sec. F-24. 12 MRSA §6803, sub-§1-A** is enacted to read:

24           **1-A. Supplemental permit.** An employee or immediate relation of a seaweed permit holder may harvest, possess or transport seaweed for commercial purposes with a current:

26           A. Resident supplemental seaweed permit; or

28           B. Nonresident supplemental seaweed permit.

30          **Sec. F-25. 12 MRSA §6804, sub-§1**, as amended by PL 2001, c. 421, Pt. B, §51 and affected by Pt. C, §1, is further amended to read:

32           **1. License required.** A person may not engage in the activities authorized under this section without a current commercial shrimp license.

34           A. Resident commercial shrimp license;

2           B. Resident with crew commercial shrimp license; or

4           C. Nonresident with crew commercial shrimp license.

6           **Sec. F-26. 12 MRSA §6851, sub-§1**, as amended by PL 2001, c.  
421, Pt. B, §53 and affected by Pt. C, §1, is further amended to  
8 read:

10           **1. License required.** A person may not engage in the  
activities authorized under this section without a current  
12 ~~wholesale-seafood-license-or-other-license-issued-under-this-Part~~  
~~authorizing-the-activities.:~~

14           A. Wholesale seafood license;

16           B. Supplemental wholesale seafood license; or

18           C. Other license issued under this Part authorizing the  
20 activities.

22           **Sec. F-27. 12 MRSA §6853, sub-§1**, as amended by PL 2001, c.  
421, Pt. B, §57 and affected by Pt. C, §1, is further amended to  
24 read:

26           **1. License required.** A person may not engage in the  
activities authorized under this section without a current ~~marine~~  
28 ~~worm-dealer's-or-other-license-issued-under-this-Part-authorizing~~  
~~the-activities.:~~

30           A. Marine worm dealer's license;

32           B. Supplemental marine worm dealer's license; or

34           C. Other license issued under this Part authorizing the  
36 activities.

38           **Sec. F-28. 12 MRSA §6854, sub-§1**, as amended by PL 2001, c.  
421, Pt. B, §58 and affected by Pt. C, §1, is further amended to  
40 read:

42           **1. License required.** A person may not engage in the  
activities authorized under this section without a ~~lobster~~  
44 ~~transportation-license, current:~~

46           A. Lobster transportation license; or

48           B. Supplemental lobster transportation license.



2           **Sec. F-29. 12 MRSA §6855, sub-§1**, as amended by PL 2001, c.  
421, Pt. B, §59 and affected by Pt. C, §1, is further amended to  
read:

6           **1. License required.** A person may not engage in the  
activities authorized under this section without a ~~shellfish~~  
~~transportation-license, current:~~

8           A. Shellfish transportation license; or

10           B. Supplemental shellfish transportation license.

12           **Sec. F-30. 12 MRSA §6858, sub-§1**, as amended by PL 1991, c.  
14 39, §9, is further amended to read:

16           **1. Size of lobster meat.** ~~It is unlawful to~~ A person may  
18 not possess any tail section of lobster meat removed from the  
shell except in accordance with rules adopted by the commissioner.

20           **Sec. F-31. 12 MRSA §6858, sub-§2**, as enacted by PL 1977, c.  
661, §5, is repealed and the following enacted in its place:

22           **2. Condition of lobster meat.** A person may not:

24           A. Remove a tail section of lobster meat from the shell  
26 unless it is removed whole and intact; or

28           B. Possess any tail section of lobster meat removed from  
30 the shell that is not whole and intact.

32           **Sec. F-32. 12 MRSA §6861-A, sub-§1, ¶¶A and B**, as enacted by PL  
1989, c. 348, §13, are amended to read:

34           ~~A. It is unlawful to~~ A person may not possess crayfish meat  
removed from the shell except as follows:

36                   (1) For immediate personal consumption;

38                   (2) For the purpose of serving the meat immediately to  
40 a customer;

42                   (3) Under refrigeration and in its original container,  
44 clearly labeled as crayfish, with the country or state  
of origin clearly disclosed; or

46                   (4) Mixed with other food if receipts are available to  
48 prove the product is crayfish.

50           ~~A violation of this paragraph is subject to the general~~  
~~penalty provisions of section 6204.~~

2 B. It is prima facie evidence that lobster or crayfish meat  
4 is illegal lobster meat if the crayfish or lobster meat is  
6 outside the shell; is not in its original container and  
clearly labeled as crayfish, with the country or state of  
origin clearly disclosed; and:

8 (1) Does not meet the legal length requirements for  
10 lobster established in section 6858; or

12 (2) Is unmixed with any other food and there are no  
receipts available to prove the product is crayfish.

14 ~~A violation of this paragraph is subject to the penalties  
16 provided by section 6858.~~

18 **Sec. F-33. 12 MRSA §6861-A, sub-§2**, as enacted by PL 1989, c.  
348, §13, is repealed and the following enacted in its place:

20 **2. Mix or commingle.** A person may not:

22 A. Mix or commingle crayfish in any form with lobster;

24 B. Cause or allow crayfish to be mixed or commingled with  
26 lobster; or

28 C. Possess a mixture of crayfish and lobster.

30 **Sec. F-34. 12 MRSA §6861-A, sub-§6**, as enacted by PL 1989, c.  
348, §13, is repealed and the following enacted in its place:

32 **6. Penalties.** The following penalties apply to violations  
34 of this section.

36 A. Violation of subsection 1, paragraph A is subject to the  
38 general penalty provisions of section 6201.

40 B. Violation of subsection 1, paragraph B is subject to the  
42 penalty provisions of section 6431, subsection 7.

44 C. Except as provided in paragraphs A and B, violation of  
46 this section is a Class D crime, except that the court shall  
impose a fine of not less than \$100.

48 **Sec. F-35. 12 MRSA §6952**, as amended by PL 1983, c. 52, is  
repealed.

50 **Sec. F-36. 12 MRSA §6952-A** is enacted to read:

**§6952-A. Trawling, seining or netting for lobster**

2           1. Trawling, seining or netting for lobsters prohibited. A  
3           person may not:

4                   A. Fish for or take lobsters by use of an otter or beam  
5                   trawl, a scallop drag or trawl, seine or net; or

6                   B. Possess any lobsters, regardless of their source, on  
7                   board any boat rigged for otter or beam trawling, scallop  
8                   dragging or trawling, seining or netting.

9           2. Exception; liberated alive. A person does not violate  
10           this section if the lobster is immediately liberated alive in the  
11           coastal waters.

12           3. Exceptions; boats. This section does not apply to:

13                   A. A boat rigged for otter or beam trawling, scallop  
14                   dragging or trawling, or seining if all nets and scallop  
15                   drags are removed from the boat; or

16                   B. A boat rigged for netting if there are no finfish taken  
17                   by gill net aboard.

18           Sec. F-37. 12 MRSA §6954-A, sub-§1, as amended by PL 1997, c.  
19           78, §2, is repealed and the following enacted in its place:

20           1. Violation. Unless permitted by rules adopted under  
21           subsection 1-A, a person may not:

22                   A. Take scallops by any means within the Frenchboro area; or

23                   B. Operate any watercraft when towing a drag or trawl  
24                   within the Frenchboro area. A drag or trawl must be lifted  
25                   out of the water to transit the cable area.

26           For purposes of this section, "the Frenchboro area" means the  
27           following area: starting at the easternmost point on Red Point,  
28           Swan's Island; thence in an easterly direction to the  
29           southernmost point of the western Sister's Island; thence in a  
30           southeasterly direction to the southernmost point of Crow Island;  
31           thence in a southerly direction to the northernmost point of  
32           Harbor Island, Frenchboro, Long Island; thence southerly to the  
33           state ferry terminal located on the eastern side of Lunt's  
34           Harbor, Frenchboro, Long Island, and then starting at the  
35           westernmost point of Gooseberry Point on Frenchboro, Long Island;  
36           westerly to the northeast point of John's Island; thence  
37           northwest to the easternmost point of the largest of the Baker  
38           Islands; thence northwesterly to the northeastern point of Harbor

2 Island, Swan's Island; thence northerly to Quarry Wharf, Minturn,  
3 Swan's Island.

4 **Sec. F-38. 12 MRSA §8832, sub-§3** is enacted to read:

6 **3. Violation.** A person may not:

8 A. Misgrade shingles; or

10 B. Engage in the unauthorized use of MCST grades.

12 **Sec. F-39. 12 MRSA §8842**, as repealed and replaced by PL  
14 1983, c. 507, §2, is repealed.

16 **Sec. F-40. 12 MRSA §8842-A** is enacted to read:

18 **§8842-A. Owner's permission required**

20 **1. Cutting prohibited.** A person may not:

22 A. Cut Christmas trees or evergreen boughs on land of  
24 another without securing written permission or a bill of  
26 sale from the owner or the owner's authorized agents. Only  
28 one such permit is needed per work crew. Violation of this  
30 paragraph is a Class E crime; or

32 B. Violate paragraph A when:

34 (1) The value of the trees or boughs is more than  
36 \$10,000. Violation of this subparagraph is a Class B  
38 crime;

40 (2) The person is armed with a dangerous weapon at the  
42 time of the offense. Violation of this subparagraph is  
44 a Class B crime;

46 (3) The value of the trees or boughs is more than  
48 \$2,000 but not more than \$10,000. Violation of this  
50 subparagraph is a Class C crime;

(4) The value of the trees or boughs is more than  
\$1,000 but not more than \$2,000. Violation of this  
subparagraph is a Class D crime; or

(5) The person has 2 prior Maine convictions for any  
combination of the following: theft; any violation of  
Title 17-A, section 401 in which the crime intended to  
be committed inside the structure is theft; any  
violation of Title 17-A, section 651; any violation of  
Title 17-A, section 702, 703 or 708; or attempts

2           thereat. Title 17-A, section 9-A governs the use of  
3           prior convictions when determining a sentence.  
4           Violation of this subparagraph is a Class C crime.

6           **2. Transport prohibited.** A person may not:

8           A. Transport Christmas trees or evergreen boughs without  
9           written permission or a bill of sale from the owner of the  
10           land where the trees or evergreen boughs were harvested or  
11           that owner's authorized agents. Violation of this paragraph  
12           is a Class E crime; or

14           B. Violate paragraph A when:

16           (1) The value of the trees or boughs is more than  
17           \$10,000. Violation of this subparagraph is a Class B  
18           crime;

20           (2) The person is armed with a dangerous weapon at the  
21           time of the offense. Violation of this subparagraph is  
22           a Class B crime;

24           (3) The value of the trees or boughs is more than  
25           \$2,000 but not more than \$10,000. Violation of this  
26           subparagraph is a Class C crime;

28           (4) The value of the trees or boughs is more than  
29           \$1,000 but not more than \$2,000. Violation of this  
30           subparagraph is a Class D crime; or

32           (5) The person has 2 prior Maine convictions for any  
33           combination of the following: theft; any violation of  
34           Title 17-A, section 401 in which the crime intended to  
35           be committed inside the structure is theft; any  
36           violation Title 17-A, section 651; any violation of  
37           Title 17-A, section 702, 703 or 708; or attempts  
38           thereat. Title 17-A, section 9-A governs the use of  
39           prior convictions when determining a sentence.  
40           Violation of this subparagraph is a Class C crime.

42           **3. Inspections and investigations.** An officer authorized  
43           to make inspections and investigations under this article may  
44           require of any person, firm or corporation engaged in cutting or  
45           transporting Christmas trees or evergreen boughs to show:

46           A. If engaged in cutting trees or boughs belonging to  
47           another, a current written permit or bill of sale issued  
48           pursuant to subsection 1, paragraph A; and

2 B. If engaged in transportation, a current written permit,  
3 bill of sale, port of entry statement or other written proof  
4 of ownership when transporting for commercial purposes  
5 trees, loose or in bundles, or boughs, loose or baled. A  
6 driver shall carry this permit on the driver's person or in  
7 the vehicle.

8 4. Remedies not exclusive. Prosecution under this section  
9 does not preclude the civil remedy available under Title 14,  
10 section 7552.

11 5. Strict liability. Violation of this section is a strict  
12 liability crime as defined in Title 17-A, section 34, subsection  
13 4-A.

14  
15 **Sec. F-41. 12 MRSA §8849,** as repealed and replaced by PL  
16 1983, c. 507, §6, is repealed.

17  
18 **Sec. F-42. 12 MRSA §8882,** as amended by PL 1997, c. 648, §3,  
19 is further amended to read:

20  
21 **§8882. Forms**

22  
23 Forms required under this subchapter must be provided by the  
24 bureau and must be written in an easily understandable format.  
25 In addition to the information required under section 8883  
26 8883-B, the bureau may request information regarding business  
27 practices and workers' compensation coverage.

28  
29 **Sec. F-43. 12 MRSA §8883,** as amended by PL 2001, c. 603, §2,  
30 is repealed.

31  
32 **Sec. F-44. 12 MRSA §8883-B** is enacted to read:

33  
34 **§8883-B. Notification**

35  
36 1. Notification required prior to harvest. Unless exempted  
37 under subsection 6 or by rule, prior to commencing harvesting  
38 operations the landowner or designated agent shall notify the  
39 bureau of:

40  
41 A. A harvest operation of 50 cords or less; or

42  
43 B. A commercial harvest operation of more than 50 cords.

44  
45 When the harvest is occurring within a municipality, the bureau  
46 shall send a copy of the notification form to the municipal clerk.  
47  
48

2 2. Notification form. Unless an alternate form or method  
3 of reporting is provided in rule, notification must be on forms  
4 supplied by the bureau and must include the following information:

5 A. The name, address and phone number of the landowner, any  
6 designated agent and, if known, any harvester or harvesters;

7 B. The name and address of any licensed professional  
8 forester consulting the landowner on forest management or  
9 harvesting practices;

10 C. The municipality or township and county of harvest;

11 D. The name of the nearest public or private all-weather  
12 road;

13 E. The approximate dates the harvest will begin and finish;

14 F. The anticipated acreage to be harvested;

15 G. An indication whether the land being harvested is taxed  
16 under the Maine Tree Growth Tax Law. If the land being  
17 harvested is taxed under the Maine Tree Growth Tax Law, the  
18 notification must include a statement, signed by the  
19 landowner, indicating that the harvest is consistent with  
20 the forest management and harvest plan required by Title 36,  
21 section 574-B, subsection 1. A licensed professional  
22 forester who has a fiduciary responsibility to the landowner  
23 may sign the statement required in this paragraph.

24 Failure to indicate that the harvest is consistent with the  
25 forest management and harvest plan constitutes a withdrawal  
26 from taxation under the Maine Tree Growth Tax Law of the  
27 land being harvested in a manner that is not consistent with  
28 the forest management and harvest plan. When such failure  
29 is indicated, the director shall notify the assessor for the  
30 jurisdiction in which the parcel is located that the land or  
31 a portion of the land no longer meets the requirements of  
32 Title 36, chapter 105, subchapter 2-A and must be withdrawn  
33 in accordance with Title 36, section 581;

34 H. Whether the land is being harvested to convert to  
35 another use within 2 years and, if so, what that use is to  
36 be.

37 If the land being converted to another use is taxed under  
38 the Maine Tree Growth Tax Law, notification of a change of  
39 land use under this subsection constitutes a withdrawal from  
40 taxation under the Maine Tree Growth Tax Law of that portion  
41 of land being converted to another use. When a change in  
42 of land being converted to another use. When a change in

2 land use is indicated, the director shall notify the  
3 assessor for the jurisdiction in which the parcel is located  
4 that the land or the portion of land no longer meets the  
5 requirements of Title 36, chapter 105, subchapter 2-A and  
6 must be withdrawn in accordance with Title 36, section 581;

7 I. The signatures of the harvester when listed on the form  
8 in accordance with paragraph A and the licensed professional  
9 forester when listed on the form in accordance with  
10 paragraph B;

11 J. The signature of the landowner and the signature of the  
12 designated agent when a designated agent is listed in  
13 accordance with paragraph A. If the designated agent is a  
14 licensed professional forester who has a fiduciary  
15 responsibility to the landowner, the signature of the  
16 landowner is not required;

17 K. A map locating the harvest site in relation to known or  
18 easily identifiable terrain features such as a road junction  
19 or a stream and road junction. The map must be a copy of a  
20 7.5 or 15 minute series topographical map produced by the  
21 United States Geological Survey or a map of equivalent or  
22 superior detail in the location of roads; and  
23

24 L. The date of notification.

25 **3. Harvest reporting forms.** Upon receipt by the bureau of  
26 the form required under subsection 2, the bureau shall mail forms  
27 to the landowner or designated agent for reporting harvest  
28 information pursuant to this subchapter.

29 **4. Notification form on file; posted.** The landowner or  
30 designated agent shall retain a copy of the notification form and  
31 produce it upon request of agents as specified in section 8888.  
32 The landowner or designated agent shall post the notification  
33 number at the harvest site in a clearly visible location.

34 **5. Duration.** A notification shall remain valid for 2 years  
35 from the date of issue or upon completion of the harvest,  
36 whichever occurs first. If the harvest extends beyond 2 years, a  
37 new notice under this section must be filed.

38 **6. Notification exemption.** The following activities are  
39 exempt from the notification requirement under this section:

40 A. Activities where forest products are harvested for an  
41 owner's own use and are not sold or offered for sale or used  
42 in the owner's primary wood-using plants;  
43



2 B. Precommercial silvicultural forestry activities; and

4 C. Harvesting within a 12-month period when the total area harvested on land owned by that landowner does not exceed:

6 (1) Two acres if the residual basal area of acceptable  
8 growing stock over 4 1/2 inches in diameter measured at  
10 4 1/2 feet above the ground is less than 30 square feet  
12 basal area per acre; or

14 (2) Five acres if the residual basal area of  
16 acceptable growing stock over 4 1/2 inches in diameter  
18 measured at 4 1/2 feet above the ground is more than 30  
20 square feet basal area per acre.

22 7. Penalties. The following penalties apply to the failure  
24 to notify the bureau pursuant to this section. Each day of  
26 failure to notify is a separate offense.

28 A. Failure to notify the bureau of a harvest operation of  
30 50 cords or less constitutes a civil violation for which a  
32 fine of not more than \$50 may be adjudged.

34 B. Providing inaccurate information on a notification form  
36 for a harvesting operation of 50 cords or less is a civil  
38 violation for which a fine of not more than \$50 may be  
40 adjudged.

42 C. Failure to notify the bureau of a commercial harvest  
44 operation of more than 50 cords constitutes a civil  
46 violation for which a fine not to exceed \$1,000 for each  
48 occurrence may be adjudged and for which immediate cessation  
of the operation may be ordered by the court. Continued  
operation after receiving an order to cease operation  
constitutes a civil violation for which a fine not to exceed  
\$1,000 for each day the operation continues may be adjudged.

D. Providing inaccurate information on a notification form  
for a commercial harvesting operation of more than 50 cords  
is a civil violation for which a fine of not more than  
\$1,000 for each occurrence may be adjudged.

**Sec. F-45. 12 MRSA §8884, sub-§4 is enacted to read:**

4. Failure to submit report; penalty. Failure to submit  
reports pursuant to this section constitutes a civil violation  
for which a fine not to exceed \$1,000 for each failure may be  
adjudged.

2           **Sec. F-46. 12 MRSA §8885, sub-§1-A**, as enacted by PL 1997, c.  
720, §15, is amended to read:

4           **1-A. Alternate harvest report.** The director may develop  
alternate forms for or methods of collecting harvest information  
6 from landowners who do not harvest timber on a regular basis.  
The director shall define landowners subject to the provisions of  
8 this subsection and provide report forms pursuant to section ~~8883~~  
8883-B, subsection 2 3.

10           **Sec. F-47. 12 MRSA §8885, sub-§3**, as amended by PL 1997, c.  
12 720, §17, is further amended to read:

14           **3. Reports.** Reports required under subsections 1 and 2 are  
due during the month of January. If the period of cutting under  
16 subsection 1 or 2 extends beyond December 31st of any calendar  
year, a report shall must be submitted during the month of  
18 January for the preceding year. A person filing a harvest  
notification form pursuant to section ~~8883~~ 8883-B must complete  
20 and return to the bureau a harvest report whether or not the  
landowner has harvested that year.

22           **Sec. F-48. 12 MRSA §8885, sub-§6** is enacted to read:

24           **6. Failure to submit report; penalty.** Failure to submit  
26 reports pursuant to this section constitutes a civil violation  
for which a fine not to exceed \$1,000 for each failure may be  
28 adjudged.

30           **Sec. F-49. 12 MRSA §8887**, as amended by PL 2001, c. 603, §3,  
is repealed.

32           **Sec. F-50. 12 MRSA §9702**, as enacted by PL 1979, c. 545, §3,  
34 is repealed and the following enacted in its place:

36           **§9702. Hindering state forest ranger or town forest fire warden**

38           **1. Hinder performance of duties or access.** A person may  
not:

40           **A. Prevent or obstruct a state forest ranger or town forest**  
42 **fire warden in the performance of the ranger's or warden's**  
44 **duties or the exercise of the rights of entry, access or**  
46 **examination by any state forest ranger or town forest fire**  
**warden. Violation of this paragraph is a strict liability**  
**crime as defined in Title 17-A, section 34, subsection 4-A;**  
**or**

48           **B. Attempt to prevent or obstruct a state forest ranger or**  
50 **town forest fire warden in the performance of the ranger's**

2 or warden's duties or the exercise of the rights of entry,  
3 access or examination by any state forest ranger or town  
4 forest fire warden.

5 2. Penalty. A person who violates subsection 1 commits a  
6 Class E crime.

## 8 **PART G**

10 **Sec. G-1. 13 MRSA §1778** is repealed and the following  
12 enacted in its place:

### 14 **§1778. Inducing breach of contract; spreading false reports;** 15 **penalty**

16 **1. Violation.** A person may not:

18 A. Knowingly induce a member or stockholder of an  
20 association to violate the member's or stockholder's  
21 marketing contract with the association;

22 B. Knowingly attempt to induce a member or stockholder of  
24 an association to violate the member's or stockholder's  
25 marketing contract with the association; or

26 C. Intentionally or knowingly spread false reports about  
28 the finances or management of the association.

30 **2. Penalties.** A person or corporation whose employees or  
31 officers violate this section commits a civil violation for which  
32 a fine of not less than \$100 and not more than \$1,000 may be  
33 adjudged for each such offense. In addition, the person or  
34 corporation is subject to a civil penalty of \$500 for each such  
35 offense, to be recovered in a civil action by the aggrieved  
36 association.

## 38 **PART H**

40 **Sec. H-1. 15 MRSA §455**, as amended by PL 1993, c. 185, §1,  
42 is repealed and the following enacted in its place:

### 44 **§455. Record of sales of firearms**

46 **1. Forms.** A dealer may not:

48 A. Sell, let or loan a firearm to a person without making a  
49 copy of the form a dealer must keep as prescribed by 18

2 United States Code, Section 923. The copy must be made and  
3 marked as "STATE COPY" before the firearm is delivered; or

4 B. Refuse to show or refuse to allow inspection of a copy  
5 of the form described in paragraph A to a sheriff, deputy  
6 sheriff, police officer, constable, game warden or  
7 prosecuting attorney.

8  
9 A person who violates this subsection commits a civil violation  
10 for which a fine of \$50 may be adjudged.

11  
12 2. False or fictitious name. A person may not give a false  
13 or fictitious name to a dealer. A person who violates this  
14 subsection commits a civil violation for which a fine of \$50 may  
15 be adjudged.

16  
17 3. Exception. This section does not apply to a wholesaler  
18 who sells only to other dealers or to a manufacturer who sells  
19 only at wholesale.

20  
21 **Sec. H-2. 15 MRSA §1091**, as amended by PL 1995, c. 356, §16,  
22 is repealed and the following enacted in its place:

23 **§1091. Failure to appear; penalty**

24  
25 1. Failure to appear. A defendant who has been admitted to  
26 either preconviction or postconviction bail and who, in fact,  
27 fails to appear as required is guilty of:

28  
29 A. A Class E crime if the underlying crime was punishable  
30 by a maximum period of imprisonment of less than one year; or

31  
32 B. A Class C crime if the underlying crime was punishable  
33 by a maximum period of imprisonment of one year or more.

34  
35 2. Affirmative defense. It is an affirmative defense to  
36 prosecution under subsection 1 that the failure to appear  
37 resulted from just cause.

38  
39 3. Strict liability. Violation of this section is a strict  
40 liability crime as defined in Title 17-A, section 34, subsection  
41 4-A.

42  
43 **Sec. H-3. 15 MRSA §1092**, as amended by PL 1995, c. 356, §17,  
44 is repealed and the following enacted in its place:

45 **§1092. Violation of condition of release**

46  
47  
48

2 1. Violation of condition of release. A defendant who has  
been granted preconviction or postconviction bail and who, in  
4 fact, violates a condition of release is guilty of:

6 A. A Class E crime; or

8 B. A Class C crime if the underlying crime was punishable  
by a maximum period of imprisonment of one year or more and  
10 the condition of release violated is one specified in  
section 1026, subsection 3, paragraph A, subparagraph (5),  
12 (8) or (13).

14 2. Affirmative defense. It is an affirmative defense to  
prosecution under subsection 1 that the violation resulted from  
16 just cause.

18 3. Strict liability. Violation of this section is a strict  
liability crime as defined in Title 17-A, section 34, subsection  
20 4-A.

## 22 PART I

24 **Sec. I-1. 15 MRSA §5821, sub-§4-A,** as enacted by PL 1989, c.  
820, §1, is amended to read:

26 **4-A. Conveyances used in violation of litter laws.** All  
28 conveyances, including aircraft, watercraft, vehicles, vessels,  
containers or cranes that are used, or attempted to be used, to  
30 dump more than 500 pounds or more than 100 cubic feet of litter  
in violation of Title 17, section 2264 2264-A;

32 **Sec. I-2. 17 MRSA §312,** as amended by PL 1991, c. 426, §2, is  
34 repealed and the following enacted in its place:

### 36 **§312. License required; restricted hours**

38 1. License required. A person, firm, association or  
corporation may not hold, conduct or operate the amusement  
40 commonly known as "beano" or "bingo" for the entertainment of the  
public within the State unless that person, firm, association or  
42 corporation has obtained a license from the Chief of the State  
Police.

44 2. Aiding and abetting. A person, firm, association or  
46 corporation may not aid or abet in violation of subsection 1.

48 3. Restricted hours. A person, firm, association or  
corporation may not conduct "beano" or "bingo" on Christmas or  
50 between the hours of 12 midnight and 7 a.m. A person, firm,

2 association or corporation may not conduct "beano" or "bingo" on  
3 Sunday, except after the hour of 11 a.m. The prevailing time for  
4 the State is used to determine these hours.

6 4. Penalty. A person who violates this section commits a  
7 civil violation for which a fine of not more than \$1,000 may be  
8 adjudged.

10 5. Application. This chapter may not be construed to apply  
11 to any other amusement or game.

12 **Sec. I-3. 17 MRSA §314-A, sub-§1**, as amended by PL 1991, c.  
13 426, §3 and affected by §9, is further amended to read:

14 **1. Eligible organizations.** The Chief of the State Police  
15 may issue licenses to operate high-stakes beano or high-stakes  
16 bingo to any a federally recognized Indian tribe.

18 A. The Chief of the State Police may also issue, to any a  
19 federally recognized tribe, licenses to sell lucky seven or  
20 other similar sealed tickets in accordance with section 324  
21 324-A.

24 B. In conjunction with the operation of high-stakes beano,  
25 federally recognized Indian tribes holding a license under  
26 this section may advertise and offer prizes for attendance  
27 with a value of up to \$25,000 under the terms prescribed for  
28 raffles in section 331, subsection 6. Any prize awarded  
29 under this paragraph must be awarded only on the basis of a  
30 ticket of admission to the high-stakes beano game and may  
31 only be awarded to a person who holds an admission ticket.

32 The Chief of the State Police may not issue more than one license  
33 under this section to a federally recognized Indian tribe for the  
34 same period.

36 **Sec. I-4. 17 MRSA §314-A, sub-§§1-A and 2-A** are enacted to  
37 read:

38 **1-A. Sealed tickets.** The Chief of the State Police may  
39 also issue to any federally recognized Indian tribe licenses to  
40 sell lucky seven or other similar sealed tickets in accordance  
41 with section 324-A.

44 **2-A. Attendance prizes.** In conjunction with the operation  
45 of high-stakes beano, a federally recognized Indian tribe holding  
46 a license under this section may advertise and offer prizes for  
47 attendance with a value of up to \$25,000 under the terms  
48 prescribed for raffles in section 331, subsection 6. A prize  
49 awarded under this subsection may be awarded only on the basis of  
50 the ticket of admission to the high-stakes beano game.

2 a ticket of admission to the high-stakes beano game and may be  
3 awarded only to a person who holds an admission ticket.

4 **Sec. I-5. 17 MRSA §314-A, sub-§3-A** is enacted to read:

6 **3-A. Exception.** Notwithstanding subsection 3, an  
7 organization licensed under this section may operate high-stakes  
8 beano or high-stakes bingo games on New Year's Eve and New Year's  
9 Day.

10 **Sec. I-6. 17 MRSA §314-A, sub-§5**, as amended by PL 1991, c.  
12 426, §5, is repealed and the following enacted in its place:

14 **5. Restrictions; penalty.** A licensee may not:

16 A. Transfer or assign a license issued under this section;

18 B. Operate or conduct a beano game or high-stakes beano  
19 game on the same premises on the same date as another  
20 licensee; or

22 C. Conduct a game outside the Indian Territory of the  
23 licensed organization.

24 A licensee who violates this subsection commits a civil violation  
26 for which a fine of not more than \$1,000 may be adjudged.

28 **Sec. I-7. 17 MRSA §314-A, sub-§9**, as enacted by PL 2001, c.  
30 295, §1, is repealed.

32 **Sec. I-8. 17 MRSA §320**, as amended by PL 1987, c. 197, §5, is  
repealed and the following enacted in its place:

34 **§320. Conduct of beano**

36 **1. Liquor prohibited.** A licensee may not conduct "beano"  
37 or "bingo" in the same room where liquor is sold, served or  
38 consumed during the period of one hour before the conduct of the  
39 games.

40 **2. Disorderly persons prohibited.** A licensee may not  
42 permit a disorderly person to enter or remain within the room or  
43 area where "beano" or "bingo" games are being conducted.

44 **3. Penalty.** A person who violates this section commits a  
46 civil violation for which a fine of not more than \$1,000 may be  
47 adjudged.

48 **Sec. I-9. 17 MRSA §324**, as amended by PL 1997, c. 373, §8, is  
50 repealed.

2           **Sec. I-10. 17 MRSA §324-A** is enacted to read:

4           **§324-A. Games of chance prohibited at "beano" locations**

6           **1. Games of chance where "beano" located.** A person may not  
conduct a "beano" game at any location where a lottery or other  
8 game of chance is conducted.

10           **2. Games of chance before "beano."** A person may not  
conduct a lottery or other game of chance during the period of  
12 one hour before the conduct of any "beano" game at the specific  
location of the "beano" game, except that the following lotteries  
14 may be conducted during the period of one hour before the conduct  
of "beano" games.

16           **A. Lottery tickets issued by the State Liquor and Lottery**  
18 **Commission may be sold when a valid license certificate**  
**issued by the commission is properly displayed.**

20           **B. Raffle tickets may be sold in accordance with chapter 14.**

22           **C. Lucky seven or similar sealed tickets may be sold when**  
24 **that game of chance is licensed by the Chief of the State**  
**Police and when a valid license certificate is properly**  
26 **displayed. Notwithstanding the other provisions of this**  
28 **section and section 312, lucky seven games may be conducted**  
**during the period beginning 2 hours before and ending 2**  
**hours after a "beano" game.**

30           **Notwithstanding any other rule, lucky seven or other similar**  
32 **sealed tickets may be sold that have a sale value of \$1 or**  
**less.**

34           **3. Location defined.** For purposes of this section,  
36 "location" means the location specified in the location permit.

38           **4. Penalty.** A person who violates this section commits a  
civil violation for which a fine of not more than \$1,000 may be  
40 adjudged.

42           **Sec. I-11. 17 MRSA §325**, as amended by PL 1999, c. 74, §6, is  
repealed and the following enacted in its place:

44           **§325. Penalties**

46           **1. Violation of chapter or rules; general penalty.** Except  
48 **as otherwise specifically provided, a person, firm, association**  
**or corporation that violates a provision of this chapter or a**  
50 **rule of the Chief of the State Police prescribed by authority of**



2 this chapter commits a civil violation for which a fine of not  
3 more than \$1,000 may be adjudged.

4 2. Commercial beano hall violations. A person,  
5 corporation, partnership or unincorporated association that rents  
6 or leases a building or facilities to hold, conduct or operate  
7 "beano" or "bingo" commits a Class E crime if that person,  
8 corporation, partnership or unincorporated association:

10 A. Rents or leases a building or facilities to hold,  
11 conduct or operate a "beano" or "bingo" game without a  
12 commercial beano hall permit issued by the Chief of the  
13 State Police; or

14 B. Violates a provision of this chapter or a rule adopted  
15 by the Chief of the State Police pursuant to this chapter.

16 Violation of this subsection is a strict liability crime as  
17 defined in Title 17-A, section 34, subsection 4-A.

18 Sec. I-12. 17 MRSA §401 is repealed and the following enacted  
19 in its place:

20 **§401. Violations; penalty**

21 1. Preventing employment. An employer, employee or other  
22 person, by threats of injury, intimidation or force, alone or in  
23 combination with others, may not prevent a person from entering  
24 into, continuing in or leaving the employment of any person, firm  
25 or corporation.

26 2. Maintaining blacklist. An employer, agent of an  
27 employer or other person, alone or in combination with others,  
28 may not attempt to prevent a wage earner in any industry from  
29 obtaining employment at that wage earner's trade by maintaining  
30 or being a party to the maintaining of a blacklist.

31 3. Penalty. A person who violates this section commits a  
32 Class D crime. Violation of this section is a strict liability  
33 crime as defined in Title 17-A, section 34, subsection 4-A.

34 Sec. I-13. 17 MRSA §1031, sub-§1, as corrected by RR 2001, c.  
35 1, §§18 to 20, is amended to read:

36 1. Cruelty to animals. Except as provided in subsection  
37 1-A subsections 1-D and 1-E, a person, including an owner or the  
38 owner's agent, is guilty of cruelty to animals if that person  
39 intentionally, knowingly or recklessly:

2 A. Kills or attempts to kill any animal belonging to  
another person without the consent of the owner or without  
4 legal privilege. Violation of this paragraph is a Class D  
crime;

6 A-1. Violates paragraph A and, at the time of the offense,  
8 has 2 or more prior convictions for violations of this  
10 section, section 1032 or essentially similar crimes in other  
jurisdictions. Violation of this paragraph is a Class C  
crime;

12 B. Except for a licensed veterinarian or a person certified  
14 under section 1042, kills or attempts to kill an animal by a  
method that does not cause instantaneous death. Violation  
of this paragraph is a Class D crime;

16 B-1. Violates paragraph B and, at the time of the offense,  
18 has 2 or more prior convictions for violations of this  
20 section, section 1032 or essentially similar crimes in other  
jurisdictions. Violation of this paragraph is a Class C  
crime;

22 C. If that person is a licensed veterinarian or a person  
24 certified under section 1042, kills or attempts to kill an  
animal by a method that does not conform to standards  
26 adopted by a national association of licensed  
veterinarians. Violation of this paragraph is a Class D  
28 crime;

30 C-1. Violates paragraph C and, at the time of the offense,  
32 has 2 or more prior convictions for violations of this  
section, section 1032 or essentially similar crimes in other  
34 jurisdictions. Violation of this paragraph is a Class C  
crime;

36 D. Injures, overworks, tortures, torments, abandons or  
38 cruelly beats or intentionally mutilates an animal; gives  
drugs to an animal with an intent to harm the animal; gives  
40 poison or alcohol to an animal; or exposes a poison with  
intent that it be taken by an animal. The owner or occupant  
42 of property is privileged to use reasonable force to eject a  
trespassing animal. Violation of this paragraph is a Class  
D crime;

44 D-1. Violates paragraph D and, at the time of the offense,  
46 has 2 or more prior convictions for violations of this  
48 section, section 1032 or essentially similar crimes in other  
jurisdictions. Violation of this paragraph is a Class C  
crime;

50

2 E. Deprives an animal that the person owns or possesses of  
3 necessary sustenance, necessary medical attention, proper  
4 shelter, protection from the weather or humanely clean  
5 conditions. Violation of this paragraph is a Class D crime;

6 E-1. Violates paragraph E and, at the time of the offense,  
7 has 2 or more prior convictions for violations of this  
8 section, section 1032 or essentially similar crimes in other  
9 jurisdictions. Violation of this paragraph is a Class C  
10 crime;

12 F. Keeps or leaves a domestic animal on an uninhabited or  
13 barren island lying off the coast of the State during the  
14 month of December, January, February or March without  
15 providing necessary sustenance and proper shelter.  
16 Violation of this paragraph is a Class D crime;

18 F-1. Violates paragraph F and, at the time of the offense,  
19 has 2 or more prior convictions for violations of this  
20 section, section 1032 or essentially similar crimes in other  
21 jurisdictions. Violation of this paragraph is a Class C  
22 crime;

24 G. Hunts, traps or sells for the purpose of hunting any  
25 animal, except as permitted pursuant to Title 7, chapter  
26 202-A and Title 12, Part 10. Violation of this paragraph is  
27 a Class D crime;

28 G-1. Violates paragraph G and, at the time of the offense,  
29 has 2 or more prior convictions for violations of this  
30 section, section 1032 or essentially similar crimes in other  
31 jurisdictions. Violation of this paragraph is a Class C  
32 crime;

34 H. Injects, inserts or causes ingestion of any substance  
35 used solely to enhance the performance of an animal by  
36 altering the animal's metabolism to that animal's detriment,  
37 including but not limited to excessive levels of sodium  
38 bicarbonate in equines used for competition. Violation of  
39 this paragraph is a Class D crime;

42 H-1. Violates paragraph H and, at the time of the offense,  
43 has 2 or more prior convictions for violations of this  
44 section, section 1032 or essentially similar crimes in other  
45 jurisdictions. Violation of this paragraph is a Class C  
46 crime;

48 I. Commits bestiality on an animal. For purposes of this  
49 paragraph, "commits bestiality" means that a person:  
50

- 2 (1) Engages in a sexual act with an animal for the purpose of that person's sexual gratification;
- 4 (2) Coerces anyone to engage in a sexual act with an animal;
- 6 (3) Engages in a sexual act with an animal in the presence of a minor;
- 8 (4) Uses any part of the person's body or an object to sexually stimulate an animal;
- 10 (5) Videotapes a person engaging in a sexual act with an animal; or
- 12 (6) For the purpose of that person's sexual gratification, kills or physically abuses an animal.

18 For purposes of this paragraph, "sexual act" means any act  
20 between a person and an animal involving direct physical  
22 contact between the genitals of one and the mouth or anus of  
24 the other, or direct physical contact between the genitals  
of one and the genitals of the other. A sexual act may be  
proved without allegation or proof of penetration.

26 This paragraph may not be construed to prohibit normal and  
28 accepted practices of animal husbandry.

30 Violation of this paragraph is a Class D crime;

32 I-1. Violates paragraph I and, at the time of the offense,  
34 has 2 or more prior convictions for violations of this  
36 section, section 1032 or essentially similar crimes in other  
jurisdictions. Violation of this paragraph is a Class C  
crime;

38 J. Kills or tortures an animal to frighten or intimidate a  
40 person or forces a person to injure or kill an animal.  
Violation of this paragraph is a Class D crime; or

42 J-1. Violates paragraph J and, at the time of the offense,  
44 has 2 or more prior convictions for violations of this  
46 section, section 1032 or essentially similar crimes in other  
jurisdictions. Violation of this paragraph is a Class C  
crime.

48 **Sec. I-14. 17 MRSA §1031, sub-§1-A, as amended by PL 1999, c.**  
481, §1, is repealed.

2           **Sec. I-15. 17 MRSA §1031, sub-§1-B**, as enacted by PL 2001, c.  
425, §8, is amended to read:

4           **1-B. Aggravated cruelty to animals.** A person is guilty of  
6 aggravated cruelty to animals if that person, in a manner  
manifesting a depraved indifference to animal life or suffering,  
intentionally, knowingly or recklessly:

8           A. Causes extreme physical pain to an animal;

10           B. Kills an animal; or

12           C. Physically tortures an animal.

14           Notwithstanding Title 17-A, section 1301, the court shall impose  
16 a fine of not less than \$1,000 and not more than \$10,000 for a  
18 first or subsequent violation of this subsection. The sentencing  
14 provisions in subsection 3-B also apply to a person convicted of  
16 aggravated cruelty to animals.

20           **Sec. I-16. 17 MRSA §1031, sub-§§1-C, 1-D and 1-E** are enacted to  
22 read:

24           **1-C. Cat or dog: exceptions.** Except as provided in  
26 subsections 1-D and 1-E, a person is guilty of cruelty to animals  
if that person intentionally, knowingly or recklessly:

28           A. Kills or attempts to kill a cat or dog. Violation of  
30 this paragraph is a Class D crime; or

32           B. Violates paragraph A and, at the time of the offense,  
34 has 2 or more convictions for violations of this section,  
section 1032 or essentially similar crimes in other  
36 jurisdictions. Violation of this paragraph is a Class C  
crime.

38           **1-D. Licensed veterinarian.** A licensed veterinarian or a  
40 person certified under section 1042 may kill a cat or dog  
according to the methods of euthanasia under subchapter 4.

42           **1-E. Owner or owner's agent.** A person who owns a cat or  
44 dog, or the owner's agent, may kill that owner's cat or dog by  
shooting it with a firearm if the following conditions are met:

46           A. The shooting is performed by a person 18 years of age or  
48 older using a weapon and ammunition of suitable caliber and  
other characteristics to produce instantaneous death by a  
single shot;

50           B. Death is instantaneous;

2 C. Maximum precaution is taken to protect the general  
4 public, employees and other animals; and

6 D. Any restraint of the cat or dog during the shooting does  
8 not cause undue suffering.

10 **Sec. I-17. 17 MRSA §1031, sub-§2, ¶B,** as enacted by PL 1987, c.  
12 383, §4, is amended to read:

14 B. The defendant's conduct or that of ~~his~~ the defendant's  
16 agent was designed to control or eliminate rodents, ants or  
18 other common pests on ~~his~~ the defendant's own property; or

20 **Sec. I-18. 17 MRSA §1031, sub-§3,** as repealed and replaced by  
22 PL 2001, c. 425, §9, is repealed

24 **Sec. I-19. 17 MRSA §1031, sub-§3-A,** as enacted by PL 2001, c.  
26 425, §10, is repealed.

28 **Sec. I-20. 17 MRSA §1031, sub-§3-B** is enacted to read:

30 **3-B. Penalties.** The following apply to violations of this  
32 section.

34 A. In addition to any other penalty authorized by law, the  
36 court shall impose a fine of not less than \$250 for each  
38 violation of this section. The court may order the  
40 defendant to pay the costs of the care, housing and  
42 veterinary medical treatment for the animal.

44 B. The court, as part of the sentence for a violation of  
46 this section, may prohibit the defendant from owning,  
48 possessing or having on the defendant's premises an animal  
50 or animals as determined by the court for a period of time,  
up to and including permanent relinquishment, as determined  
by the court. A person placed on probation for a violation  
of this section with a condition that prohibits owning,  
possessing or having an animal or animals on the  
probationer's premises is subject to revocation of probation  
and removal of the animal or animals at the probationer's  
expense if this condition is violated. The court as part of  
the sentence may order, as a condition of probation, that  
the defendant be evaluated to determine the need for  
psychiatric or psychological counseling and, if it is  
determined appropriate by the court, to receive psychiatric  
or psychological counseling at the defendant's expense.

C. Title 17-A, section 9-A governs the use of prior  
convictions when determining a sentence.

2           **Sec. I-21. 17 MRSA §1032, sub-§1**, as amended by PL 1999, c.  
481, §2, is further amended to read:

4  
6           **1. Cruelty to birds.** A person is guilty of cruelty to  
birds who if that person intentionally, knowingly or recklessly:

8           A. Keeps or uses any live pigeon, fowl or other bird for a  
target or to be shot at, either for amusement or as a test  
10 of skill in marksmanship. Violation of this paragraph is a  
Class D crime;

12           A-1. Violates paragraph A and, at the time of the offense,  
14 has 2 or more prior convictions for violations of this  
section, section 1031 or essentially similar crimes in other  
16 jurisdictions. Violation of this paragraph is a Class C  
crime;

18           B. Shoots at any bird or is present as a party, umpire or  
20 judge at such shooting. Violation of this paragraph is a  
Class D crime; or

22           B-1. Violates paragraph B and, at the time of the offense,  
24 has 2 or more prior convictions for violations of this  
section, section 1031 or essentially similar crimes in other  
26 jurisdictions. Violation of this paragraph is a Class C  
crime;

28           C. Rents any building, shed, room, yard, field or premises  
30 or knowingly suffers the use of the building, shed, room,  
yard, field or premises for these any of the purposes  
32 described in paragraphs A and B. Violation of this  
paragraph is a Class D crime; or

34           C-1. Violates paragraph C and, at the time of the offense,  
36 has 2 or more prior convictions for violations of this  
section, section 1031 or essentially similar crimes in other  
38 jurisdictions. Violation of this paragraph is a Class C  
crime.

40           **Sec. I-22. 17 MRSA §1032, sub-§2**, as amended by PL 1999, c.  
42 481, §2, is repealed and the following enacted in its place:

44           **2. Penalty.** The following apply to violations of this  
section.

46           A. In addition to any other penalty authorized by law, the  
48 court shall impose a fine of not less than \$100 for each  
violation of this section.

50

2 B. Title 17-A, section 9-A governs the use of prior  
convictions when determining a sentence.

4 **Sec. I-23. 17 MRSA §1033, sub-§1**, as amended by PL 1997, c.  
690, §72, is further amended to read:

6 **1. Animal fighting.** A person is guilty of animal fighting  
8 who if that person knowingly:

10 A. Owns, possesses, keeps or trains any animal with the  
12 intent that the animal engage in an exhibition of fighting  
with another animal;

14 B. For amusement or gain, causes any animal to fight with  
16 another animal or causes any animals to injure each other;  
or

18 C. Permits any act in violation of paragraph A or B to be  
done on any premises under that person's charge or control.

20 ~~Animal fighting is a Class C crime. In addition to any other~~  
22 ~~penalty authorized by law, the court shall impose a fine of not~~  
~~less than \$500 for each violation of this section.~~

24 **Sec. I-24. 17 MRSA §1033, sub-§1-A** is enacted to read:

26 **1-A. Penalty.** A person who violates subsection 1 commits a  
28 Class C crime. In addition to any other penalty authorized by  
law, the court shall impose a fine of not less than \$500 for each  
30 violation of subsection 1.

32 **Sec. I-25. 17 MRSA §1033, sub-§2**, as enacted by PL 1987, c.  
383, §4, is amended to read:

34 **2. Viewing animal fighting.** Any A person who is guilty of  
36 viewing animal fighting if that person knowingly is present at  
38 any place or building where preparations are being made for an  
exhibition of the fighting of animals or is present at such an  
40 exhibition is guilty of a Class D crime.

42 **Sec. I-26. 17 MRSA §1033, sub-§2-A** is enacted to read:

44 **2-A. Penalty.** A person who violates subsection 2 commits a  
Class D crime.

46 **Sec. I-27. 17 MRSA §1314**, as amended by PL 1981, c. 584, §2,  
48 is repealed and the following enacted in its place:

50 **§1314. Penalties**



2 1. Public facilities; other rights. A person, firm or  
corporation or the agent of a person, firm or corporation may not:

4 A. Deny or interfere with admittance to or enjoyment of the  
public facilities described in section 1312; or

6 B. Otherwise interfere with the rights of a person who is  
8 totally or partially blind or a person with other  
disabilities under section 1312.

10 2. Penalty. Violation of this section is a Class E crime.  
12 Violation of this section is a strict liability crime as defined  
in Title 17-A, section 34, subsection 4-A.

14 **Sec. I-28. 17 MRSA §1314-A** is enacted to read:

16 **§1314-A. Misrepresentation of guide dog**

18 A person who fits a dog with a harness of the type commonly  
20 used by blind persons in order to represent that the dog is a  
guide dog, when training of the type that guide dogs normally  
22 receive has not been provided, commits a civil violation for  
which a fine of not more than \$100 may be adjudged.

24 **Sec. I-29. 17 MRSA §1603**, as amended by PL 1991, c. 797, §2,  
26 is repealed and the following enacted in its place:

28 **§1603. Uttering fraudulent receipts**

30 1. Fraudulent receipt for delivery or deposit of goods. A  
person who fraudulently makes or utters a receipt or other  
32 written evidence of the delivery or deposit of any grain, flour,  
pork, wool or other goods, wares or merchandise in any warehouse,  
34 mill, store or other building, when the quantity specified  
therein had not, in fact, been delivered or deposited in such  
36 building, commits a Class B crime.

38 2. Fraudulent receipt for delivery and deposit of bonds or  
securities. A person who fraudulently makes or utters a receipt  
40 or other written evidence of the delivery or deposit with that  
person of any bonds or other securities or evidences of debt,  
42 when the same have not, in fact, been so delivered and deposited,  
commits a Class B crime.

44 **Sec. I-30. 17 MRSA §1608-A**, as enacted by PL 1965, c. 71, is  
46 repealed and the following enacted in its place:

48 **§1608-A. Sale of finger alphabet cards as inducement in sale of**  
**merchandise**

50

2 1. Sale of finger alphabet cards. A person may not engage  
4 in the business of peddling finger alphabet cards or printed  
6 matter stating that the person is deaf or use finger alphabet  
8 cards or such printed matter in any way as a means of inducement  
10 in the sale of merchandise.

12 2. Issuance of license prohibited. A person may not issue  
14 to another person a state or local license for the purpose of  
16 peddling finger alphabet cards or printed matter stating that the  
18 other person is deaf.

20 3. Penalty. A person who violates this section commits a  
22 Class E crime. Violation of this section is a strict liability  
24 crime as defined in Title 17-A, section 34, subsection 4-A.

26 **Sec. I-31. 17 MRSA §1610,** as repealed and replaced by PL  
28 1965, c. 15, is repealed and the following enacted in its place:

30 **§1610. Misrepresenting livestock**

32 1. Obtaining or transferring certificate of registration. A  
34 person may not make a false or fraudulent representation for the  
36 purpose of:

38 A. Obtaining a certificate of registration of an animal in  
40 a herd register or other register of a club, association,  
42 society, company or corporation; or

44 B. Transferring a certificate of registration.

46 2. Misrepresentation of registration. A person may not  
48 represent that an animal is a registered animal, or has been  
50 registered, with the intent that the representation be relied  
52 upon by another unless the animal is registered.

54 3. Penalty. A person who violates this section commits a  
56 civil violation for which a fine of not more than \$300 may be  
58 adjudged.

60 4. Definition. For purposes of this section, "registered  
62 animal" means an animal duly recorded in the official herd book  
64 or similar register of any recognized purebred registry  
66 association organized for the purpose of registering a particular  
68 breed of animals whose lineage has been established by records.

70 **Sec. I-32. 17 MRSA §2263-A** is enacted to read:

72 **§2263-A. Littering**

2 1. Prohibited acts. A person may not throw, drop, deposit,  
discard, dump or otherwise dispose of litter in any manner or  
4 amount:

6 A. In or on public highway, road, street, alley, public  
right-of-way or other public lands, except in a container or  
8 receptacle or on property that is designated for disposal of  
garbage and refuse by the State or its agencies or political  
10 subdivisions:

12 B. In freshwater lake, river, stream, tidal or coastal  
water or on ice over the water. When any litter is thrown  
14 or discarded from a watercraft, a person is in violation of  
this section if that person is:

16 (1) The operator of the watercraft, unless it is a  
watercraft being used for the carriage of passengers  
18 for hire; or

20 (2) The person actually disposing of the litter.

22 This paragraph does not prohibit persons who fish, lobster  
or otherwise harvest from the water from returning to the  
24 water harvested products, bait and similar materials that  
naturally originate in the water;

26 C. In or on any private property, unless:

28 (1) Prior consent of the owner has been given; and

30 (2) The litter is not a public nuisance or in  
32 violation of any state law or local rule;

34 D. From a trailer or vehicle that is constructed, loaded or  
uncovered in such a way that the load may drop, sift, leak  
36 or otherwise escape. This paragraph applies to vehicles or  
trailers carrying trash, rubbish or other materials that may  
38 be construed as "litter"; or

40 E. From a vehicle. When any litter is thrown or discarded  
from a vehicle, a person is in violation of this section if  
42 that person is:

44 (1) The operator of the vehicle, unless it is a  
vehicle being used for the carriage of passengers for  
46 hire; or

48 (2) The person actually disposing of the litter.

2 In addition to any penalty under section 2264-A, violation of  
3 this subsection is a traffic infraction under Title 29-A, chapter  
4 23, subchapter VI.

5 A record of a violation of this subsection must be forwarded to  
6 the Secretary of State who, in accordance with Title 29-A,  
7 section 2607, shall add the violation to the department's point  
8 system. The violation is counted in determining an individual's  
9 total points under the point system of the Department of the  
10 Secretary of State, Bureau of Motor Vehicles.

11 2. Commercial purpose presumed. For the purposes of this  
12 chapter, if a person dumps litter from a commercial vehicle, that  
13 person is presumed to have dumped the litter for a commercial  
14 purpose.

15 **Sec. I-33. 17 MRSA §2264,** as amended by PL 1995, c. 65, Pt.  
16 A, §51 and affected by Pt. A, §153 and Pt. C, §15, is repealed.

17 **Sec. I-34. 17 MRSA §2264-A, sub-§1,** as amended by PL 1993, c.  
18 140, §1, is further amended to read:

19 **1. Disposal of 15 pounds or less or 27 cubic feet or less**  
20 **of litter.** A person who disposes of ~~less than~~ 15 pounds or less  
21 ~~than or~~ 27 cubic feet ~~or less~~ of litter ~~is subject to~~ commits a  
22 civil violation for which a forfeiture fine of not ~~more than~~ \$500  
23 ~~nor less than \$100 for the first violation and a forfeiture of~~  
24 ~~and~~ not more than \$500 ~~nor less than \$200 for a subsequent~~  
25 ~~violation~~ may be adjudged.

26 **Sec. I-35. 17 MRSA §2264-A, sub-§1-A** is enacted to read:

27 **1-A. Disposal of 15 pounds or less or 27 cubic feet or less**  
28 **of litter; subsequent offenses.** A person who violates subsection  
29 1 after having previously violated subsection 1 commits a civil  
30 violation for which a fine of not less than \$200 and not more  
31 than \$500 may be adjudged.

32 **Sec. I-36. 17 MRSA §2264-A, sub-§2,** as amended by PL 1993, c.  
33 140, §1, is further amended to read:

34 **2. Disposal of more than 15 pounds or more than 27 cubic**  
35 **feet of litter.** A person who disposes of more than 15 pounds or  
36 more than 27 cubic feet of litter ~~is subject to~~ commits a civil  
37 violation for which a forfeiture fine of not ~~more than~~ \$500 ~~nor~~  
38 less than \$200 ~~for the first violation and a forfeiture of~~ and  
39 not more than \$1,000 ~~nor less than~~ \$500 ~~for a subsequent~~  
40 ~~violation~~ may be adjudged.

41 **Sec. I-37. 17 MRSA §2264-A, sub-§2-A** is enacted to read:

2           **2-A. Disposal of more than 15 pounds or more than 27 cubic**  
3 **feet of litter; subsequent offenses.** A person who violates  
4 **subsection 2 after having previously violated subsection 2**  
5 **commits a civil violation for which a fine of not less than \$500**  
6 **and not more than \$1,000 may be adjudged.**

8           **Sec. I-38. 17 MRSA §2264-B, first paragraph,** as enacted by PL  
9 1989, c. 820, §5, is amended to read:

10           In addition to the ~~forfeitures~~ fines imposed in section  
11 2264-A, the court may order a person adjudicated to have violated  
12 section ~~2264~~ 2264-A to:

13           **Sec. I-39. 17 MRSA §2264-B, sub-§§1, 4 and 5,** as enacted by PL  
14 1989, c. 820, §5, are amended to read:

15           **1. Removal of litter.** Remove the litter dumped in  
16 violation of section ~~2264~~ 2264-A;

17           **4. Public service.** Perform public service relating to the  
18 removal of litter, or to the restoration of an area polluted by  
19 litter, dumped in violation of section ~~2264~~ 2264-A; and

20           **5. License suspension.** Surrender motor vehicle operator's  
21 license for a period not exceeding 30 days. The court may  
22 suspend an operator's license for any violation of section ~~2264~~  
23 which 2264-A that involves the use of a motor vehicle.

24           **Sec. I-40. 17 MRSA §2264-C,** as enacted by PL 1989, c. 820,  
25 §5, is amended to read:

26           **§2264-C. Forfeiture**

27           All conveyances, including aircraft, watercraft, vehicles,  
28 vessels, containers or cranes that are used, or attempted to be  
29 used, to dump more than 1,000 pounds or more than 100 cubic feet  
30 of litter in violation of section ~~2264~~ 2264-A are subject to  
31 forfeiture as provided in Title 15, chapter 517.

32           **Sec. I-41. 17 MRSA §2269,** as amended by PL 1989, c. 878, Pt.  
33 H, §4, is repealed.

34           **Sec. I-42. 17 MRSA §2269-A** is enacted to read:

35           **§2269-A. Litter receptacles; selection and placement**

36           **1. Procure, place and maintain litter receptacles.** A person  
37 **who owns or operates an establishment or public place in which**  
38 **litter receptacles are required by this chapter shall procure,**  
39

2 place and maintain receptacles at the person's own expense in  
3 accordance with this chapter.

4 **2. Required placement.** Litter receptacles as defined in  
5 section 2263 must be placed at all public places or  
6 establishments that serve the public, including, but not limited  
7 to: campgrounds, trailer parks, drive-in restaurants, gasoline  
8 service stations, parking lots, shopping centers, grocery store  
9 parking lots, parking lots of major industrial firms, marinas,  
10 boat launching areas, boat moorage and fueling stations, beaches  
11 and bathing areas, school grounds and business district  
12 sidewalks. The number of receptacles required is as follows:

14 A. For a campground or trailer park for transient  
15 habitation, one receptacle at each public rest room  
16 facility;

18 B. For a drive-in restaurant, parking lot, shopping center,  
19 grocery store parking lot or parking lot of a major  
20 industrial firm, one receptacle, plus one additional  
21 receptacle for each 200 parking spaces in excess of 50  
22 spaces;

24 C. For a gasoline service station, one receptacle per  
25 gasoline pump island;

26 D. For a marina, boat launching area or boat moorage and  
27 fueling station, one receptacle at each location;

28 E. For a beach or bathing area, one receptacle at each  
29 public rest room facility;

30 F. For school grounds, one receptacle at each playground  
31 area and one at each school bus loading zone; and

32 G. For business district sidewalks, one receptacle per  
33 1,000 feet of sidewalk curbing.

34 **3. Exception; remote forest campsites.** Remote forest  
35 campsites operated by the Department of Conservation pursuant to  
36 Title 12, chapter 220, subchapter 2, are not considered public  
37 places or establishments that serve the public if they are  
38 designated as "carry-in and carry-out" sites from which users are  
39 expected to remove litter and other material upon their departure.

40 **4. Penalties.** A person who operates a business of a type  
41 described in this section commits a civil violation for which a  
42 fine of \$10 for each violation may be adjudged if that person:  
43

2           A. Fails to place the litter receptacles on the premises in  
3           the numbers required; or

4           B. Fails to comply within 10 days of being notified by  
5           registered letter by the Department of Conservation that  
6           that person is in violation.

8           Each day a violation continues is a separate offense.

10           **Sec. I-43. 17 MRSA §2272, last paragraph,** as enacted by PL  
11           1975, c. 739, §15, is amended to read:

12           Persons violating the provisions of this section shall--be  
13           are liable for the same penalties as provided for violation of  
14           section 2264 2264-A.

15           **Sec. I-44. 17 MRSA §2497** is repealed and the following  
16           enacted in its place:

17           **§2497. Mooring watercraft to buoys or beacons; destruction of**  
18           **same**

19           **1. Mooring to buoy or beacon prohibited.** A person may not  
20           moor or make fast a vessel, boat, scow or raft to a buoy or  
21           beacon placed by the United States or this State in any of the  
22           navigable waters of this State. A person who violates this  
23           subsection commits a civil violation for which a fine of \$50 may  
24           be adjudged.

25           **2. Destruction of buoy or beacon.** A person may not  
26           intentionally or knowingly destroy a buoy or beacon placed by the  
27           United States or this State in any of the navigable waters of  
28           this State. A person who violates this subsection commits a  
29           Class E crime.

30           **Sec. I-45. 17 MRSA §2741,** as amended by PL 1995, c. 66, §2,  
31           is repealed and the following enacted in its place:

32           **§2741. Common nuisances; jurisdiction to abate**

33           **1. Common nuisances.** The following are common nuisances.

34           A. All places used as houses of ill fame or for the illegal  
35           sale or keeping of intoxicating liquors or scheduled drugs  
36           or resorted to for lewdness or gambling;

37           B. All houses, shops or places where intoxicating liquors  
38           are sold for tippling purposes; and

2 C. All places of resort where intoxicating liquors are  
3 kept, sold, given away, drunk or dispensed in any manner not  
4 provided for by law.

6 2. Superior Court jurisdiction. The Superior Court has  
7 jurisdiction, upon information filed by the Attorney General or  
8 the district attorney or upon complaint filed by not fewer than 7  
9 legal voters of that county setting forth any of the facts  
10 contained in this section, to restrain, enjoin or abate a common  
11 nuisance as set out in subsection 1 and an injunction for those  
12 purposes may be issued by the court. A dismissal of an  
13 information or complaint does not prevent action upon any  
14 information or complaint subsequently filed covering the same  
15 subject matter.

16 3. Injunction or order. The injunction or order to  
17 restrain, enjoin or abate the common nuisance forever runs  
18 against the building or other place or structure, except that,  
19 upon motion of an owner filed not sooner than 6 months from the  
20 date of the injunction or order, the Superior Court may remove or  
21 modify the injunction or order upon a showing by the owner, by a  
22 preponderance of evidence, that the nuisance has abated.

24 4. Trafficking or furnishing scheduled drugs. For purposes  
25 of this subchapter, proof by a preponderance of evidence that an  
26 owner or occupant of a building or other place or structure, or  
27 any part thereof, has trafficked in or furnished at the building,  
28 place or structure, or any part thereof, any scheduled drug as  
29 defined by Title 17-A, chapter 45 on 2 or more occasions within a  
30 3-year period is sufficient to prove that the building, place or  
31 structure is a common nuisance.

32 5. Keeping, allowing or maintaining common nuisance. A  
33 person who keeps, allows or maintains a building, place or  
34 structure declared by the Superior Court to be a common nuisance  
35 upon the filing of information commits a Class E crime.

38 6. Default in payment of fine. A person who defaults in  
39 payment of a fine imposed under this section commits a separate  
40 Class E crime.

42 7. Strict liability. Violation of this section is a strict  
43 liability crime as defined in Title 17-A, section 34, subsection  
44 4-A.

46 **Sec. I-46. 17 MRSA §2742, as amended by PL 1995, c. 66, §3,**  
47 **is repealed.**

48 **Sec. I-47. 17 MRSA §2922, sub-§1, as amended by PL 1985, c.**  
50 **495, §3, is further amended to read:**



2           **1. Offense.** A person is guilty of sexual exploitation of a  
minor if:

4  
6           A. Knowing or intending that the conduct will be  
photographed, ~~he~~ the person intentionally or knowingly  
employs, solicits, entices, persuades, uses or compels  
8 another person, not ~~his~~ that person's spouse, who is in fact  
a minor, to engage in sexually explicit conduct; or

10           A-1. The person violates paragraph A and, at the time of  
12 the offense, has one or more prior convictions for violating  
this section;

14           B. Being a parent, legal guardian or other person having  
care or custody of another person, who is in fact a minor,  
16 he that person knowingly or intentionally permits that minor  
to engage in sexually explicit conduct, knowing or intending  
18 that the conduct will be photographed; ~~or~~

20           C. The person violates paragraph B and, at the time of the  
22 offense, has one or more prior convictions for violating  
this section.

24           **Sec. I-48. 17 MRSA §2922, sub-§2,** as enacted by PL 1977, c.  
26 628, §1, is repealed and the following enacted in its place:

28           **2. Penalty.** The following penalties apply to sexual  
exploitation of a minor.

30           A. A person who violates subsection 1, paragraph A-1 or  
32 subsection 1, paragraph C commits a Class A crime. The  
court shall impose a sentencing alternative involving a term  
34 of imprisonment of at least 10 years.

36           B. A person who violates subsection 1, paragraph A or  
38 subsection 1, paragraph B, commits a Class B crime. The  
court shall impose a sentencing alternative involving a term  
40 of imprisonment of at least 5 years.

42           The court may not suspend a minimum term of imprisonment imposed  
under paragraph A or B unless it sets forth in detail, in  
44 writing, the reasons for suspending the sentence. The court shall  
consider the nature and circumstances of the crime, the physical  
46 and mental well-being of the minor and the history and character  
of the defendant and may only suspend the minimum term if it is  
48 of the opinion that the exceptional features of the case justify  
the imposition of another sentence. Title 17-A, section 9-A  
50 governs the use of prior convictions when determining a sentence.

2           **Sec. I-49. 17 MRSA §2923, sub-§1**, as amended by PL 1999, c.  
444, §3, is repealed and the following enacted in its place:

4           1. Offense. A person is guilty of dissemination of  
6 sexually explicit material if:

8           A. The person intentionally or knowingly disseminates or  
10 possesses with intent to disseminate any book, magazine,  
12 print, negative, slide, motion picture, videotape, computer  
14 data file or other mechanically, electronically or  
16 chemically reproduced visual image or material that depicts  
18 any minor, who the person knows or has reason to know is a  
20 minor, engaging in sexually explicit conduct; or

22           B. The person violates paragraph A and, at the time of the  
24 offense, has one or more prior convictions for violating  
26 this section.

28           **Sec. I-50. 17 MRSA §2923, sub-§3**, as amended by PL 1993, c.  
727, §1, is repealed and the following enacted in its place:

30           3. Penalty. The following penalties for dissemination of  
32 sexually explicit materials apply.

34           A. Violation of subsection 1, paragraph B is a Class B  
36 crime.

38           B. Violation of subsection 1, paragraph A is a Class C  
40 crime.

42           Title 17-A, section 9-A governs the use of prior convictions when  
44 determining a sentence.

46           **Sec. I-51. 17 MRSA §2924, sub-§2**, as amended by PL 2001, c.  
412, §2, is repealed.

48           **Sec. I-52. 17 MRSA §2924, sub-§2-A** is enacted to read:

2-A. Offense. A person is guilty of possession of sexually  
explicit material if that person:

A. Intentionally or knowingly transports, exhibits,  
purchases or possesses any book, magazine, print, negative,  
slide, motion picture, computer data file, videotape or  
other mechanically, electronically or chemically reproduced  
visual image or material that the person knows or should  
know depicts another person engaging in sexually explicit  
conduct, and:

2           (1) The other person has not in fact attained the age  
3           of 14 years; or

4           (2) The person knows or has reason to know that the  
5           other person has not attained the age of 14 years; or

6           B. Violates paragraph A and, at the time of the offense,  
7           has one or more prior convictions for violating this section.

10       **Sec. I-53. 17 MRSA §2924, sub-§5**, as enacted by PL 1993, c.  
11       727, §2, is repealed and the following enacted in its place:

12           **5. Penalty.** The following penalties for possession of  
13           sexually explicit material apply.

16           A. Violation of subsection 2-A, paragraph B is a Class C  
17           crime.

18           B. Violation of subsection 2-A, paragraph A is a Class D  
19           crime.

22       Title 17-A, section 9-A governs the use of prior convictions when  
23       determining a sentence.

24           **Sec. I-54. 17 MRSA §3203**, as repealed and replaced by PL  
25       1995, c. 625, Pt. B, §3, is repealed and the following enacted in  
26       its place:

28       **§3203. Sales of motor vehicles prohibited**

30           **1. Sales of motor vehicles on Sunday prohibited.** Except as  
31           provided in section 3203-A, on Sunday a person may not:

34           A. Carry on or engage in the business of buying, selling,  
35           exchanging, dealing or trading in new or used motor vehicles;

36           B. Open any place of business or lot in which that person  
37           attempts to or does engage in the business of buying,  
38           selling, exchanging, dealing or trading in new or used motor  
39           vehicles; or

40           C. Buy, sell, exchange, deal or trade in new or used motor  
41           vehicles.

44           **2. Penalty.** A person who violates this section commits a  
45           Class E crime. Violation of this section is a strict liability  
46           crime as defined in Title 17-A, section 34, subsection 4-A. If  
47           the person is the holder of dealer or transporter registration  
48           plates under Title 29-A, chapter 9, the person is subject to the

2 suspension or revocation of those plates, as provided for in  
3 Title 29-A, section 903, for the violation of this section.

4 **Sec. I-55. 17 MRSA §3204**, as amended by PL 2001, c. 44, §11  
5 and affected by §14, is repealed and the following enacted in its  
6 place:

8 **§3204. Business, traveling or recreation on Sunday**

10 **1. Restriction.** A person may not keep a place of business  
11 open to the public:

12 **A. On Sunday, except:**

14 (1) For works of necessity, emergency or charity; or

16 (2) Between the hours of noon and 5:00 p.m. on Sundays  
18 falling between Thanksgiving Day and Christmas Day; or

20 **B. On the following holidays:**

22 (1) On Memorial Day, the last Monday in May, but if  
24 the Federal Government designates May 30th as the date  
25 for observance of Memorial Day, the 30th of May;

26 (2) On July 4th;

28 (3) On Labor Day, the first Monday of September;

30 (4) On Veterans' Day, November 11th;

32 (5) On Christmas Day; and

34 (6) On Thanksgiving Day.

36 **2. Exceptions.** This section does not apply to:

38 **A. Common, contract and private carriers;**

40 **B. Taxicabs;**

42 **C. Airplanes;**

44 **D. Newspapers;**

46 **E. Radio and television stations;**

48 **F. Hotels, motels, rooming houses, tourist and trailer**  
49 **camp;**

50

- 2           G. Restaurants;
- 4           H. Garages and motor vehicle service stations;
- 6           I. Retail monument dealers;
- 8           J. Automatic laundries;
- 10          K. Machines that vend anything of value, including, but not  
limited to, a product, money or service;
- 12          L. A satellite facility approved by the Superintendent of  
Financial Institutions under Title 9-B; or comparable  
14 facility approved by the appropriate federal authority;
- 16          M. Pharmacies;
- 18          N. Greenhouses;
- 20          O. Seasonal stands engaged in sale of farm produce, dairy  
products, seafood or Christmas trees;
- 22          P. Public utilities;
- 24          Q. Industries normally kept in continuous operation,  
including, but not limited to, electric generation plants,  
26 pulp and paper plants and textile plants;
- 28          R. Processing plants handling agricultural produce or  
30 products of the sea;
- 32          S. Ship chandleries;
- 34          T. Marinas;
- 36          U. Establishments primarily selling boats, boating  
equipment, sporting equipment, souvenirs and novelties;
- 38          V. Motion picture theaters;
- 40          W. Public dancing;
- 42          X. Sports and athletic events;
- 44          Y. Bowling alleys;
- 46          Z. Displaying or exploding fireworks, under Title 8,  
48 chapter 9-A;
- 50          AA. Musical concerts;

2 BB. Religious, educational, scientific or philosophical  
lectures;

4 CC. Scenic, historic, recreational and amusement facilities;

6 DD. Real estate brokers and real estate sales  
8 representatives;

10 EE. Mobile home brokers and mobile home sales  
12 representatives;

14 FF. Stores in which no more than 5 persons, including the  
16 proprietor, are employed in the usual and regular conduct of  
18 business;

20 GG. Stores that have no more than 5,000 square feet of  
22 interior customer selling space, excluding back room  
24 storage, office and processing space; and

26 HH. Stores with more than 5,000 square feet of interior  
28 customer selling space that engage in retail sales and that  
30 do not require, as a condition of employment, that their  
32 employees work on Sundays. If an employer decreases the  
34 average weekly work hours of an employee who has declined to  
36 work on Sundays, it is prima facie evidence that the  
38 employer has required Sunday work as a condition of  
40 employment in violation of this section, unless the employer  
42 and employee agreed that the employee would work on Sundays  
44 when the employee was initially hired. In no event,  
46 however, may any store having more than 5,000 square feet of  
48 interior customer selling space be open on Easter Day,  
Thanksgiving Day and Christmas Day.

This subsection does not exempt the businesses or facilities  
specified in sections 3205 and 3207 from closing in any  
municipality until the requirements of those sections have been  
met.

40 3. Scope. For the purpose of determining qualification, a  
42 "store" is an operation conducted within one building advertising  
44 as, and representing itself to the public to be, one business  
46 enterprise regardless of internal departmentalization. All  
48 subleased departments of any store for the purpose of this  
section are considered to be operated by the store in which they  
are located. Contiguous stores owned by the same proprietor or  
operated by the same management for the purpose of this section  
are considered to be a single store.

2       4. Penalty. A person who violates this section commits a  
4       Class E crime. A violation of this section is a strict liability  
6       crime as defined in Title 17-A, section 34, subsection 4-A. A  
8       complaint charging violation of this section may not issue later  
10       than 5 days after its alleged commission.

12       5. Injunctive relief. In addition to any criminal  
14       penalties provided in this section, the Attorney General, a  
16       district attorney or any resident of a municipality in which a  
18       violation is claimed to have occurred may file a complaint with  
20       the Superior Court to enjoin any violation of this section. The  
22       Superior Court has original jurisdiction of these complaints and  
24       authority to enjoin these violations.

26       6. Application. This section does not apply to isolated or  
28       occasional sales by persons not engaged in the sale, transfer or  
30       exchange of property as a business.

32       Sec. I-56. 17 MRSA §3321, as amended by PL 1999, c. 347, §§1  
34       and 2, is repealed.

36       Sec. I-57. 17 MRSA §3321-A is enacted to read:

38       §3321-A. Store security

40       1. Definition. For purposes of this section, "convenience  
42       store" means a retail store that specializes in the sale of a  
44       limited quantity and variety of consumable items in their  
46       original containers.

48       2. Restrictions. A person may not keep open a convenience  
50       store 24 hours a day unless the store has:

A. A drop safe that is bolted to the floor, installed in  
      the floor or weighs at least 500 pounds;

B. A conspicuous sign in the store entrance that states  
      that between the hours of 9 p.m. and 5 a.m. the cash  
      register contains \$50 or less, that there is a safe in the  
      store and that the safe is not accessible to the employees;

C. During the hours of 9 p.m. to 5 a.m., no more than \$50  
      cash available and readily accessible to employees; and

D. An alarm or telephone within the store that is  
      accessible to the employees. The alarm must be connected to  
      a public or private safety agency.

3. Penalty. A person who violates this section commits a  
50       Class E crime. A violation of this section is a strict liability

2 crime as defined in Title 17-A, section 34, subsection 4-A. A  
3 complaint charging violation of this section may not issue later  
4 than 5 days after its alleged commission. Each day that a  
5 violation of this section occurs is considered a separate offense.

6 4. Injunctive relief. In addition to any criminal  
7 penalties provided in this section, the Attorney General, a  
8 district attorney or a resident of a municipality in which a  
9 violation is claimed to have occurred may file a complaint with  
10 the Superior Court to enjoin a violation of this section. The  
11 Superior Court has original jurisdiction of the complaints and  
12 authority to enjoin the violations.

## 14 PART J

16 **Sec. J-1. 18-A MRSA §1-510**, as amended by PL 1981, c. 470,  
18 Pt. A, §42, is repealed and the following enacted in its place:

### 20 **§1-510. Register or Probate Court employee; prohibited activities**

#### 22 **1. Prohibited activities. A register may not:**

24 A. Be an attorney or counselor in or out of court in an  
25 action or matter pending in the court of which the register  
26 is register or in an appeal in such action or matter;

28 B. Be administrator, guardian, commissioner of insolvency,  
29 appraiser or divider of an estate, in a case within the  
30 jurisdiction of the court of which the register is register,  
31 except as provided in Title 4, section 307, or be in any  
32 manner interested in the fees and emoluments arising from  
33 such an estate in that capacity; or

34 C. Commence or conduct, either personally or by agent or  
35 clerk, any matter, petition, process or proceeding in the  
36 court of which the register is register, in violation of  
37 this section.

40 **2. Assistance in drafting. Except as otherwise provided in**  
41 **this section, a register may not draft or aid in drafting**  
42 **documents or paper that the register is by law required to record**  
43 **in full or in part. A register may aid in drafting applications**  
44 **in informal proceedings, petitions or sworn statements relating**  
45 **to the closing of decedents' estates that have not been contested**  
46 **prior to closing, applications for change of name and petitions**  
47 **for guardians of minors. A register or an employee of the**  
48 **Probate Court may not charge fees or accept anything of value for**  
49 **assisting in the drafting of documents to be used or filed in the**  
50 **court of which the person is the register or an employee.**



2 3. Penalties. The following penalties apply to violations  
of this section.

4  
6 A. A register who violates subsection 1 commits a Class E  
crime. Violation of subsection 1 is a strict liability  
crime as defined in Title 17-A, section 34, subsection 4-A.

8  
10 B. A register or employee of the Probate Court who violates  
subsection 2 is subject to a civil penalty of not more than  
\$100, to be recovered by a complainant in a civil action for  
the complainant's benefit or by indictment for the benefit  
of the county.

14  
16 **PART K**

18 **Sec. K-1. 21-A MRSA §674, sub-§1, ¶B,** as repealed and replaced  
by PL 1993, c. 473, §18 and affected by §46, is amended to read:

20  
22 B. Interferes with a voter attempting to cast a vote or  
interferes with or attempts to influence a voter in marking  
that voter's ballot;

24  
26 **Sec. K-2. 21-A MRSA §674, sub-§1, ¶¶B-1 and B-2** are enacted to  
read:

28 B-1. Interferes with a voter in marking that voter's ballot;

30 B-2. Attempts to influence a voter in marking that voter's  
ballot;

32  
34 **Sec. K-3. 21-A MRSA §674, sub-§3, ¶B,** as enacted by PL 1993,  
c. 473, §18 and affected by §46, is amended to read:

36 B. Votes or attempts to vote knowing that the person is not  
eligible to do so or having once voted, whether within or  
outside this State, again votes or attempts to vote at the  
same election; or

40  
42 **Sec. K-4. 21-A MRSA §674, sub-§3, ¶¶B-1 to B-3** are enacted to  
read:

44 B-1. Attempts to vote knowing that the person is not  
eligible to do so;

46  
48 B-2. Having once voted, whether within or outside this  
State, again votes at the same election;

2            B-3. Having once voted, whether within or outside this  
3            State, attempts to vote at the same election;

4            **Sec. K-5. 21-A MRSA §674, sub-§3, ¶C**, as enacted by PL 1993,  
5            c. 473, §18 and affected by §46, is amended to read:

6            C. ~~Votes or attempts to vote~~ by using the name of another;  
7            or

10           **Sec. K-6. 21-A MRSA §674, sub-§3, ¶D** is enacted to read:

12           D. Attempts to vote by using the name of another.

14           **Sec. K-7. 21-A MRSA §682**, as amended by PL 2001, c. 310,  
15           §37, is repealed and the following enacted in its place:

16           **§682. Political activities**

18           Certain activity is prohibited on election day.

20           1. Instruction limited. Within the voting place, a person  
21           may not instruct another in the method of marking the ballot,  
22           except as provided in section 672.

24           2. Influence prohibited. Within 250 feet of the entrance  
25           to the voting place as well as within the voting place itself, a  
26           person may not:

28           A. Influence another person's decision regarding a  
29           candidate or ballot issue; or

32           B. Attempt to influence another person's decision regarding  
33           a candidate or ballot issue.

34           These limitations do not prohibit a candidate from attending the  
35           voting place and orally communicating with voters, as long as the  
36           candidate does not attempt to influence their vote. A candidate  
37           may not state the name of the office sought or request a person's  
38           vote.

40           3. Application. This subsection governs the application of  
41           subsection 2.

44           A. Subsection 2 does not apply to pollwatchers who may  
45           remain in the voting place outside the guardrail enclosure  
46           as long as they do not attempt to influence voters or  
47           interfere with their free passage.

48           B. Subsection 2 does not prohibit media representatives  
49           from conducting an exit poll, as long as they do not solicit  
50

2 voters until after the voters have voted and do not orally  
3 communicate with voters in a way that influences a voter's  
4 vote.

5 C. If a person attempts to influence voters or interfere  
6 with their free passage, the warden shall have that person  
7 removed from the voting place.

8 **4. Advertising prohibited.** A person may not display  
9 advertising material, operate an advertising medium, including a  
10 sound amplification device, or distribute campaign literature,  
11 posters, palm cards, buttons, badges or stickers containing a  
12 candidate's name or otherwise intending to influence the opinion  
13 of any voter within 250 feet of the entrance to either the voting  
14 place or the registrar's office. The term "sound amplification  
15 device" includes, but is not limited to, sound trucks,  
16 loudspeakers and blowhorns.

17 A. This subsection does not apply to advertising material  
18 on automobiles traveling to and from the voting place. It  
19 does not prohibit a person from passing out stickers at the  
20 voting place to be pasted on the ballot at a primary  
21 election. It does not prohibit a person who is at the polls  
22 solely for the purpose of voting from wearing a campaign  
23 button when the longest dimension of the button does not  
24 exceed 3 inches.

25 B. Nonpolitical charitable activities and other  
26 nonpolitical advertising may be allowed at the discretion of  
27 the clerk if arrangements are made prior to election day.  
28 If arrangements are not made in advance of election day, the  
29 warden may, at the warden's discretion, either allow or  
30 prohibit nonpolitical charitable activities and other  
31 nonpolitical advertising.

32 **5. Communication devices.** Party workers and others who  
33 remain in the voting place outside the guardrail enclosure may  
34 not use within the voting place cellular phones, beepers, voice  
35 or signal pagers or similar devices that make noise or allow  
36 direct audible voice communication within the voting place. The  
37 warden may exempt election officials and emergency workers such  
38 as emergency medical technicians and police from this subsection.

39 **6. Violation.** A person who knowingly engages in activities  
40 prohibited by this section commits a Class E crime.

41 **Sec. K-8. 21-A MRSA §829,** as amended by PL 1993, c. 473, §39  
42 and affected by §46, is repealed and the following enacted in its  
43 place:  
44

2 **§829. Violation and penalty**

4 1. Altering voting machine. A person may not alter,  
6 adjust, operate, move, unlock or unseal a voting machine or any  
part of a voting machine with the intent of changing the outcome  
of any election.

8 2. Attempting to alter voting machine. A person may not  
10 attempt to alter, adjust, operate, move, unlock or unseal a  
12 voting machine or any part of a voting machine with the intent of  
changing the outcome of an election.

14 3. Penalty. A person who violates this section commits a  
Class B crime.

16 **Sec. K-9. 21-A MRSA §860**, as amended by PL 1995, c. 459,  
18 §112, is repealed and the following enacted in its place:

20 **§860. Violation and penalty**

22 1. Tampering with voting device. Before, during or after  
an election, a person may not intentionally or knowingly:

24 A. Tamper with or injure a voting device, ballot or other  
26 record or equipment used in the election or interfere with  
the correct operation of such a device or equipment or the  
28 secrecy of voting; or

30 B. Attempt to interfere with the correct operation of such  
a device or equipment or the secrecy of voting.

32 2. Penalty. A person who violates subsection 1 commits a  
34 Class C crime.

36 **Sec. K-10. 21-A MRSA §1004, sub-§2**, as amended by PL 1989, c.  
504, §§2 and 31, is further amended to read:

38 **2. False statements.** No A person, candidate, treasurer or  
40 a political action committee may not make a false statement in any  
a report required by this chapter.

42 **Sec. K-11. 21-A MRSA §1004, sub-§3**, as enacted by PL 1985, c.  
44 161, §6, is repealed and the following enacted in its place:

46 3. Contributions in another's name. A person may not  
knowingly:

48 A. Make a contribution in the name of another person;

2 B. Permit the person's name to be used to accomplish a  
contribution in violation of paragraph A; or

4 C. Accept a contribution made by one person in the name of  
another person.

6 **Sec. K-12. 21-A MRSA §1004, sub-§4,** as enacted by PL 1985, c.  
8 161, §6, is amended to read:

10 **4. Registration; political action committees.** No A  
12 political action committee required to be registered under  
section 1053 may not operate in this State unless it is so  
14 registered.

## 16 PART L

18 **Sec. L-1. 22 MRSA §47,** as amended by PL 1991, c. 797, §6, is  
repealed and the following enacted in its place:

### 20 **§47. Penalties and jurisdiction**

22 **1. Hinder, obstruct or interfere with agent.** A person who  
24 hinders, obstructs or interferes with an officer, inspector or  
duly authorized agent of the department while in the performance  
26 of the officer's, inspector's or agent's duties commits a Class E  
crime.

28 **2. Violation of order, rule or regulation.** A person who  
30 violates an order, rule or regulation of the department made for  
the protection of life or health under law commits a Class E  
32 crime unless otherwise provided in this Title.

34 **3. Violation of Title.** Unless another penalty has been  
36 expressly provided, a person who violates a provision of this  
Title or intentionally or knowingly fails, neglects or refuses to  
38 perform any of the duties imposed upon that person by this Title  
commits a Class E crime.

40 **4. Strict liability.** Except as otherwise specifically  
42 provided, violation of this section is a strict liability crime  
as defined in Title 17-A, section 34, subsection 4-A.

44 **Sec. L-2. 22 MRSA §48** is enacted to read:

### 46 **§48. Certificate of commissioner as evidence**

48 A certificate of the commissioner in regard to the records  
of the department is admissible in evidence in all prosecutions  
50 under this Title.

2           **Sec. L-3. 22 MRSA §690, sub-§1**, as enacted by PL 1983, c. 345,  
3           §§13 and 14, is repealed and the following enacted in its place:

4           **1. Criminal penalties.** A person who intentionally or  
5           knowingly:

6           A. Violates a provision of this Act, or a rule or order of  
7           the department in effect pursuant to this Act, commits a  
8           Class D crime; or

9           B. Violates a term, condition or limitation of a license or  
10           registration certificate issued under this Act, or commits a  
11           violation for which a license or registration certificate  
12           may be revoked under rules issued pursuant to this Act,  
13           commits a Class D crime.

14           **Sec. L-4. 22 MRSA §1554**, as enacted by PL 1995, c. 470, §9  
15           and affected by §19, is repealed.

16           **Sec. L-5. 22 MRSA §1554-A**, as amended by PL 1997, c. 305, §3,  
17           is repealed and the following enacted in its place:

18           **§1554-A. Sale of unpackaged cigarettes**

19           **1. Prohibition.** A person may not:

20           A. Sell cigarettes except in the original sealed package in  
21           which they were placed by the manufacturer, which may not be  
22           smaller than 20 cigarettes per package; or

23           B. Sell cigarettes in smaller quantities than placed in the  
24           package by the manufacturer.

25           **2. Penalty; employee.** A person who violates this section  
26           commits a civil violation for which a fine of not less than \$10  
27           and not more than \$100 may be adjudged. In all cases of  
28           violations, the court shall impose a fine that may not be  
29           suspended, except pursuant to Title 15, section 3314.

30           **3. Penalty; employer.** The employer of a person who  
31           violates this section commits a civil violation for which a fine  
32           of not less than \$100 and not more than \$1,000 may be adjudged.  
33           In all cases of violations, the court shall impose a fine that  
34           may not be suspended.

35           **Sec. L-6. 22 MRSA §1554-B** is enacted to read:

36           **§1554-B. Sale without valid license; multiple violations;**

**penalties**

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**1. License required.** A person may not engage in retail tobacco sales or in free distribution of tobacco products in the ordinary course of trade in this State without a valid license issued under subchapter 1.

**2. Penalties.** The following penalties apply to violations of this section.

**A.** A person who violates subsection 1 commits a Class E crime for which the court shall impose a sentencing alternative involving a fine of not less than \$300 plus court costs and not more than \$500 plus court costs. The fine and costs may not be suspended. The court also may impose a sentencing alternative involving a term of imprisonment of not more than 30 days.

**B.** A person who violates subsection 1 and, at the time of the violation, has one prior conviction for violating this section commits a Class E crime for which the court shall impose a sentencing alternative involving a fine of not less than \$500 plus court costs and not more than \$1,000 plus court costs. The fine and costs may not be suspended. The court also may impose a sentencing alternative involving a term of imprisonment of not more than 60 days.

**C.** A person who violates subsection 1 and, at the time of the violation, has 2 or more prior convictions for violating this section commits a Class E crime for which the court shall impose a sentencing alternative involving a fine of not less than \$1,000 plus court costs and a term of imprisonment of 60 days. The fine, court costs and term of imprisonment may not be suspended. The court also may impose as a sentencing alternative an additional term of imprisonment of not more than 4 months.

**3. Strict liability.** Violation of this section is a strict liability crime as defined in Title 17-A section 34, subsection 4-A.

**4. Prior convictions.** Title 17-A, section 9-A governs the use of prior convictions when determining a sentence.

**Sec. L-7.** 22 MRSA §1555-B, sub-§5, as amended by PL 1997, c. 578, §1, is repealed.

**Sec. L-8.** 22 MRSA §1555-B, sub-§§5-A to 5-C are enacted to read:

2 5-A. Possession and use of cigarettes, cigarette papers or  
3 tobacco products by minors prohibited. Except as provided in  
4 subsection 5-B, a person under 18 years of age may not:

5 A. Purchase, possess or use cigarettes, cigarette papers or  
6 any tobacco product;

7 B. Violate paragraph A after having previously violated  
8 this subsection; or

9 C. Violate paragraph A after having previously violated  
10 this subsection 2 or more times.

11 5-B. Exception to possession by minor. A person under 18  
12 years of age may transport or permit to be transported in a motor  
13 vehicle cigarettes, cigarette papers or tobacco products in the  
14 original sealed package in which they were placed by the  
15 manufacturer if the transportation is in the scope of that  
16 person's employment.

17 5-C. Use of false identification by minors prohibited. A  
18 person under 18 years of age may not:

19 A. Offer false identification in an attempt to purchase a  
20 tobacco product or to purchase, possess or use cigarettes,  
21 cigarette papers or any other tobacco product;

22 B. Violate paragraph A after having previously violated  
23 this subsection; or

24 C. Violate paragraph A after having previously violated  
25 this subsection 2 or more times.

26 **Sec. L-9. 22 MRSA §1555-B, sub-§8, as amended by PL 1997, c.**  
27 **393, Pt. D, §1, is further amended to read:**

28 **8. Fines.** Violations of this section are subject to fines  
29 ~~and forfeitures~~ according to this subsection.

30 A. A person who violates subsection 1, 2, 3 or 4 commits a  
31 civil violation for which a fine of not less than \$50 ~~nor~~  
32 and not more than \$1,500, plus court costs, may must be  
33 adjudged for any one offense. ~~An employer of a person who~~  
34 ~~violates subsection 1, 2, 3 or 4 commits a civil violation~~  
35 ~~for which a fine of not less than \$50 nor more than \$1,500,~~  
36 ~~plus court costs, may be adjudged. For a violation, the~~  
37 ~~court shall impose a fine that may not be suspended, except~~  
38 Except pursuant to Title 15, section 3314, the fine may not  
39 be suspended.



2 A-1. An employer of a person who violates subsection 1, 2,  
3 3 or 4 commits a civil violation for which a fine of not  
4 less than \$50 and not more than \$1,500, plus court costs,  
5 must be adjudged. The fine may not be suspended.

6 B. A person who violates subsection 5 5-A or 5-C commits a  
7 civil violation for which the following ~~forfeitures~~  fines  
8 may be adjudged.

10 (1) For a first offense, a ~~forfeiture~~  fine of not less  
11 than \$100 and not more than \$300 may be imposed. The  
12 judge, as an alternative to or in addition to the  
13 ~~forfeiture~~  fine permitted by this subparagraph, may  
14 assign the violator to perform specified work for the  
15 benefit of the State, the municipality or other public  
16 entity or a charitable institution.

18 (2) For a 2nd offense, a ~~forfeiture~~  fine of not less  
19 than \$200 and not more than \$500 may be imposed. The  
20 judge, as an alternative to or in addition to the  
21 ~~forfeiture~~  fine permitted by this subparagraph, may  
22 assign the violator to perform specified work for the  
23 benefit of the State, the municipality or other public  
24 entity or a charitable institution.

26 (3) For all subsequent offenses, a ~~forfeiture~~  fine of  
27 \$500 must be imposed and that ~~forfeiture~~  fine may not  
28 be suspended. The judge, in addition to the ~~forfeiture~~  
29  fine permitted by this subparagraph, may assign the  
30 violator to perform specified work for the benefit of  
31 the State, the municipality or other public entity or a  
32 charitable institution.

34 C. A person who violates subsection 6 commits a civil  
35 violation for which a ~~forfeiture~~  fine of not less than \$50  
36 ~~ne#~~  and not more than \$200 may be adjudged for any one  
37 offense.

38 **Sec. L-10. 22 MRSA §1593**, as enacted by PL 1977, c. 696,  
39 §186, is repealed and the following enacted in its place:

42 **§1593. Sale and use of fetuses**

44 **1. Prohibition.** A person may not use, transfer, distribute  
45 or give away a live human fetus, whether intrauterine or  
46 extrauterine, or any product of conception considered live born,  
47 for scientific experimentation or for any form of experimentation.  
48

2           2. Consenting, aiding or assisting. A person may not  
consent to violating subsection 1 or aid or assist another in  
violating subsection 1.

4  
6           3. Penalty. A person who violates this section commits a  
Class C crime. Violation of this section is a strict liability  
crime as defined in Title 17-A, section 34, subsection 4-A.

8  
10          **Sec. L-11. 22 MRSA §1597-A, sub-§8,** as enacted by PL 1989, c.  
573, §2, is repealed and the following enacted in its place:

12          8. Violations; penalties. The following penalties apply to  
violations of this section.

14  
16          A. A person may not knowingly perform or aid in the  
performance of an abortion in violation of this section. A  
person who violates this paragraph commits a Class D crime.

18  
20          B. An attending physician or counselor may not knowingly  
fail to perform any action required by this section. A  
person who violates this paragraph commits a civil violation  
for which a fine of not more than \$1,000 may be adjudged for  
each violation.

24  
26          **Sec. L-12. 22 MRSA §2155,** as amended by PL 1995, c. 276, §2,  
is repealed.

28          **Sec. L-13. 22 MRSA §2155-A** is enacted to read:

30          **§2155-A. Prohibitions and penalties**

32          1. Prohibitions. A person may not:

34          A. Manufacture, sell or deliver, hold or offer for sale any  
food that is adulterated or misbranded;

36  
38          B. Violate paragraph A after having previously violated  
this subsection;

40          C. Adulterate or misbrand any food;

42          D. Violate paragraph C after having previously violated  
this subsection;

44  
46          E. Receive in commerce any food that is adulterated or  
misbranded, or deliver or proffer delivery of adulterated or  
misbranded food for pay or otherwise;

48  
50          F. Violate paragraph E after having previously violated  
this subsection;

- 2           G. Disseminate any false advertisement;
- 4           H. Violate paragraph G after having previously violated  
6           this subsection;
- 8           I. Refuse to permit entry or inspection, or to permit the  
10           taking of a sample as authorized in section 2164;
- 12           J. Violate paragraph I after having previously violated  
14           this subsection;
- 16           K. Give a guaranty or undertaking that is false, except if  
18           the person relied on a guaranty or undertaking to the same  
20           effect signed by and containing the name and address of the  
22           person residing in the United States from whom the food was  
24           received in good faith;
- 26           L. Violate paragraph K after having previously violated  
28           this subsection;
- 30           M. Remove or dispose of a detained or embargoed article in  
32           violation of section 2159;
- 34           N. Violate paragraph M after having previously violated  
36           this subsection;
- 38           O. Alter, mutilate, destroy, obliterate or remove all or  
40           any part of the labeling of or do any other act with respect  
42           to a food if the act is done while the article is held for  
44           sale and results in the article being misbranded;
- 46           P. Violate paragraph O after having previously violated  
48           this subsection;
- 50           Q. Forge, counterfeit, simulate or falsely represent or  
              without proper authority use any mark, stamp, tag, label or  
              other identification device authorized or required by rules  
              adopted under this subchapter; or
- R. Violate paragraph Q after having previously violated  
              this subsection.

44           **2. Penalties.** The penalties for violating subsection 1 are  
46           as follows.

- 48           A. Except as otherwise provided in this subsection, a person  
50           who violates subsection 1, paragraph A, C, E, G, I, K, M, O  
              or Q commits a civil violation for which a fine of not more  
              than \$1,000 may be adjudged.

2 B. Except as otherwise provided in this subsection, a  
4 person who violates subsection 1, paragraph B, D, F, H, J,  
L, N, P or R commits a civil violation for which a fine of  
6 not more than \$2,000 may be adjudged.

8 C. A person who intentionally violates subsection 1,  
10 paragraph A, C, E, K, M or O, involving adulterated food,  
except as adulterated according to section 2156, subsection  
12 2, commits a civil violation for which a fine of not more  
than \$10,000 may be adjudged.

14 D. A person who intentionally violates subsection 1,  
16 paragraph B, D, F, L, N or P, involving adulterated food,  
except as adulterated according to section 2156, subsection  
18 2, commits a civil violation for which a fine of not more  
than \$20,000 may be adjudged.

20 E. A person who violates subsection 1, paragraph B  
22 involving monosodium glutamate pursuant to section 2157,  
subsection 13 commits a civil violation for which a fine of  
not more than \$100 may be adjudged.

24 F. A person who violates subsection 1, paragraph A  
26 involving monosodium glutamate pursuant to section 2157,  
subsection 13 must be issued a warning only.

28 3. Exceptions. The following paragraphs are exceptions to  
30 the application of this section.

32 A. Carriers subject to the jurisdiction of the Public  
34 Utilities Commission or the Interstate Commerce Commission  
are not subject to subsection 1, paragraph E or F by reason  
36 of their receipt, carriage, holding or delivery of foods in  
the usual course of business as carriers.

38 B. A person is not subject to the penalties prescribed  
40 under subsection 2 for having violated subsection 1,  
paragraph A, B, E or F if the person establishes a guaranty  
42 or undertaking signed by, and containing the name and  
address of, another person residing in this State from whom  
44 the person received in good faith the article, to the effect  
that the article is not adulterated or misbranded within the  
meaning of this subchapter, citing this subchapter.

46 C. A person who is a publisher, radio-broadcast licensee or  
48 agency or medium for the dissemination of an advertisement,  
except the manufacturer, packer, distributor or seller of  
50 the article to which a false advertisement relates, is not  
liable under this section by reason of the dissemination by

2 the person of the false advertisement, unless the person has  
4 refused or neglected on the request of the Commissioner of  
6 Agriculture, Food and Rural Resources to furnish the  
8 commissioner the name and post office address of the  
10 manufacturer, packer, distributor, seller or advertising  
12 agency residing in this State who caused the person to  
14 disseminate the advertisement.

16 **Sec. L-14. 22 MRSA §2166**, as amended by PL 1991, c. 230, §2,  
18 is repealed.

20 **Sec. L-15. 22 MRSA §2167**, as amended by PL 1991, c. 837, Pt.  
22 A, §47, is further amended to read:

24 **§2167. License required**

26 No A person, firm ~~or~~ corporation or copartnership may not  
28 operate a food establishment, food salvage establishment or act  
30 as a salvage broker unless licensed for that purpose by the  
32 commissioner. In the case of retail food establishments, licenses  
34 issued shall must be displayed in a place visible to customers or  
36 other persons using a licensed establishment.

38 In addition to the sanctions authorized in section 2172, any  
40 a person, firm ~~or~~ corporation who or copartnership that violates  
42 this licensing requirement or any condition placed on any-such a  
44 license commits a civil violation for which a forfeiture fine of  
46 not more than \$500 may be adjudged for each offense and, in  
48 addition, the commissioner may suspend, revoke or refuse to renew  
any such license in accordance with Title 5, chapter 375,  
subchapter ¶ 5.

50 **Sec. L-16. 22 MRSA §2172, sub-§1, ¶C**, as enacted by PL 1991,  
c. 837, Pt. A, §49, is amended to read:

36 C. Any A person, corporation, firm or copartnership that  
38 ~~operates-any may not operate a~~ food establishment or food  
40 salvage establishment without first obtaining a license as  
42 required by this chapter ~~must-be-punished,-upon-conviction,-~~  
44 ~~by-a-fine-of-not-less-than-\$10-nor-more-than-\$100,-and-upon~~  
46 ~~2nd-or-subsequent-conviction,-must-be-punished-by-a-fine-of~~  
48 ~~not-less-than-\$100. Each-day-any-person,-corporation,~~  
firm-or-copartnership-operates-without-obtaining-a-license  
constitutes-a-separate-offense. Violation of this paragraph  
is a civil violation for which a fine of not less than \$10  
and not more than \$100 may be adjudged. Each day of  
operation without a license constitutes a separate offense.

**Sec. L-17. 22 MRSA §2172, sub-§1, ¶C-1** is enacted to read:

2 C-1. A person, corporation, firm or copartnership may not  
4 operate a food establishment or food salvage establishment  
6 without first obtaining a license as required by this  
8 chapter after having previously violated paragraph C.  
Violation of this paragraph is a civil violation for which a  
fine of not less than \$100 may be adjudged. Each day of  
operation without a license constitutes a separate offense.

10 **Sec. L-18. 22 MRSA §2383**, as amended by IB 1999, c. 1, §6, is  
further amended to read:

12 **§2383. Possession**

14 **1. Marijuana.** Except as provided in section 2383-B,  
16 subsection 5, possession of a usable amount of marijuana is a  
civil violation for which a forfeiture of not less than \$200 nor  
18 more than \$400 must be adjudged for the first offense a person  
may not possess marijuana. A forfeiture of \$400 must be adjudged  
20 for the 2nd and subsequent offenses within a 6-year period.

22 A. A person who possesses a usable amount of marijuana  
commits a civil violation for which a fine of not less than  
24 \$200 and not more than \$400 must be adjudged.

26 B. A person who possesses a usable amount of marijuana  
after having previously violated this subsection within a  
28 6-year period commits a civil violation for which a fine of  
\$400 must be adjudged.

30 **2. Butyl nitrite and isobutyl nitrite.** Possession of A  
32 person who possesses a usable amount of butyl nitrite or isobutyl  
nitrite is commits a civil violation for which a forfeiture fine  
34 of not more than \$200 may be adjudged.

36 **Sec. L-19. 22 MRSA §2389, sub-§2**, as enacted by PL 1997, c.  
382, §1, is amended to read:

38 **2. Minor may not transport drugs.** A Unless possession of  
40 the drug is expressly authorized by this Title or Title 32, a  
minor may not knowingly--transport--or--knowingly--permit--to--be  
42 transported--a--drug--in--a--motor--vehicle--under--the--minor's--control  
unless--possession--of--the--drug--is--expressly--authorized--by--this  
44 Title--or--Title--32.:

46 A. Knowingly transport or knowingly permit to be  
transported a drug in a motor vehicle under the minor's  
48 control;

50 B. Violate paragraph A after having previously violated  
this subsection; or

2           C. Violate paragraph A after having previously violated  
3           this subsection 2 or more times.

4  
5           **Sec. L-20. 22 MRSA §2492**, as amended by PL 1983, c. 553, §19,  
6 is repealed and the following enacted in its place:

8           **§2492. License required**

10           **1. License required.** A person, corporation, firm or  
11           copartnership may not conduct, control, manage or operate the  
12           following establishments for compensation, directly or  
13           indirectly, without a license issued by the department:

14                   A. An eating establishment;

15

16                   B. An eating and lodging place;

17

18                   C. A lodging place;

19

20                   D. A recreational camp; or

21

22                   E. A camping area.

23

24           Licenses issued must be displayed in a place readily visible to  
25           customers or other persons using a licensed establishment.

26  
27           **2. Violation.** A person, corporation, firm or copartnership  
28           may not:

29

30                   A. Violate subsection 1; or

31

32                   B. Violate subsection 1 after having previously violated  
33                   subsection 1.

34

35           **3. Camping area; presumption.** If a camping area consists  
36           of 5 or more tents or recreational vehicles on a commercial lot,  
37           it is presumed that the owner or renter of the lot is receiving  
38           compensation for the use of a camping area. The owner or renter  
39           may rebut the presumption if the owner or renter presents a  
40           preponderance of evidence to the contrary.

41

42           **Sec. L-21. 22 MRSA §2708, sub-§1** is amended to read:

43

44           **1. Intentional or knowing falsification.** Any A person who  
45           willfully intentionally or knowingly falsifies, willfully  
46           provides false information, makes or alters any certificate or  
47           certified copy except as provided for in this Title, ~~or who~~  
48           ~~knowingly possesses and uses any such false or altered certified~~  
49           ~~copy, or knowingly possesses and uses as his own, any certificate~~  
50

2 ~~or certified copy pertaining to another person, shall be guilty~~  
3 ~~of a misdemeanor and upon conviction shall be punished by a fine~~  
4 ~~of not less than \$100 and not more than \$1,000 or by imprisonment~~  
5 ~~for not more than one year, or by both~~ commits a Class E crime.

6 **Sec. L-22. 22 MRSA §2708, sub-§1-A** is enacted to read:

8 1-A. Knowing possession, use. A person who knowingly  
9 possesses and uses a false or altered certificate or certified  
10 copy or knowingly possesses and uses as that person's own a  
11 certificate or certified copy pertaining to another person  
12 commits a Class E crime.

14 **Sec. L-23. 22 MRSA §2708, sub-§2**, as amended by PL 1987, c.  
15 382, is repealed and the following enacted in its place:

16 **2. General.** A person may not:

18 A. Refuse to provide information required by this Title,  
19 violate a provision of this Title having to do with the  
20 registration of vital statistics or neglect or refuse to  
21 perform a duty imposed upon that person by this Title having  
22 to do with the registration of vital statistics. Violation  
23 of this paragraph is a Class E crime; or

24 B. Violate paragraph A after having been previously  
25 convicted of violating this subsection. Violation of this  
26 paragraph is a Class D crime. Title 17-A, section 9-A  
27 governs the use of prior convictions when determining a  
28 sentence.

29 Violation of this subsection is a strict liability crime as  
30 defined in Title 17-A, section 34, subsection 4-A.

32 **Sec. L-24. 22 MRSA §2708, sub-§3** is enacted to read:

34 **3. Disposition of dead body without permit.** A person may  
35 not:

36 A. Knowingly transport or accept for transportation,  
37 interment or other disposition a dead body without an  
38 accompanying permit issued in accordance with this Title.  
39 Violation of this paragraph is a Class E crime; or

40 B. Violate paragraph A after having been previously  
41 convicted of violating this subsection. Violation of this  
42 paragraph is a Class D crime. Title 17-A, section 9-A  
43 governs the use of prior convictions when determining a  
44 sentence.



2           **Sec. L-25. 22 MRSA §4314, sub-§6**, as enacted by PL 1983, c.  
577, §1, is amended to read:

4           **6. Refusal; penalty.** Any A person who refuses upon request  
to provide such information under this section without just cause  
6           commits a civil violation for which a ~~forfeiture~~ fine of not less  
than \$25 ~~ne~~ and not more than \$100 may be adjudged ~~to--be~~  
8           ~~recovered--in--a--civil--action--in--any--court--of--competent~~  
jurisdiction. Any person who willfully renders false information  
10           ~~to an administrator is guilty of a Class E crime.~~

12           **Sec. L-26. 22 MRSA §4314, sub-§7** is enacted to read:

14           **7. False information; penalty.** A person who intentionally  
or knowingly renders false information under this section to an  
16           administrator commits a Class E crime.

18           **Sec. L-27. 22 MRSA §7702-A, sub-§2**, as enacted by PL 1999, c.  
363, §3, is repealed and the following enacted in its place:

20           **2. Civil penalties.** The following penalties apply to the  
22           following violations:

24           A. A person who violates section 7703 or 8603 or rules  
adopted pursuant to those sections commits a civil violation  
26           for which a fine of not more than \$500 may be adjudged.

28           B. A person who violates rules governing child-to-staff  
ratios adopted under section 8302-A, subsection 1, paragraph  
30           A or subsection 2, paragraph G commits a civil violation for  
which a fine of not more than \$500 per incident or \$500 per  
32           number of children above the limitation set by rule, or  
both, may be adjudged.

34           **Sec. L-28. 22 MRSA §8705, sub-§1**, as amended by PL 2001, c.  
36           457, §11, is further amended to read:

38           **1. Rulemaking.** The board shall adopt rules setting a  
schedule of ~~forfeitures~~ fines for failure to file data as  
40           required and failure to pay assessments, and ~~willful~~ intentional,  
knowing or negligent failure to safeguard the identity of  
42           patients or providers. The rules may contain procedures for  
monitoring compliance with this chapter.

44           **Sec. L-29. 22 MRSA §8705, sub-§2**, as amended by PL 2001, c.  
46           457, §12, is repealed and the following enacted in its place:

48           **2. Fines.** Except for circumstances beyond a person's or  
entity's control:

2           A. When a person or entity that is a health care facility,  
4           payor, 3rd-party administrator or carrier that provides only  
6           administrative services for a plan sponsor violates the  
8           requirements of this chapter, that person or entity commits  
            a civil violation for which a fine of not more than \$1,000  
            per day may be adjudged. A fine imposed under this  
            paragraph may not exceed \$25,000 for any one occurrence; or

10           B. A person or entity not covered by paragraph A that  
12           violates the requirements of this chapter commits a civil  
14           violation for which a fine of not more than \$100 per day may  
            be adjudged. A fine imposed under this paragraph may not  
            exceed \$2,500 for any one occurrence.

16    **PART M**

18            Sec. M-1. 23 MRSA §1153, as amended by PL 1971, c. 593,  
20            §22, is repealed and the following enacting in its place:

22            §1153. Advertising on highways; jurisdiction; removal

24            1. Erecting advertisement on highway. A person may not  
26            post, erect, display or maintain or cause to be posted, erected,  
28            displayed or maintained a sign, billboard, panel, placard,  
30            poster, notice or other advertising device in, upon or above any  
32            highway or so situated with respect to any highway as to obstruct  
34            clear vision of an intersecting highway or highways or otherwise  
            so situated as to prevent the safe use or obstruct the  
            maintenance of the highway. The highway is deemed the full width  
            of the road as laid out by the State, county or the town and in  
            any case is deemed to extend 33 feet from each side of the center  
            line of the traveled or built-up portion of the way.

36            2. Application. This section does not apply to the State  
38            or to a political subdivision of the State or to signs erected or  
40            maintained with the approval of the department solely for the  
            purpose of safeguarding, facilitating or protecting travel along  
            the highway.

42            A. The department may authorize the placing of directional  
44            signs of such design as it determines, not exceeding 48  
46            inches in length and 9 inches in width to designate places  
            of interest, to be posted without expense to the State at  
            the junction of roads.

48            B. A person, firm or corporation, while working on, under,  
50            over or immediately adjacent to a highway, may erect  
            temporary warning or directional signs or signals for the  
            purpose of safeguarding or protecting its workers and

2 facilitating and protecting travel along the highway by the  
3 traveling public.

4 **3. Penalties.** The following penalties apply to violations  
5 of this section.

6 A. A person who violates this section commits a civil  
7 violation for which a fine of not less than \$5 and not more  
8 than \$500 may be adjudged.

9 B. After having been adjudicated as having violated  
10 paragraph A, a person who unlawfully maintains any sign,  
11 billboard, panel, placard, poster, notice or other  
12 advertising device for 10 days after the adjudication is  
13 subject to an additional fine of not more than \$50 for each  
14 day upon which such sign, billboard, panel, placard, poster,  
15 notice or other advertising device is maintained.

16 **4. Removal.** The State Police shall remove all signs,  
17 billboards, panels, placards, posters, notices or other  
18 advertising devices existing within the limits of the highway in  
19 violation of this section.

20 **Sec. M-2. 23 MRSA §1401,** as amended by PL 1985, c. 20, is  
21 repealed.

22 **Sec. M-3. 23 MRSA §1401-A** is enacted to read:

23 **§1401-A. Installations restricted**

24 **1. Installing of buildings or fixtures.** A person may not  
25 install, erect or construct, or cause to be installed, erected or  
26 constructed, installations such as buildings, gasoline pumps or  
27 other fixtures, in, upon or near any state or state aid highway,  
28 located as follows:

29 A. Within the full width of the right-of-way of any state  
30 or state aid highway as laid out by the State, the county or  
31 the town;

32 B. Within 33 feet of the center line of any state or state  
33 aid highway. This paragraph does not apply to installations  
34 or other property in existence on August 6, 1949. The  
35 commissioner has discretion to waive the application of this  
36 paragraph to the reconstruction of a building in the general  
37 location of the previously existing building if the  
38 commissioner determines that highway safety and the public  
39 welfare will not be adversely affected; or

2           C. Within 20 feet from the outside edge of any of the paved  
4           portion of any state or state aid highway having more than 2  
6           travel lanes and having a total paved portion in excess of  
          24 feet in width. This paragraph does not apply to  
          installations or other property in existence on September 1,  
          1955.

8           **2. Penalties.** The following penalties apply to violations  
10           of this section.

12           A. A person who violates this section commits a civil  
14           violation for which a fine of not less than \$5 and not more  
          than \$500 may be adjudged.

16           B. After having been adjudicated as having violated  
18           paragraph A, a person who unlawfully maintains any  
20           installations such as buildings, gasoline pumps or other  
          fixtures for 30 days after the adjudication is subject to an  
          additional fine of not more than \$50 for each day such  
          installations are maintained.

22           **3. Application.** This section does not apply to the  
24           installations or other property devoted to the public use of any  
          public utility or district and underground pipelines.

26           **Sec. M-4. 23 MRS §1980, sub-§1,** as enacted by PL 1981, c.  
28           595, §3, is amended to read:

30           **1. Traffic infraction.** Any ~~Except as provided in~~  
32           subsection 1-A, a violation of published rules relating to the  
34           turnpike or its use or services shall ~~be deemed~~ is a traffic  
36           infraction and shall ~~be~~ is punishable by a fine of not more than  
38           \$250, ~~except that any person who operates a motor vehicle at a~~  
40           speed which exceeds, by 30 miles an hour or more, the speed fixed  
42           by the authority shall be guilty of a misdemeanor and shall be  
44           punished by a fine of not less than \$50 nor more than \$500 or by  
          imprisonment for not more than 30 days, or by both. Any failure  
          or neglect to pay tolls, fares or charges for use of the turnpike  
          shall be deemed a misdemeanor and shall be punishable by a fine  
          of not more than \$500 or by imprisonment for not more than 30  
          days, or by both. Nothing contained in this section may prevent  
          the authority from collecting payment for use of the turnpike or  
          any other service in connection with the turnpike by action at  
          law or in equity.

46           **Sec. M-5. 23 MRS §1980, sub-§1-A** is enacted to read:

48           **1-A. Criminal violations.** The following violations of  
50           published rules relating to the turnpike or its use or services  
          are crimes.

2           A. A person who operates a motor vehicle at a speed that  
3           exceeds, by 30 miles per hour or more, the speed fixed by  
4           the authority commits a Class E crime.

6           B. A person who fails or neglects to pay tolls, fares or  
7           charges for use of the turnpike commits a Class E crime.

8  
9           These crimes are strict liability crimes as defined in Title  
10          17-A, section 34, subsection 4-A.

12           **Sec. M-6. 23 MRSA §1980, sub-§4** is enacted to read:

14           4. Other collection procedures. Nothing in this section  
15           prevents the authority from collecting payment for use of the  
16           turnpike or any other service in connection with the turnpike by  
17           action at law or in equity.

18           **Sec. M-7. 23 MRSA §3252** is repealed and the following  
19           enacted in its place:

22           **§3252. Drainage or obstruction of public ways**

24           1. Change in drainage; obstruction. A person, personally  
25           or through the person's agents or servants, may not do any of the  
26           following acts in a manner that changes the drainage of a public  
27           way or obstructs a public way:

28           A. Cultivate, in connection with the improvement of lands  
29           adjacent to a public way, any portion of the wrought portion  
30           of a public way;

31           B. Turn teams, tractors, farm machinery or other equipment  
32           upon the wrought portion of a public way; or

33           C. Deposit within or along any ditch or drain in a public  
34           way any material that will obstruct the flow of water in the  
35           ditch or drain or otherwise obstruct the way. With the  
36           written consent and in accordance with specifications of the  
37           legal authorities having supervision of the ditch or drain,  
38           a person may, to provide egress and regress to and from  
39           lands occupied by that person, lawfully construct and  
40           maintain a bridge across the ditch or drain.

41           2. Penalties. The following penalties apply to violations  
42           of this section.

43           A. A person who intentionally or knowingly violates  
44           subsection 1 commits a civil violation for which a fine of  
45           not more than \$50 plus costs may be adjudged.

2           B. A person who intentionally or knowingly violates  
3           subsection 1 after having previously violated this section  
4           commits a civil violation for which a fine of not more than  
5           \$100 plus costs may be adjudged.

6  
7           All fines recovered under this section, except in cases where the  
8           way involved was maintained by the State, must be paid to the  
9           treasurer of the municipality, or, for an unorganized place, to  
10           the treasurer of the county, where such offense is committed and  
11           must be expended in the construction and maintenance of public  
12           ways or drains therein.

13           3. Damages. In addition to the fines under subsection 2, a  
14           person who intentionally or knowingly violates subsection 1 is  
15           liable for double the amount of the actual damage, to be  
16           recovered in a civil action by the municipality, or, in behalf of  
17           any unorganized place, by the county where the offense is  
18           committed.

19           4. Jurisdiction. In all prosecutions under this section,  
20           the District Court has, upon complaint, jurisdiction concurrent  
21           with the Superior Court.

22           5. Application. This section does not apply to a person  
23           having legal supervision of a public way.

24  
25           Sec. M-8. 23 MRSA §3253 is repealed.

26           Sec. M-9. 23 MRSA §3254 is repealed and the following  
27           enacted in its place:

28           **§3254. Complaints**

29           When the attention of a municipal officer, or, for an  
30           unorganized place, a county commissioner, is directed to a  
31           violation of section 3252 within the municipal officer's or  
32           county commissioner's jurisdiction, the municipal officer or  
33           county commissioner shall enter a complaint against the offender  
34           and prosecute the violation to final judgment.

35           Sec. M-10. 23 MRSA §6019, as enacted by PL 1987, c. 141, Pt.  
36           A, §4, is repealed and the following enacted in its place:

37           **§6019. Loitering; soliciting passengers**

38           1. Loitering prohibited. A person may not loiter or  
39           remain, without right, within any car or station house of a  
40           railroad corporation or upon the platform or grounds adjoining  
41           that station after being requested to leave by a railroad officer.

2           2. Soliciting passengers prohibited. A person may not  
3           solicit passengers, in competition with a railroad corporation,  
4           in a station or on the station grounds or wharves of the railroad  
5           corporation without a written permit signed by an officer of the  
6           corporation authorized to issue the permit.

8           3. Penalties. A person who violates this section commits a  
9           civil violation for which a fine of not more than \$100 may be  
10           adjudged.

12           **Sec. M-11. 23 MRSA §6023**, as amended by PL 1991, c. 797, §7,  
13           is repealed and the following enacted in its place:

14           **§6023. Injuring fences; turning animals into railroad enclosure**

16           1. Injuring fence. A person may not take down or  
17           intentionally injure a fence erected to protect the line of a  
18           railroad;

20           2. Turning animals into railroad enclosure. A person may  
21           not turn a horse, cattle or other animal upon or within the  
22           enclosure of a railroad.

24           3. Penalty. A person who violates this section commits a  
25           Class E crime. Violation of this section is a strict liability  
26           crime as defined in Title 17-A, section 34, subsection 4-A.

28           **Sec. M-12. 23 MRSA §7007**, as amended by PL 1999, c. 318, §1,  
29           is repealed and the following enacted in its place:

32           **§7007. Penalty for being on track or bridge or entering track**  
33           **with team or vehicle**

34           1. Walking or standing on track or bridge. A person may  
35           not, without right, stand or walk on a railroad track or railroad  
36           bridge or pass over a railroad bridge except by railroad  
37           conveyance.

40           2. Entering track. A person may not, without right, enter  
41           upon a railroad track with a team or a vehicle however propelled  
42           or drive any team or propel a vehicle upon a railroad track.

44           3. Penalties. The following penalties apply to violations  
45           of this section.

46           A. A person who violates subsection 1 commits a civil  
47           violation for which a fine of not less than \$5 and not more  
48           than \$100 may be adjudged.

50

2 B. A person who violates subsection 1 after having  
previously violated subsection 1 commits a civil violation  
for which a fine of not less than \$100 and not more than  
4 \$500 may be adjudged.

6 C. A person who violates subsection 1 after having  
previously violated subsection 1 2 or more times commits a  
8 civil violation for which a fine of not less than \$500 and  
not more than \$1000 may be adjudged.

10 D. A person who violates subsection 2 commits a Class E  
12 crime. Violation of subsection 2 is a strict liability  
14 crime as defined in Title 17-A, section 34, subsection 4-A.

16 **PART N**

18 **Sec. N-1. 24-A MRSA §4143**, as amended by PL 1991, c. 797,  
20 §11, is repealed and the following enacted in its place:

22 **§4143. Penalties**

24 1. False or fraudulent statement in application. A person  
who intentionally or knowingly makes a false or fraudulent  
26 statement in or relating to an application for membership or for  
the purpose of obtaining money from or a benefit in any society  
28 commits a Class E crime.

30 2. Perjury. A person who intentionally or knowingly makes  
a false or fraudulent statement in any verified report or  
32 declaration under oath required or authorized by this chapter or  
of any material fact contained in a sworn statement concerning  
34 the death or disability of a member for the purpose of procuring  
payment of a benefit named in the certificate commits the crime  
36 of perjury and is subject to the penalties prescribed by law.

38 3. Soliciting membership in society not licensed to do  
business. A person who solicits membership for or in any manner  
40 assists in procuring membership in a society not licensed to do  
business in this State commits a civil violation for which a fine  
42 of not less than \$50 and not more than \$200 may be adjudged.

44 4. General penalty. A person who intentionally or  
knowingly violates or neglects or refuses to comply with the  
46 provisions of this chapter for which a penalty is not otherwise  
prescribed is subject to the penalties under section 12-A.

48 **PART O**

50



2           **Sec. O-1. 25 MRSA §2001**, as amended by PL 2001, c. 459, §§1  
and 2, is repealed.

4           **Sec. O-2. 25 MRSA §2001-A** is enacted to read:

6           **§2001-A. Threatening display of or carrying concealed weapon**

8           **1. Display or carrying prohibited.** A person may not, unless  
excepted by a provision of law:

10           A. Display in a threatening manner a firearm, slungshot,  
12 knuckles, bowie knife, dirk, stiletto or other dangerous or  
14 deadly weapon usually employed in the attack on or defense  
of a person; or

16           B. Wear under the person's clothes or conceal about the  
18 person's person a firearm, slungshot, knuckles, bowie knife,  
dirk, stiletto or other dangerous or deadly weapon usually  
20 employed in the attack on or defense of a person.

22           **2. Exceptions.** The provisions of this section concerning  
the carrying of concealed weapons do not apply to:

24           A. Firearms carried by a person to whom a valid permit to  
26 carry a concealed firearm has been issued as provided in  
this chapter;

28           B. Disabling chemicals as described in Title 17-A, section  
30 1002;

32           C. Knives used for the purposes of hunting, fishing or  
trapping as defined in Title 12, section 7001;

34           D. Law enforcement officers and corrections officers as  
36 permitted in writing by their employer;

38           E. Firearms carried by a person engaged in conduct for  
which a state-issued hunting or trapping license is required  
40 and possessing the required license, or firearms carried by  
a resident person engaged in conduct expressly authorized by  
42 Title 12, section 7377, subsections 1 and 2. This paragraph  
does not authorize or permit the carrying of a concealed or  
44 loaded firearm in a motor vehicle; and

46           F. A firearm carried by a person to whom a valid permit to  
carry a concealed firearm has been issued by another state  
48 if a permit to carry a concealed firearm issued from that  
state has been granted reciprocity. The Chief of the State  
Police may enter into reciprocity agreements with 2 other

2 states. Reciprocity may be granted to a permit to carry a  
3 concealed firearm issued from another state if:

4 (1) The other state that issued the permit to carry a  
5 concealed firearm has substantially equivalent or  
6 stricter requirements for the issuance of a permit to  
7 carry a concealed firearm; and

8 (2) The other state that issued the permit to carry a  
9 concealed firearm observes the same rules of  
10 reciprocity in regards to a person issued a permit to  
11 carry a concealed firearm under this chapter.

12  
13 **Sec. O-3. 25 MRSA §2004**, as enacted by PL 1985, c. 478, §2,  
14 is repealed and the following enacted in its place:

15 **§2004. Penalty**

16  
17 **1. False statements.** A person who intentionally or  
18 knowingly makes a false statement in the written application for  
19 a permit to carry a concealed firearm or any documents made a  
20 part of the application commits a Class D crime.

21  
22 **2. Carries or conceals dangerous weapon.** A person who  
23 violates section 2001-A commits a Class D crime.

24  
25 **3. Failure to possess permit.** A person who fails to comply  
26 with section 2003, subsection 11 commits a civil violation for  
27 which a fine of not more than \$100 may be adjudged.

28  
29 **4. Violation of confidentiality.** A person who  
30 intentionally or knowingly violates the confidentiality  
31 provisions of section 2006 commits a Class E crime.

32  
33 **Sec. O-4. 25 MRSA §2005, sub-§1, ¶B**, as amended by PL 1989, c.  
34 917, §13, is further amended to read:

35  
36 **B.** The permit holder has been convicted of a violation of  
37 section ~~2001~~ 2001-A;

38  
39 **Sec. O-5. 25 MRSA §2055**, as enacted by PL 1973, c. 237, is  
40 repealed and the following enacted in its place:

41 **§2055. Penalty**

42  
43 A person who violates this chapter commits a Class E crime.  
44 Except as otherwise specifically provided, violation of this  
45 chapter is a strict liability crime as defined in Title 17-A,  
46 section 34, subsection 4-A.

2           **Sec. O-6. 25 MRSA §2465, sub-§6**, as amended by PL 1991, c.  
714, §8, is repealed and the following enacted in its place:

4           **6. Penalty.** The following penalties apply.

6           A. A person who, for compensation, constructs or installs  
7           vents or solid fuel burning appliances in violation of the  
8           standards and then permits such violation to remain  
9           uncorrected after 30 days' notice from an official empowered  
10           to enforce this section commits a civil violation for which  
11           a fine of not more than \$500 for each violation may be  
12           adjudged. The court may waive any penalty or cost against a  
13           violator upon satisfactory proof that the violation was  
14           corrected within 30 days of the issuance of a complaint.  
15           Construction and installation of chimneys and fireplaces are  
16           governed by Title 32, chapter 33.

18           B. A person who fails to provide a purchaser with an  
19           instruction manual or the authorized publication of the  
20           Department of Economic and Community Development, as  
21           described in subsection 5-A, commits a civil violation for  
22           which a fine of not less than \$200 and not more than \$500  
23           may be adjudged.

24           C. A person who violates paragraph B after having  
25           previously violated paragraph B commits a civil violation  
26           for which a fine of not less than \$500 and not more than  
27           \$800 for each offense may be adjudged.

30           In addition to the penalties provided in this subsection, a  
31           violation of this chapter constitutes a violation of Title 5,  
32           chapter 10.

34           **Sec. O-7. 25 MRSA §2931, sub-§1, ¶¶A and B**, as enacted by PL  
1999, c. 80, §1, are amended to read:

36           A. Makes repeated telephone calls to a public safety  
37           answering point by dialing 9-1-1 to make nonemergency  
38           reports or inquiries; ~~or~~

39           B. Causes telephone calls to be made to a public safety  
40           answering point using an alarm or other alerting device that  
41           automatically dials 9-1-1 and transmits a prerecorded signal  
42           or message; ~~or~~

43           **Sec. O-8. 25 MRSA §2931, sub-§1, ¶C** is enacted to read:

44           C. Violates paragraph B after having previously violated  
45           paragraph B.

2           **Sec. O-9. 25 MRSA §2931, sub-§2**, as repealed and replaced by  
PL 1999, c. 80, §1, is repealed.

4           **Sec. O-10. 25 MRSA §2931, sub-§2-A** is enacted to read:

6           **2-A. Penalty.** The following penalties apply to violations  
of this section.

8                   A. Violation of subsection 1, paragraph A or C is a Class E  
crime. Violation of subsection 1, paragraph A or C is a  
10          strict liability crime as defined in Title 17-A, section 34,  
12          subsection 4-A.

14                  B. Violation of subsection 1, paragraph B is a civil  
violation for which a fine of not more than \$500 may be  
16          adjudged.

18   **PART P**

20           **Sec. P-1. 26 MRSA §593** is repealed and the following enacted  
22   in its place:

24   **§593. Textile piecework**

26           **1. Posting of specifications.** The occupiers or managers of  
every textile factory shall post in every room where employees  
28          work by piece rate, in legible writing or printing, and in  
sufficient numbers to be easily accessible to such employees,  
30          specifications of the character of each kind of work to be done  
by them and the rate of compensation, whether paid by the pound  
32          or by the pick as registered by the pick clock on each loom.  
Such specifications in the case of weaving rooms must state the  
34          intended and maximum length of a cut or piece, the count per inch  
of reed and the number of picks per inch, width of loom and width  
36          of cloth woven in the loom, and each warp must bear a designating  
ticket or mark of identification.

38           **2. Pick clocks.** In mills operating looms engaged in the  
weaving of cloth or other textiles where weavers are not paid on  
40          a per hour or day basis, pick clocks must be placed on each loom  
in operation, and each weaver must be paid according to the  
42          number of picks registered on the pick clock.

44           **3. Penalties.** The following penalties apply to violations  
46   of this section.

48                  A. A person who violates this section commits a civil  
violation for which a fine of not more than \$50 may be  
50          adjudged.

2        B. A person who violates this section after having  
3        previously violated this section commits a civil violation  
4        for which a fine of not more than \$100 may be adjudged.

6        C. A person who violates this section after having  
7        previously violated this section 2 or more times commits a  
8        Class E crime, which is a strict liability crime as defined  
9        in Title 17-A, section 34, subsection 4-A.

10        4. Application. This section does not apply to so-called  
11        gang looms or the weaving of carpets or elastic webbing.

14        **Sec. P-2. 26 MRSA §782** is repealed and the following enacted  
15        in its place:

16        **§782. Parent, guardian or custodian**

18        1. Permitting or allowing child to work. A person who has  
19        control over a child as parent, guardian, custodian or otherwise  
20        may not permit or allow the child to be employed or to work in  
21        violation of this subchapter.

24        2. Work permit containing false information. A person may  
25        not present, or permit or allow a child over which the person has  
26        control to present, to an employer, owner or superintendent or an  
27        overseer or agent as required under section 775 a work permit  
28        containing a false statement as to the date of birth or age of  
29        the child, knowing it to be false.

30        3. Penalties. A person who violates this section commits a  
31        civil violation for which a fine of not less than \$10 and not  
32        more than \$50 for each offense may be adjudged.

34        **Sec. P-3. 26 MRSA §1082, sub-§2**, as repealed and replaced by  
35        PL 1983, c. 351, §9, is amended to read:

38        **2. Powers and duties.** In addition to other powers and  
39        duties provided in this chapter, the commission, by majority vote  
40        and with the advice of the commissioner, may adopt or rescind  
41        rules with respect to unemployment insurance in accordance with  
42        the Maine Administrative Procedure Act, Title 5, chapter 375.  
43        The commission may require reports, make investigations and  
44        undertake other activities necessary to carry out the duties of  
45        the commission. Each member of the commission ~~shall~~ is  
46        entitled to access to any information, memoranda, reports or  
47        statistical data ~~which that~~ is in the possession of or ~~which that~~  
48        has been prepared by any a division of the Department of Labor  
49        and ~~which that~~ relates to the administration of this chapter.

50

2           **Sec. P-4. 26 MRSA §1082, sub-§7**, as amended by PL 1997, c.  
687, §1, is further amended to read:

4           **7. Records and reports.** Each employing unit shall keep true  
and accurate work records, containing such information as the  
6 commissioner may prescribe. These records must be open to  
inspection and be subject to being copied by the commissioner or  
8 the commissioner's authorized representatives at any reasonable  
time and as often as may be necessary. The commissioner may  
10 require from any employing unit any sworn or unsworn reports,  
with respect to persons employed by it, that the commissioner  
12 considers necessary for the effective administration of this  
chapter. Information thus obtained or obtained from any  
14 individual pursuant to the administration of this chapter, except  
to the extent necessary for proper presentation of a claim, must  
16 be held confidential and may not be published or opened to public  
inspection, other than to public employees in the performance of  
18 their public duties or to any agent of an agency that is under  
contract with a state or local child-support agency, or to any  
20 agent of an agency that is under contract or subcontract with the  
state employment and job training agency, pursuant to safeguards  
22 established by the commissioner, in any manner revealing the  
individual's or employing unit's identity, but the department  
24 shall, upon request, provide to any party to an adjudicatory  
proceeding information from the records relating to the  
26 proceeding. Final decisions of adjudicatory proceedings are  
available to the public ~~provided--that~~ after the names and  
28 addresses of claimants and employers are deleted from the  
decisions. Records, with any necessary authentication thereof ~~of~~  
30 those records, required in the prosecution of any criminal action  
brought by another state for misrepresentation to obtain benefits  
32 under the law of this State must be made available to the agency  
administering the employment security law of any such state for  
34 the purpose of such prosecution. ~~Any person who violates any  
provision of this subsection is guilty of a Class E crime.--Any  
agent of an agency that is under contract with a state or local  
child-support agency, or any agent of an agency that is under  
contract or subcontract with the state employment and job  
training agency who discloses any information that is  
confidential pursuant to this subsection, other than disclosure  
authorized by this subsection, is guilty of a Class E crime.~~

42           A. A person who violates this subsection commits a Class E  
44 crime.

46           B. An agent of an agency that is under contract with a  
48 state or local child-support agency, or an agent of an  
agency that is under contract or subcontract with the state  
50 employment and job training agency who discloses any  
information that is confidential pursuant to this

2 subsection, other than disclosure authorized by this  
3 subsection, commits a Class E crime.

4 Violation of this subsection is a strict liability crime as  
5 defined in Title 17-A, section 34, subsection 4-A.

6  
7  
8 **Sec. P-5. 26 MRSA §1082, sub-§9-A**, as amended by PL 1987, c.  
9 641, §5, is further amended to read:

10 **9-A. Refusal to appear.** Any A person who without just  
11 cause fails or refuses to attend and testify or to answer any  
12 lawful inquiry or to produce books, papers, correspondence,  
13 memoranda and other records, if it is in that person's power to  
14 do so, in obedience to a subpoena of the commissioner, the  
15 commission, the Division of Administrative Hearings or the duly  
16 authorized ~~representative~~ representative of any of them shall be  
17 ~~guilty of~~ commits a Class E crime. This crime is a strict  
18 liability crime as defined in Title 17-A, section 34, subsection  
19 4-A. ~~Whenever~~ If a person refuses to obey a subpoena duly issued  
20 by the commissioner, the commission, the Division of  
21 Administrative Hearings or the duly authorized representative of  
22 any of them, any court of this State within the jurisdiction of  
23 which the person resides or transacts business, ~~shall have~~ has  
24 jurisdiction to issue to that person an order requiring the  
25 person to appear and produce evidence or testimony, and any  
26 failure to obey that order may be punished by the court as  
27 contempt of court.

28  
29 **Sec. P-6. 26 MRSA §1420-C**, as enacted by PL 1995, c. 560, Pt.  
30 F, §13, is repealed and the following enacted in its place:

31 **§1420-C. Penalty**

32  
33 **1. Interference with admittance or enjoyment; rights.** A  
34 person or the person's agent may not:

35  
36 **A. Deny or interfere with admittance to or enjoyment of the**  
37 **public facilities described in section 1420-A; or**

38  
39 **B. Otherwise interfere with the rights of a deaf or**  
40 **hard-of-hearing person under section 1420-A.**

41  
42  
43 **2. Penalty.** Violation of this section is a Class E crime.  
44 Violation of this section is a strict liability crime as defined  
45 in Title 17-A, section 34, subsection 4-A.

46  
47 **Sec. P-7. 26 MRSA §1420-D** is enacted to read:

48  
49 **§1420-D. Misrepresentation of hearing dog**

2           A person who fits a dog with a collar and leash of the type  
 4 required by section 1420-A, subsection 3 in order to represent  
      that the dog is a hearing dog when training of the type that a  
 6 hearing dog normally receives has not in fact been provided  
      commits a civil violation for which a fine of not more than \$100  
      may be adjudged.

## PART Q

12           **Sec. Q-1. 28-A MRSA §161,** as amended by PL 1997, c. 373,  
 14       §§33 to 35, is further amended to read:

### §161. Bottle clubs

16           **1. Registration.** Each bottle club, as defined in section  
 18 2, subsection 3, shall register annually with the bureau on forms  
 20 provided by the bureau. Registration consists of submission of  
 22 the information required in paragraph A and payment of the  
       registration fee established in paragraph B.

24           A. The information each bottle club is required to submit  
       consists of only the following:

26                (1) The name and address of each owner of the bottle  
                   club;

28                (2) The name and address of each operator of the  
 30                   bottle club; and

32                (3) The regular hours of operation.

34           B. The annual fee for registration of a bottle club is \$50.

36           ~~C. -- Any bottle club that does not register with the bureau~~  
           ~~commits a Class E crime.~~

38           A bottle club that does not register with the bureau commits a  
 40 Class E crime. Violation of this subsection is a strict  
      liability crime as defined in Title 17-A, section 34, subsection  
 42 4-A.

44           **1-A. Eligibility qualifications.** The bureau may not  
 46 register a bottle club unless each owner or operator of the  
       bottle club meets the eligibility qualifications under section  
       601, subsection 1.

48           **1-B. Disqualification.** The bureau may not register a  
 50 bottle club if the bureau determines that:



2 A. An owner or operator of the bottle club is disqualified  
3 from receiving a liquor license under section 601,  
4 subsection 2; or

6 C. The purpose of the application is to circumvent the  
7 eligibility or disqualification provisions of section 601.

8  
9 The bureau shall notify each owner or operator of the bottle club  
10 in writing of its decision to approve or deny registration of the  
11 bottle club under this subsection. The decision of the bureau to  
12 approve or deny registration of a bottle club is final agency  
13 action.

14  
15 **1-C. Penalty for operation after denial.** Notwithstanding  
16 subsection 1, paragraph C, a person who operates a bottle club  
17 after receipt of notice of denial of registration under  
18 subsection 1-B commits a Class D crime. Violation of this  
19 subsection is a strict liability crime as defined in Title 17-A,  
20 section 34, subsection 4-A.

22 **2. Charges and fees.** Charges paid by the bottle club's  
23 members or the general public for membership, admission, food,  
24 mixers or other supplies used with liquor or storage or handling  
25 of liquor belonging to members or the general public are not  
26 sales, as defined in this Title, or gifts.

28 ~~**3.-- Minors on the premises.--**The bottle club may not allow  
29 any minor not employed by the bottle club nor accompanied by his  
30 parent, legal guardian or custodian, as defined in Title 22,  
31 section 4002, to remain on the bottle club premises, except on  
32 occasions when liquor is prohibited on the bottle club premises.--~~

34 ~~A.-- A bottle club may employ minors only if an employee of  
35 legal drinking age or older is present in a supervisory  
36 capacity.~~

38 **3-A. Minors on premises.** A bottle club may not allow a  
39 minor not employed by the bottle club or not accompanied by the  
40 minor's parent, guardian or custodian, as defined in Title 22,  
41 section 4002, to remain on the bottle club premises, except on  
42 occasions when liquor is prohibited on the bottle club premises.  
43 The following penalties apply to violations of this subsection.

44  
45 A. A bottle club that violates this subsection commits a  
46 civil violation for which a fine of not less than \$100 and  
47 not more than \$300 may be adjudged.

48  
49 B. A bottle club that violates this subsection after having  
50 previously violated this section commits a civil violation

2           for which a fine of not less than \$200 and not more than  
3           \$500 may be adjudged.

4           C. A bottle club that violates this subsection after having  
5           previously violated this section 2 or more times commits a  
6           civil violation for which a fine of \$500 may be adjudged.

8           3-B. Employment of minors. A bottle club may employ minors  
9           only if an employee of legal drinking age or older is present in  
10           a supervisory capacity.

12           4. Consumption or possession on premises. A bottle club  
13           may not permit consumption or possession of imitation liquor on  
14           the bottle club premises by minors. A bottle club may not permit  
15           consumption of liquor on the bottle club premises by minors or  
16           visibly intoxicated persons. The following penalties apply to  
17           violations of this subsection.

18           A. A bottle club that violates this subsection commits a  
19           civil violation for which a fine of not less than \$100 and  
20           not more than \$300 may be adjudged.

22           B. A bottle club that violates this subsection after having  
23           previously violated this section commits a civil violation  
24           for which a fine of not less than \$200 and not more than  
25           \$500 may be adjudged.

28           C. A bottle club that violates this subsection after having  
29           previously violated this section 2 or more times commits a  
30           civil violation for which a fine of \$500 may be adjudged.

32           5. Violation of state law. No A bottle club may not  
33           knowingly allow any violation of any state law on the bottle club  
34           premises to occur or continue. The following penalties apply to  
35           violations of this subsection.

36           A. A bottle club that violates this subsection commits a  
37           civil violation for which a fine of not less than \$100 and  
38           not more than \$300 may be adjudged.

40           B. A bottle club that violates this subsection after having  
41           previously violated this section commits a civil violation  
42           for which a fine of not less than \$200 and not more than  
43           \$500 may be adjudged.

46           C. A bottle club that violates this subsection after having  
47           previously violated this section 2 or more times commits a  
48           civil violation for which a fine of \$500 may be adjudged.

2           6. **Jurisdiction.** ~~A bottle club that violates subsection 3,~~  
3 ~~4, 5 or 7 commits a civil violation for which a forfeiture may be~~  
4 ~~adjudged of not less than \$100 nor more than \$300 for the first~~  
5 ~~offense, not less than \$200 nor more than \$500 for the 2nd~~  
6 ~~offense, and \$500 for the 3rd and subsequent offenses.~~ The  
7 District Court has jurisdiction over the civil violations,  
8 defined in this section, under Title 17-A, section 9.

9           7. **Right of access.** Every bottle club shall allow liquor  
10 enforcement officers and other law enforcement officers to enter  
11 the premises at reasonable times for the purpose of investigating  
12 compliance with this Title.

13           A. Entry into the premises under this subsection must be  
14 conducted in a reasonable manner so as not to disrupt the  
15 operation of the bottle club.

16           B. The investigation must be limited to those areas  
17 involved in the actual operation of the bottle club,  
18 including storage areas.

19           C. The following penalties apply to violations of this  
20 subsection.

21           (1) A bottle club that violates this subsection  
22 commits a civil violation for which a fine of not less  
23 than \$100 and not more than \$300 may be adjudged.

24           (2) A bottle club that violates this subsection after  
25 having previously violated this section commits a civil  
26 violation for which a fine of not less than \$200 and  
27 not more than \$500 may be adjudged.

28           (3) A bottle club that violates this subsection after  
29 having previously violated this section 2 or more times  
30 commits a civil violation for which a fine of \$500 may  
31 be adjudged.

32           **Sec. Q-2. 28-A MRSA §163, sub-§9,** as enacted by PL 1993, c.  
33 266, §5, is repealed and the following enacted in its place:

34           9. Violations. The following penalties apply to violations  
35 of this section.

36           A. A B.Y.O.B. sponsor that violates this section commits a  
37 civil violation for which a fine of not less than \$100 and  
38 not more than \$300 may be adjudged.

39           B. A B.Y.O.B. sponsor that violates this section after  
40 having previously violated this section commits a civil  
41 violation for which a fine of not less than \$100 and  
42 not more than \$300 may be adjudged.

2 violation for which a fine of not less than \$200 and not  
3 more than \$500 may be adjudged.

4 C. A B.Y.O.B. sponsor that violates this section after  
5 having previously violated this section 2 or more times  
6 commits a civil violation for which a fine of \$500 may be  
7 adjudged.

8  
9 **Sec. Q-3. 28-A MRSA §704**, as amended by PL 1997, c. 373,  
10 §67, is repealed and the following enacted in its place:

11 **§704. Employment of minors**

12  
13 **1. Employees under 17 years of age.** A licensee for the  
14 sale of liquor to be consumed on licensed premises may not employ  
15 a person under 17 years of age in the serving or selling of  
16 liquor on the premises where the liquor is sold. A licensee who  
17 violates this subsection is subject to the penalties in section  
18 803.

19  
20 **2. Employees between 17 and 21 years of age.** An employee  
21 who is at least 17 years of age but less than 21 years of age may  
22 serve or sell liquor only in the presence of an employee who is  
23 at least 21 years of age and is in a supervisory capacity.

24  
25 **A. A licensee whose employee violates this subsection is**  
26 subject to the penalties in section 803.

27  
28 **B. An employee who violates this subsection is subject to**  
29 the penalties in section 803.

30  
31 **Sec. Q-4. 28-A MRSA §2051**, as amended by PL 2001, c. 160,  
32 §1, is further amended to read:

33 **§2051. Prohibited acts by minors**

34  
35 **1. Prohibited acts.** A minor may not:

36  
37 **A. Purchase any liquor or imitation liquor.** The following  
38 penalties apply to violations of this paragraph.

39  
40 **(1) A minor who violates this paragraph commits a**  
41 civil violation for which a fine of not less than \$200  
42 and not more than \$400 must be adjudged.

43  
44 **(2) A minor who violates this paragraph after having**  
45 previously violated this section commits a civil  
46 violation for which a fine of not less than \$300 and  
47 not more than \$600 must be adjudged, none of which may  
48

2                   be suspended except as provided in subsection 2,  
3                   paragraph B.

4                   (3) A minor who violates this paragraph after having  
5                   previously violated this section 2 or more times  
6                   commits a civil violation for which a fine of \$600 must  
7                   be adjudged, none of which may be suspended except as  
8                   provided in subsection 2, paragraph B;

10                  B. Consume any liquor or imitation liquor, except in a home  
11                  in the presence of the minor's parent, legal guardian or  
12                  custodian, as defined in Title 22, section 4002+. The  
13                  following penalties apply to violations of this paragraph.

14                                 (1) A minor who violates this paragraph commits a  
15                                 civil violation for which a fine of not less than \$200  
16                                 and not more than \$400 must be adjudged.

17                                 (2) A minor who violates this paragraph after having  
18                                 previously violated this section commits a civil  
19                                 violation for which a fine of not less than \$300 and  
20                                 not more than \$600 must be adjudged, none of which may  
21                                 be suspended except as provided in subsection 2,  
22                                 paragraph B.

23                                 (3) A minor who violates this paragraph after having  
24                                 previously violated this section 2 or more times  
25                                 commits a civil violation for which a fine of \$600 must  
26                                 be adjudged, none of which may be suspended except as  
27                                 provided in subsection 2, paragraph B;

28                  C. Have on the minor's person any liquor or imitation  
29                  liquor in any premises licensed for the sale of liquor to be  
30                  consumed on the premises+. The following penalties apply to  
31                  violations of this paragraph.

32                                 (1) A minor who violates this paragraph commits a  
33                                 civil violation for which a fine of not less than \$200  
34                                 and not more than \$400 must be adjudged.

35                                 (2) A minor who violates this paragraph after having  
36                                 previously violated this section commits a civil  
37                                 violation for which a fine of not less than \$300 and  
38                                 not more than \$600 must be adjudged, none of which may  
39                                 be suspended except as provided in subsection 2, paragraph  
40                                 B.

41                                 (3) A minor who violates this paragraph after having  
42                                 previously violated this section 2 or more times  
43                                 commits a civil violation for which a fine of \$600 must  
44                                 be adjudged, none of which may be suspended except as  
45                                 provided in subsection 2, paragraph B;

2                   be adjudged, none of which may be suspended except as  
3                   provided in subsection 2, paragraph B;

4                   D. Present or offer to any a licensee, the licensee's agent  
5                   or employee any written or oral evidence of age that is  
6                   false, fraudulent or not actually the minor's own, for the  
7                   purpose of:

8                   (1) Ordering, purchasing, attempting to purchase or  
9                   otherwise procuring or attempting to procure, the  
10                  serving of any liquor or imitation liquor, ~~or~~. The  
11                  following penalties apply to violations of this  
12                  subparagraph.

13                  (a) A minor who violates this subparagraph  
14                  commits a civil violation for which a fine of not  
15                  less than \$200 and not more than \$400 must be  
16                  adjudged.

17                  (b) A minor who violates this subparagraph after  
18                  having previously violated this section commits a  
19                  civil violation for which a fine of not less than  
20                  \$300 and not more than \$600 must be adjudged, none  
21                  of which must be suspended except as provided in  
22                  subsection 2, paragraph B.

23                  (c) A minor who violates this subparagraph after  
24                  having previously violated this section 2 or more  
25                  times commits a civil violation for which a fine  
26                  of \$600 must be adjudged, none of which may be  
27                  suspended except as provided in subsection 2,  
28                  paragraph B; or

29                  (2) Gaining access to a licensed premise when minors  
30                  are not allowed, . The following penalties apply to  
31                  violations of this subparagraph.

32                  (a) A minor who violates this subparagraph  
33                  commits a civil violation for which a fine of not  
34                  less than \$200 and not more than \$400 must be  
35                  adjudged.

36                  (b) A minor who violates this subparagraph after  
37                  having previously violated this section commits a  
38                  civil violation for which a fine of not less than  
39                  \$300 and not more than \$600 must be adjudged, none  
40                  of which must be suspended except as provided in  
41                  subsection 2, paragraph B.

2                   (c) A minor who violates this subparagraph after  
3                   having previously violated this section 2 or more  
4                   times commits a civil violation for which a fine  
5                   of \$600 must be adjudged, none of which may be  
6                   suspended except as provided in subsection 2,  
7                   paragraph B;

8                   D-1. Have in the minor's possession a false identification  
9                   card. The following penalties apply to violations of this  
10                   paragraph.

11                   (1) A minor who violates this paragraph commits a  
12                   civil violation for which a fine of not less than \$200  
13                   and not more than \$400 must be adjudged.

14                   (2) A minor who violates this paragraph after having  
15                   previously violated this section commits a civil  
16                   violation for which a fine of not less than \$300 and  
17                   not more than \$600 must be adjudged, none of which may  
18                   be suspended except as provided in subsection 2,  
19                   paragraph B.

20                   (3) A minor who violates this paragraph after having  
21                   previously violated this section 2 or more times  
22                   commits a civil violation for which a fine of \$600 must  
23                   be adjudged, none of which may be suspended except as  
24                   provided in subsection 2, paragraph B;

25                   D-2. Sell, furnish or give a false identification card to a  
26                   minor. The following penalties apply to violations of this  
27                   paragraph.

28                   (1) A minor who violates this paragraph commits a  
29                   civil violation for which a fine of not less than \$200  
30                   and not more than \$400 must be adjudged.

31                   (2) A minor who violates this paragraph after having  
32                   previously violated this section commits a civil  
33                   violation for which a fine of not less than \$300 and  
34                   not more than \$600 must be adjudged, none of which may  
35                   be suspended except as provided in subsection 2,  
36                   paragraph B.

37                   (3) A minor who violates this paragraph after having  
38                   previously violated this section 2 or more times  
39                   commits a civil violation for which a fine of \$600 must  
40                   be adjudged, none of which may be suspended except as  
41                   provided in subsection 2, paragraph B;

2 ~~E. Have any liquor or imitation liquor in the minor's possession except:~~

4 ~~(1) In the scope of the minor's employment; or~~

6 ~~(2) In a home in the presence of the minor's parent, legal guardian or custodian, as defined in Title 22, section 4002; or~~

10 E-1. Except as provided in subsection 5, have any liquor or imitation liquor in the minor's possession. The following penalties apply to violations of this paragraph.

14 (1) A minor who violates this paragraph commits a civil violation for which a fine of not less than \$200 and not more than \$400 must be adjudged.

18 (2) A minor who violates this paragraph after having previously violated this section commits a civil violation for which a fine of not less than \$300 and not more than \$600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B.

24 (3) A minor who violates this paragraph after having previously violated this section 2 or more times commits a civil violation for which a fine of \$600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B; or

30 ~~F. Have in the minor's possession equipment specifically constructed, manufactured or marketed for the purpose of brewing malt liquor or fermenting or making wine except:~~

32 ~~(1) In the scope of the minor's employment; or~~

34 ~~(2) In the minor's own home under the supervision of the minor's parent, legal guardian or custodian, as defined in Title 22, section 4002.~~

36 F-1. Except as provided in subsection 5, have in the minor's possession equipment specifically constructed, manufactured or marketed for the purpose of brewing malt liquor or fermenting or making wine. The following penalties apply to violations of this paragraph.

40 (1) A minor who violates this paragraph commits a civil violation for which a fine of not less than \$200 and not more than \$400 must be adjudged.



2                   (2) A minor who violates this paragraph after having  
3 previously violated this section commits a civil  
4 violation for which a fine of not less than \$300 and  
5 not more than \$600 must be adjudged, none of which may  
6 be suspended except as provided in subsection 2,  
7 paragraph B.

8                   (3) A minor who violates this paragraph after having  
9 previously violated this section 2 or more times  
10 commits a civil violation for which a fine of \$600 must  
11 be adjudged, none of which may be suspended except as  
12 provided in subsection 2, paragraph B.

13                   **2. Penalties.** ~~A minor who violates this section commits a~~  
14 ~~civil violation for which a forfeiture must be adjudged of not~~  
15 ~~less than \$200 nor more than \$400 for the first offense, not less~~  
16 ~~than \$300 nor more than \$600 for the 2nd offense, none of which~~  
17 ~~may be suspended, except as provided in paragraph B, and \$600 for~~  
18 ~~the 3rd and subsequent offenses, none of which may be suspended,~~  
19 ~~except as provided in paragraph B. The following apply to the~~  
20 ~~penalties imposed for violations of this section.~~

21                   A. When a person is adjudged to have committed a first  
22 offense under this section, the judge shall inform that  
23 person that the ~~forfeitures~~ fines for the 2nd and subsequent  
24 offenses are mandatory and cannot be suspended, except as  
25 provided in paragraph B. Failure to inform the first  
26 offender that subsequent ~~forfeitures~~ fines are mandatory is  
27 not a ground for suspension of any subsequent ~~forfeiture~~  
28 fine.

29                   B. The judge, as an alternative to or in addition to the  
30 civil ~~forfeitures~~ fines required by this subsection, may  
31 assign the minor to perform specified work for the benefit  
32 of the State, the municipality or other public entity or  
33 charitable institution.

34                   **3. Minor can not be charged with more than one offense.** ~~No~~  
35 ~~A~~ minor may not be charged with more than one offense under this  
36 section in any given instance in which the same set of facts is  
37 involved.

38                   **4. Illegal possession and illegal transportation.** If a  
39 minor is charged with illegal possession under this section, the  
40 minor may not be charged with illegal transportation under  
41 section 2052.

42                   **5. Exceptions.** A minor is not in violation of subsection  
43 1, paragraph E-1 or F-1 if the minor possesses:

2 A. Liquor or imitation liquor or equipment described in  
3 subsection 1, paragraph F-1 in the scope of the minor's  
4 employment;

5 B. Liquor or imitation liquor in a home in the presence of  
6 the minor's parent, guardian or custodian, as defined in  
7 Title 22, section 4002; or

8 C. Equipment described in subsection 1, paragraph F-1 in  
9 the minor's own home under the supervision of the minor's  
10 parent, guardian or custodian, as defined in Title 22,  
11 section 4002.

12  
13 **Sec. Q-5. 28-A MRSA §2052**, as amended by PL 1997, c. 373,  
14 §§148 and 149, is further amended to read:

15 **§2052. Illegal transportation by minors**

16  
17 ~~1. -- Minor may not transport liquor; exception. -- Except as~~  
18 ~~provided in paragraph A, no minor may knowingly transport or~~  
19 ~~knowingly permit to be transported any liquor in a motor vehicle~~  
20 ~~under his control.~~

21  
22 ~~A. -- A minor may transport liquor or permit liquor to be~~  
23 ~~transported in a motor vehicle if in the scope of the~~  
24 ~~minor's employment, or at the request of the minor's parent,~~  
25 ~~legal guardian or custodian, as defined in Title 22, section~~  
26 ~~4002.~~

27  
28 1-A. Minor may not transport liquor. Except as provided in  
29 subsection 1-B, a minor may not knowingly transport or knowingly  
30 permit to be transported liquor in a motor vehicle under the  
31 minor's control. The following penalties apply to violations of  
32 this subsection.

33 A. A minor who violates this subsection commits a civil  
34 violation for which a fine of not more than \$500 may be  
35 adjudged.

36 B. A minor who violates this subsection after having  
37 previously violated this section commits a civil violation  
38 for which a fine of not less than \$200 and not more than  
39 \$500 must be adjudged, none of which may be suspended.

40 C. A minor who violates this subsection after having  
41 previously violated this section 2 or more times commits a  
42 civil violation for which a fine of not less than \$400 and  
43 not more than \$500 must be adjudged, none of which may be  
44 suspended.

2 1-B. Permitted transportation. A minor may transport  
liquor or permit liquor to be transported in a motor vehicle if  
4 in the scope of the minor's employment or at the request of the  
minor's parent, guardian or custodian, as defined in Title 22,  
6 section 4002.

8 2. **No conviction if liquor not within minor's section.** No  
A minor may not be found in violation of any offense under this  
10 section if liquor is found outside the passenger passenger's or  
driver's section of a motor vehicle under the minor's control,  
12 unless the minor has actual knowledge of the presence of the  
liquor. The trunk or locked glove compartment of any vehicle may  
14 not be construed under this section to be within the passenger  
passenger's or driver's section of the motor vehicle.

16 ~~3. -- Violation. -- Any minor who violates this section commits~~  
~~a civil violation for which a forfeiture may be adjudged of not~~  
18 ~~more than \$500. -- A forfeiture must be adjudged of not less than~~  
~~\$200 for a 2nd offense and not less than \$400 for a 3rd or~~  
20 ~~subsequent offense, none of which may be suspended.~~

22 4. **Minor can not be charged with both illegal**  
**transportation and illegal possession.** A minor charged with  
24 illegal transportation under this section may not be charged with  
illegal possession under section 2051. A minor who possesses or  
26 consumes liquor in a motor vehicle under the terms of this  
section must be charged under this section, rather than under  
28 section 2051. This subsection does not preclude charges under  
Title 15, section 3103, subsection 1, paragraph F, when  
30 appropriate.

32 **Sec. Q-6. 28-A MRSA §2075**, as amended by PL 1997, c. 373,  
§155, is further amended to read:

34 **§2075. Importation and transportation of spirits**

36 ~~1. -- Only the commission may import spirits; exception.~~  
38 ~~Except as provided in this section, no person other than the~~  
~~alcohol bureau may import spirits into the State.~~

40 ~~A. -- An individual may transport into the State and may~~  
42 ~~transport from place to place within the State spirits for~~  
~~the individual's personal use in a quantity not greater than~~  
44 ~~4 quarts.~~

46 1-A. Only alcohol bureau may import spirits. Except as  
provided in subsection 1-B, a person other than the alcohol  
48 bureau may not import spirits into the State.

2 A. A person who illegally imports or causes to be shipped  
3 into the State spirits in a quantity of less than 10 gallons  
4 commits a civil violation for which a fine of not more than  
5 \$500 must be adjudged.

6 B. A person who illegally imports or causes to be shipped  
7 into the State spirits in a quantity of 10 or more gallons  
8 commits a Class E crime, which is a strict liability crime  
9 as defined in Title 17-A, section 34, subsection 4-A.

10 1-B. Permitted importation. An individual may transport  
11 into the State and may transport from place to place within the  
12 State spirits for the individual's personal use in a quantity not  
13 greater than 4 quarts.

14 **2. Transportation of spirits within State.** No A person may  
15 not transport or cause to be transported any spirits within the  
16 State in a quantity greater than 4 quarts unless the spirits were  
17 purchased from a state or agency liquor store.

18 **2-A. Evidence.** The possession of more than 8 quarts of  
19 spirits in one or more containers that are not labeled in  
20 accordance with Title 32, section 1865, is prima facie evidence  
21 of a violation of this section.

22 **3. Importation and transportation of spirits for special**  
23 **purposes.** The bureau may, in writing, permit and authorize the  
24 importation of spirits into the State and the transportation of  
25 spirits from place to place within the State to the following  
26 destinations for the specified purposes:

27 A. To industrial establishments for use as an ingredient in  
28 the manufacture of food products, or for use as an  
29 ingredient in the manufacture of commodities that by reason  
30 of their nature can not be used for beverage purposes, or  
31 for use in the manufacture of commodities unfit for beverage  
32 purposes;

33 B. To licensed distillers and manufacturers of spirits in  
34 the State for use as an ingredient in distilling or  
35 manufacturing spirits and other spirituous products that are  
36 authorized by 27 Code of Federal Regulations; and

37 C. To churches or to the pastor of any church for  
38 sacramental purposes or similar religious rites.

39 ~~4. -- Penalties. -- A person who illegally imports less than 10~~  
40 ~~gallons of spirits or causes less than 10 gallons of spirits to~~  
41 ~~be shipped into the State commits a civil violation for which a~~  
42 ~~forfeiture not to exceed \$500 must be adjudged. -- A person who~~  
43 ~~imports more than 10 gallons of spirits or causes more than 10~~  
44 ~~gallons of spirits to be shipped into the State commits a Class E~~  
45 ~~crime, which is a strict liability crime as defined in Title 17-A,~~  
46 ~~section 34, subsection 4-A.~~  
47 ~~1-B. Permitted importation. An individual may transport~~  
48 ~~into the State and may transport from place to place within the~~  
49 ~~State spirits for the individual's personal use in a quantity not~~  
50 ~~greater than 4 quarts.~~

2 ~~illegally imports 10 or more gallons of spirits or causes 10 or~~  
3 ~~more gallons of spirits to be shipped into the State commits a~~  
4 ~~Class E crime.~~

6 **5. Forfeiture of spirits.** Notwithstanding section 2221-A,  
7 if a person fails to appear in court on the date and time  
8 specified in response to a Uniform Summons and Complaint issued  
9 for a violation of this section, either in person or by counsel,  
10 the court shall order the spirits imported or transported in  
11 excess of that allowed by subsection 1 1-A or 2 to be forfeited  
12 to the State. As part of every adjudication and forfeiture  
13 imposed under this section the court shall order the spirits  
14 imported or transported in excess of that allowed by subsection 1  
15 1-A or 2 to be forfeited to the State. Spirits forfeited under  
16 this subsection must be disposed of as prescribed in section 2229.

18 **Sec. Q-7. 28-A MRSA §2077**, as amended by PL 1993, c. 730,  
19 §§49 and 50, is further amended to read:

20 **§2077. Importation and transportation of malt liquor and wine**

22 ~~1. Importation of malt liquor or wine into State. No~~  
23 ~~person other than a wholesale licensee, small brewery licensee or~~  
24 ~~farm winery licensee may transport or cause to be transported~~  
25 ~~malt liquor or wine into the State in a quantity greater than 3~~  
26 ~~gallons for malt liquor or 4 quarts for wine, unless it was~~  
27 ~~legally purchased in the State.~~

28  
29 ~~A. All shipments of malt liquor or wine transported or~~  
30 ~~caused to be transported by wholesale licensees, small~~  
31 ~~brewery licensees or farm winery licensees into the State~~  
32 ~~must be accompanied by an invoice, including the wholesale~~  
33 ~~licensee's, small brewery licensee's or farm winery~~  
34 ~~licensee's name and purchase number.~~

36 1-A. Importation of malt liquor or wine into State. A  
37 person other than a wholesale licensee, small brewery licensee or  
38 farm winery licensee may not transport or cause to be transported  
39 malt liquor or wine into the State in a quantity greater than 3  
40 gallons for malt liquor or 4 quarts for wine, unless it was  
41 legally purchased in the State. The following penalties apply to  
42 violations of this subsection.

44 A. A person who illegally transports into the State wine or  
45 malt liquor in a quantity of less than 10 gallons commits a  
46 civil violation for which a fine of not more than \$500 must  
47 be adjudged.

48  
49 B. A person who illegally transports into the State wine or  
50 malt liquor in a quantity of 10 or more gallons commits a

2 Class E crime, which is a strict liability crime as defined  
3 in Title 17-A, section 34, subsection 4-A.

4 1-B. Invoice required. Each shipment of malt liquor or  
5 wine transported or caused to be transported by a wholesale  
6 licensee, small brewery licensee or farm winery licensee into the  
7 State must be accompanied by an invoice that includes the  
8 wholesale licensee's, small brewery licensee's or farm winery  
9 licensee's name and purchase number.

10  
11 **2. Transportation of malt liquor and wine within State.** No  
12 A person other than a licensee may not transport malt liquor, in  
13 a quantity greater than 3 gallons, or wine, in a quantity greater  
14 than 4 quarts, within the State unless it was purchased from an  
15 off-premise retail licensee.

16  
17 A. A person who illegally transports within the State wine  
18 or malt liquor in a quantity of less than 10 gallons commits  
19 a civil violation for which a fine of not more than \$500  
20 must be adjudged.

21  
22 B. A person who illegally transports within the State wine  
23 or malt liquor in a quantity of 10 or more gallons commits a  
24 Class E crime, which is a strict liability crime as defined  
25 in Title 17-A, section 34, subsection 4-A.

26  
27 **2-A. Evidence.** The possession of more than 6 gallons of  
28 malt liquor or 8 quarts of wine in one or more containers that  
29 are not labeled in accordance with Title 32, section 1865, is  
30 prima facie evidence of a violation of this section.

31  
32 **3. For-hire carriers and contract carriers may import and**  
33 **transport within State.** For-hire carriers and contract carriers,  
34 authorized by the Department of Public Safety, may transport malt  
35 liquor or wine into and within the State to licensees, to  
36 purchasers of malt liquor or wine from licensees and to the state  
37 line for transportation outside the State.

38  
39 ~~4. Penalties. Any person who illegally transports less~~  
40 ~~than 10 gallons of wine or less than 10 gallons of malt liquor~~  
41 ~~into or within the State commits a civil violation for which a~~  
42 ~~forfeiture not to exceed \$500 must be adjudged. Any person who~~  
43 ~~illegally transports 10 or more gallons of wine or 10 or more~~  
44 ~~gallons of malt liquor into or within the State commits a Class E~~  
45 ~~crime.~~

46  
47 **5. Forfeiture of malt liquor or wine.** Notwithstanding  
48 section 2221-A, if a person fails to appear in court on the date  
49 and time specified in response to a Uniform Summons and Complaint  
50 issued for a violation of this section, either in person or by

2 counsel, the court shall order the malt liquor or wine imported  
3 or transported in excess of that allowed by subsection 1 1-A or 2  
4 to be forfeited to the State. As part of every adjudication and  
5 ~~forfeiture~~ fine imposed under this section, the court shall order  
6 the malt liquor or wine imported or transported in excess of that  
7 allowed by subsection 1 1-A or 2 to be forfeited to the State.  
8 Malt liquor or wine forfeited under this subsection must be  
disposed of as prescribed in section 2229.

10 **Sec. Q-8. 28-A MRSA §2077-B, sub-§2**, as enacted by PL 1997, c.  
11 501, §6, is amended to read:

12 **2. Penalty.** A person who violates this section is subject  
13 to penalties listed in section 2075, subsection -4- 1-A.

14 **Sec. Q-9. 28-A MRSA §2081**, as amended by PL 2001, c. 395,  
15 §§1 and 2, is further amended to read:

16 **§2081. Furnishing or allowing consumption of liquor by certain**  
17 **persons prohibited**

18 **1. Offense.** Except as provided in subsection 2, ~~no~~ a  
19 person may not knowingly:

20 **A.** Procure, or in any way aid or assist in procuring,  
21 furnish, give, sell or deliver liquor for or to a minor.  
22 The following penalties apply to violations of this  
23 paragraph.

24 (1) A person who violates this paragraph commits a  
25 Class D crime.

26 (2) A person who violates this paragraph commits a  
27 Class D crime for which the fine may not be less than  
28 \$500 and may not be suspended if the violation involves  
29 a minor who is less than 14 years of age.

30 (3) A person who violates this paragraph after having  
31 been previously convicted of violating this paragraph  
32 or paragraph B within a 6-year period commits a Class D  
33 crime for which the fine may not be less than \$500 and  
34 may not be suspended.

35 (4) A person who violates this paragraph after having  
36 been previously convicted of violating this paragraph  
37 or paragraph B 2 or more times within a 6-year period  
38 commits a Class D crime for which the fine may not be  
39 less than \$1,000 and may not be suspended.

2           (5) A person who violates this paragraph commits a  
4           Class C crime if the consumption of liquor by the minor  
6           in fact causes serious bodily injury to or death of the  
8           minor or any other individual. For purposes of this  
          subsection, "serious bodily injury" has the same  
          meaning as set out in Title 17-A, section 2, subsection  
          23;

10          B. Allow any a minor under that person's control, or in any  
12          a place under that person's control, to possess or consume  
          liquor,. The following penalties apply to violations of  
          this paragraph.

14           (1) A person who violates this paragraph commits a  
16           Class D crime.

18           (2) A person who violates this paragraph commits a  
20           Class D crime for which the fine may not be less than  
          \$500 and may not be suspended if the violation involves  
          a minor who is less than 14 years of age.

22           (3) A person who violates this paragraph after having  
24           been previously convicted of violating this paragraph  
26           or paragraph A within a 6-year period commits a Class D  
          crime for which the fine may not be less than \$500 and  
          may not be suspended.

28           (4) A person who violates this paragraph after having  
30           been previously convicted of violating this paragraph  
32           or paragraph A 2 or more times within a 6-year period  
          commits a Class D crime for which the fine may not be  
          less than \$1,000 and may not be suspended.

34           (5) A person who violates this paragraph commits a  
36           Class C crime if the consumption of liquor by the minor  
38           in fact causes serious bodily injury to or death of the  
40           minor or any other individual. For purposes of this  
          subsection, "serious bodily injury" has the same  
          meaning as set out in Title 17-A, section 2, subsection  
          23;

42          C. Procure, or in any way aid or assist in procuring,  
44          furnish, give, sell or deliver liquor to a visibly  
46          intoxicated person. Violation of this paragraph is a Class  
          E crime, except notwithstanding Title 17-A, section 1301,  
          the fine may not be more than \$500; or

48          D. Procure, or in any way assist in procuring, furnish,  
50          give, sell or deliver imitation liquor for or to a minor, or  
          allow a minor under that person's control or in a place



2 under that person's control to possess or consume imitation  
liquor. Violation of this paragraph is a Class E crime,  
3 except notwithstanding Title 17-A, section 1301, the fine  
4 may not be more than \$500.

6 **2. Exceptions.** This section does not apply to a person who  
serves liquor or imitation liquor to a minor in a home in the  
8 presence of the minor's parent, legal guardian or custodian, as  
defined in Title 22, section 4002.

10 ~~3. Penalties. Except as provided in subsection 5, any~~  
12 ~~person who violates subsection 1, paragraph A or B commits a~~  
14 ~~Class D crime. Any person who violates subsection 1, paragraph C~~  
16 ~~or D commits a Class E crime, for which a forfeiture of not more~~  
18 ~~than \$500 may be adjudged. In the case of a person who has one~~  
20 ~~previous conviction of a violation of subsection 1, paragraph A~~  
22 ~~or B within a 6 year period, the fine may not be less than \$500,~~  
24 ~~which penalty may not be suspended. In the case of a person who~~  
26 ~~has 2 or more previous convictions of a violation of subsection~~  
1, ~~paragraph A or B within a 6 year period, the fine may not be~~  
less than \$1,000. In the case of a person who has no previous  
conviction of subsection 1, paragraph A or B within a 6 year  
period, the fine may not be less than \$500, which penalty may not  
be suspended if that person is convicted of a violation of  
subsection 1, paragraph A or B involving a minor less than 14  
years old.

28 **4. Application.** This section does not apply to licensees  
or agents of licensees in the scope of their employment.

30 ~~5. Aggravated offense. A person who violates subsection 1,~~  
32 ~~paragraph A or B commits a Class C crime if the consumption of~~  
34 ~~the liquor by the minor in fact causes serious bodily injury to~~  
36 ~~or death of any individual, including the minor. For purposes of~~  
this subsection, "serious bodily injury" has the same meaning as  
set out in Title 17-A, section 2, subsection 23.

## 38 PART R

40 **Sec. R-1. 29-A MRSA §254,** as enacted by PL 1993, c. 683, Pt.  
42 A, §2 and affected by Pt. B, §5, is amended to read:

### 44 **§254. Rented vehicles; records**

46 **1. Owner of vehicle to keep record.** A person engaged in  
48 the business of renting motor vehicles with or without a driver,  
other than as a transaction involving the sale of the vehicle,  
shall maintain a record of the identity of the person to whom the  
50 vehicle is rented, including a record of the driver's license of

2 the person to whom the vehicle is rented and the exact time the  
vehicle is subject to that rental or in the person's possession.  
4 A person who violates this subsection commits a Class E crime.  
Violation of this subsection is a strict liability crime as  
6 defined in Title 17-A, section 34, subsection 4-A.

8 ~~2. Records open to inspection. Records kept pursuant to~~  
~~subsection 1 must be open to~~ A person required to maintain  
10 records pursuant to subsection 1 shall allow inspection of those  
records by any law enforcement officer. A person who violates  
12 this subsection commits a Class E crime. Violation of this  
subsection is a strict liability crime as defined in Title 17-A,  
14 section 34, subsection 4-A.

16 ~~3. Offense. A person commits a Class E crime if that~~  
~~person fails to maintain, possess or permit an inspection of the~~  
~~record required by subsection 1.~~

18 **4. Form.** If the Secretary of State prescribes a form for  
20 the keeping of the record required in subsection 1, the owner  
must shall use that form. The form must be carried in the  
22 vehicle during the period of lease or hire.

24 **Sec. R-2. 29-A MRSA §452, sub-§3,** as enacted by PL 1993, c.  
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

26 **3. Proper display.** Registration plates must always be  
28 properly displayed. ~~The plates, including the numbers, letters~~  
~~and words, must always be plainly visible and legible.~~

30 **Sec. R-3. 29-A MRSA §452, sub-§4** is enacted to read:

32 **4. Plainly visible and legible.** Registration plates,  
34 including the numbers, letters and words, must always be plainly  
visible and legible.

36 **Sec. R-4. 29-A MRSA §462, sub-§10,** as enacted by PL 1993, c.  
38 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the  
following enacted in its place:

40 **10. Prohibition.** A person issued temporary registration  
42 plates may not:

44 A. Attach a plate to a vehicle that the person did not  
sell, lease or transfer; or

46 B. Provide the plates to another person other than by  
48 attachment to a vehicle as authorized by this section.

50 A person who violates this subsection commits a civil violation.

2           **Sec. R-5. 29-A MRSA §462, sub-§11** is enacted to read:

4           11. Records. A person issued temporary registration plates  
6 by the Secretary of State shall maintain a written record of the  
8 use or disposal of every plate. The record must be available for  
10 inspection by the Secretary of State at the person's place of  
12 business. A person who violates this subsection commits a civil  
14 violation.

16           **Sec. R-6. 29-A MRSA §505, sub-§5**, as enacted by PL 1993, c.  
18 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

20           **5. Violation.** A person ~~fraudulently-obtaining-or-using-a~~  
22 ~~farm-truck-registration-for-a-purpose-other-than-authorized-by~~  
24 ~~this-section~~ commits a traffic infraction with a penalty of not  
26 less than \$100 nor more than \$500. if that person:

28           A. Fraudulently obtains a farm truck registration; or

30           B. Uses a farm truck registration for a purpose other than  
32 authorized by this section.

34           **Sec. R-7. 29-A MRSA §525, sub-§9**, as enacted by PL 1993, c.  
36 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the  
38 following enacted in its place:

40           9. Violation. The following penalties apply to violations  
42 of this section.

44           A. Except as provided in paragraph B, a person who violates  
46 this section commits a Class E crime.

48           B. A person who displays or causes or permits to be  
displayed a false decal or permit or a decal or permit  
issued to another person commits a Class D crime.

An owner or operator stopped for violating this section and  
against whom enforcement action has been taken does not commit a  
subsequent violation of this section involving the same vehicle  
until after the close of business on the next business day  
following the date of the violation.

The court shall impose a fine of at least \$250, which may not be  
suspended.

Violation of this section is a strict liability crime as defined  
in Title 17-A, section 34, subsection 4-A.

2           **Sec. R-8. 29-A MRSA §532, sub-§9**, as enacted by PL 1993, c.  
683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the  
4 following enacted in its place:

6           **9. Penalty.** The following penalties apply to violations of  
this section.

8           A. Notwithstanding any other provisions of this Title, a  
10 person who fails to comply with the registration  
12 requirements of the plan commits a traffic infraction. The  
minimum fine for this violation is \$500. The Secretary of  
State shall notify the registrant's base jurisdiction of the  
violation.

14           B. A person who presents altered credentials commits a  
16 Class E crime. Violation of this paragraph is a strict  
18 liability crime as defined in Title 17-A, section 34,  
subsection 4-A.

20           **Sec. R-9. 29-A MRSA §558, sub-§1**, as repealed and replaced by  
PL 1995, c. 625, Pt. A, §32, is repealed.

22           **Sec. R-10. 29-A MRSA §558, sub-§1-B** is enacted to read:

24           **1-B. Violation.** The following penalties apply to  
26 violations of this subchapter.

28           A. Except as provided in paragraph C, a person who violates  
30 this subchapter or a rule adopted pursuant to this  
subchapter commits a Class E crime, which is a strict  
32 liability crime as defined in Title 17-A, section 34,  
subsection 4-A.

34           B. Except as provided in paragraph C, a person who  
36 knowingly permits a violation of this subchapter or a rule  
adopted pursuant to this subchapter commits a Class E crime.

38           C. A person commits a Class C crime if:

40                   (1) The person acts knowingly or intentionally;

42                   (2) The violation in fact causes either death or  
44 serious bodily injury, as defined in Title 17-A,  
section 2, to a person whose health or safety is  
46 protected by the provision violated; and

48                   (3) The death or injury is a reasonably foreseeable  
consequence of the violation.

2           **Sec. R-11. 29-A MRSA §1002, sub-§1**, as enacted by PL 1993, c.  
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4           **1. Limitations on use.** A person using a dealer plate may  
not operate ~~or permit to be operated~~ a vehicle owned or  
6 controlled by a manufacturer or dealer except for:

8           A. Purposes directly connected with the business of buying,  
selling, testing, adjusting, servicing, demonstrating or  
10 exchanging the vehicle, including use of that vehicle by a  
full-time employee to attend schools and seminars designed  
12 to assist the employee in the testing, adjusting or  
servicing of vehicles;

14           B. Personal use by a manufacturer or dealer. There may be  
16 no more than one dealer plate for the personal use of the  
manufacturer or dealer and one dealer plate for the personal  
18 use of the immediate family of the dealer;

20           C. Use of the vehicle in a funeral or public parade when no  
charge is made for that use;

22           D. Use by a full-time sales representative, general  
24 manager, sales manager or service manager who is on the  
dealer's payroll but not in the dealer's immediate family or  
26 members of that person's household;

28           E. Use by customers for not more than 7 days to demonstrate  
the vehicle; or

30           F. Use by the manufacturer or dealer when the combined  
32 weight of the vehicle and the load does not exceed 10,000  
pounds unless the vehicle, by design, exceeds 10,000 pounds  
34 without a load.

36           **Sec. R-12. 29-A MRSA §1002, sub-§1-A** is enacted to read:

38           **1-A. Limitation on use.** A person using a dealer plate may  
not permit a vehicle owned or controlled by a manufacturer or  
40 dealer to be operated except for the purposes authorized under  
subsection 1.

42           **Sec. R-13. 29-A MRSA §1002, sub-§3**, as enacted by PL 1993, c.  
44 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

46           **3. Penalty.** A violation of subsection 1 or subsection 1-A  
is a traffic infraction for which a minimum penalty of \$200 must  
48 be adjudged for each infraction. That penalty may not be  
suspended.

50

2           **Sec. R-14. 29-A MRSA §1002, sub-§10**, as enacted by PL 1993, c.  
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4           **10. Loss of dealer plate.** Upon the loss of a dealer plate,  
the dealer immediately shall notify the Secretary of State. ~~If a~~  
6 ~~dealer has written authorization from the Secretary of State, a~~  
~~dealer may use a temporary number plate bearing the registration~~  
8 ~~number issued to that dealer.~~

10           **Sec. R-15. 29-A MRSA §1002, sub-§11** is enacted to read:

12           **11. Temporary dealer plate.** If a dealer has written  
authorization from the Secretary of State, a dealer may use a  
14 temporary number plate bearing the registration number issued to  
that dealer.

16           **Sec. R-16. 29-A MRSA §1004**, as enacted by PL 1993, c. 683,  
18 Pt. A, §2 and affected by Pt. B, §5, is repealed and the  
following enacted in its place:

20           **§1004. Transit placard**

22           **1. Issuance of transit placard.** The Secretary of State may  
24 issue a transit placard upon application by any person involved  
in the business of importing new motor vehicles. The transit  
26 placard is to be used to facilitate the movement over the highway  
of the motor vehicles from the port of entry to a storage yard  
28 within a 10-mile radius of the port.

30           **2. Required use of transit placard.** A transit placard must  
be displayed in or on any unregistered motor vehicle that is  
32 being operated or towed from the port to a storage yard.

34           **3. Prohibited use of transit placard.** A transit placard  
may not be used:

36           A. On a towing vehicle; or

38           B. For any purpose other than that permitted under this  
40 section.

42           **4. Expiration.** Transit placards expire at the end of the  
month one year from the month of issue.

44           **5. Fee.** The fee for a transit license is \$100 annually and  
46 the fee for each placard is \$10. Government and quasi-government  
agencies may not be assessed a fee.

48           **Sec. R-17. 29-A MRSA §1251, sub-§1**, as amended by PL 2001, c.  
50 687, §13, is repealed and the following enacted in its place:

2           1. Violation. Except as provided in section 510,  
3           subsection 1, a person commits an offense of operating a motor  
4           vehicle without a license if that person operates a motor vehicle  
5           on a public way or parking area:

6           A. Without being licensed. Violation of this paragraph is  
7           a Class E crime, which is a strict liability crime as  
8           defined in Title 17-A, section 34, subsection 4-A;

9           B. In violation of a condition or restriction on the  
10           license. For a resident, the license must be issued by this  
11           State. Violation of this paragraph is a Class E crime,  
12           which is a strict liability crime as defined in Title 17-A,  
13           section 34, subsection 4-A; or

14           C. With a license issued by this State that expired within  
15           the previous 90 days. Violation of this paragraph is a  
16           traffic infraction.

17           **Sec. R-18. 29-A MRSA §1251, sub-§2,** as amended by PL 1995, c.  
18           584, Pt. B, §6, is repealed.

19           **Sec. R-19. 29-A MRSA §1903,** as enacted by PL 1993, c. 683,  
20           Pt. A, §2 and affected by Pt. B, §5, is repealed and the  
21           following enacted in its place:

22           §1903. Adequate signaling device; use

23           1. Signaling device required. A person may not operate a  
24           motor vehicle without a suitable and adequate horn or other  
25           device for signaling.

26           2. Unnecessarily sounded. A person may not unnecessarily  
27           sound a signaling device or horn.

28           **Sec. R-20. 29-A MRSA §1904, sub-§1,** as enacted by PL 1993, c.  
29           683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the  
30           following enacted in its place:

31           1. General rules; headlights. A person may not operate a  
32           motor vehicle that does not meet the following requirements  
33           concerning headlights.

34           A. A motor vehicle must be equipped with headlights.

35           B. Headlights must be of sufficient power and so adjusted  
36           and operated as to enable the operator to proceed with  
37           safety under all ordinary conditions of highway and weather.

2           **Sec. R-21. 29-A MRSA §1904, sub-§4**, 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:

4           **4. Number of headlights.** The following rules apply  
6 regarding the mounting of headlights.

8           A. A motor vehicle must have mounted on the front at least  
2 2 headlights, one on each side.

10           B. A motorcycle or motor-driven cycle must have one mounted  
12 headlight.

14           **Sec. R-22. 29-A MRSA §1906**, as enacted by PL 1993, c. 683,  
16 Pt. A, §2 and affected by Pt. B, §5, is repealed and the  
following enacted in its place:

18           **§1906. Clearance lights**

20           **1. Requirements for vehicle 7 feet or more in width.** A  
22 vehicle 7 feet or more in width must have a green or amber light  
24 attached to the extreme left of the front, adjusted to indicate  
26 the extreme left lateral extension of the vehicle or load and at  
28 least one red light on the extreme left lateral extension of the  
30 vehicle or load on the rear.

32           **2. Requirements for closed body vehicle 8 feet or more in**  
34 height. A vehicle with a closed body 8 feet or more in height  
36 must display 2 green or amber lights attached to the extreme left  
38 of the front of its body, one at the top and the other at the  
40 bottom. The vehicle must also display at least one red light on  
42 the extreme upper left lateral extension of its body.

44           **3. Visibility.** Body width lights and height lights must be  
46 visible not less than 200 feet in the direction towards which the  
48 vehicle is proceeding or facing.

**4. Reflector alternative.** In place of body width lights  
and height lights, a vehicle may be equipped with an adequate  
reflector conforming as to color and location to the requirements  
for the light.

**5. Application.** This section does not apply to  
unregistered farm tractors.

**Sec. R-23. 29-A MRSA §1912, sub-§5**, 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:



2 5. Exception; racing meets. Notwithstanding subsection 2,  
an owner or operator of a motor vehicle used occasionally in  
4 racing meets may obtain a permit from the Secretary of State for  
installing a cutout, bypass or similar device on the exhaust  
6 system of that motor vehicle pursuant to this subsection.

8 A. The cutout, bypass or similar modification must be kept  
closed and inoperative while the vehicle is on a public way.

10 B. The permit must be in the vehicle at all times while on  
a public way.

12 C. The Secretary of State shall determine the eligibility  
14 of all applicants for a permit.

16 D. The permit fee is \$1 for the registration year.

18 **Sec. R-24. 29-A MRSA §1919**, as enacted by PL 1993, c. 683,  
20 Pt. A, §2 and affected by Pt. B, §5, is repealed and the  
following enacted in its place:

22 **§1919. Studded tires**

24 1. Prohibited May 1st to October 1st. Except as provided  
26 in subsections 2 and 3, from the first day of May to the first  
day of October, a person may not operate a vehicle with tires  
28 having metal studs, wires, spikes or other metal protruding from  
the tire tread.

30 2. Extension of use period and issuance of permit.  
32 Extended use of studded tires may be permitted according to this  
subsection.

34 A. A person may use studded tires for periods other than  
36 those specified in subsection 1, if the Commissioner of  
Transportation extends the use period or, in a special case,  
38 issues a permit covering stated periods of time for the use  
of studded tires. The fee for a permit may not be less than  
40 \$3 and not more than \$15, as determined by the commissioner.

42 B. A person issued a permit under paragraph A must carry  
the permit in an easily accessible place in or about the  
44 vehicle.

46 3. Application. Subsection 1 does not apply to fire  
department vehicles or school buses during the months school is  
48 in regular session.

2           **Sec. R-25. 29-A MRSA §1952, sub-§1**, as enacted by PL 1993, c.  
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4           **1. Carry flares.** ~~-A- Except as provided in subsection 1-A,~~  
a truck or truck tractor with a registration for operation with  
6 gross vehicle weight in excess of 10,000 pounds must be equipped  
with 2 red flags, 3 flares and 3 red lanterns or red emergency  
8 reflectors. ~~A-vehicle-transporting-inflammable-liquids-or-gas-in~~  
~~bulk-may-not-carry-flares.~~

10

**Sec. R-26. 29-A MRSA §1952, sub-§1-A** is enacted to read:

12

14           **1-A. Flares prohibited.** A vehicle transporting inflammable  
liquids or gas in bulk may not carry flares.

16

**Sec. R-27. 29-A MRSA §2051, sub-§1**, as enacted by PL 1993, c.  
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

18

20           **1. Single lane.** A vehicle must be operated as nearly as  
practical entirely within a single lane. ~~A-vehicle-may-not-be~~  
~~moved-from-a-lane-until-the-operator-has-first-ascertained-that~~  
22 ~~the-movement-can-be-made-with-safety.~~

24

**Sec. R-28. 29-A MRSA §2051, sub-§1-A** is enacted to read:

26

28           **1-A. Movement from lane.** A vehicle may not be moved from a  
lane until the operator has first ascertained that the movement  
can be made with safety.

30

**Sec. R-29. 29-A MRSA §2052, sub-§3**, as enacted by PL 1993, c.  
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

32

34           **3. Crossing.** An operator may not drive a vehicle over,  
across or within a divider, or an opening or crossover of a  
divider. ~~An--operator--may--not--disobey--the--restrictions--on~~  
36 ~~effiecial-signs-at-an-opening-or-crossover-of-a-divider.~~

38

**Sec. R-30. 29-A MRSA §2052, sub-§3-A** is enacted to read:

40

42           **3-A. Divider sign restrictions.** An operator may not  
disobey the restrictions on official signs at an opening or  
crossover of a divider.

44

**Sec. R-31. 29-A MRSA §2052, sub-§5**, as amended by PL 2001, c.  
360, §4, is repealed and the following enacted in its place:

46

48           **5. Limiting use.** The Department of Transportation or a  
municipality, with respect to a way under that authority's  
jurisdiction, may prohibit the use of a way by:

50

2           A. Pedestrians; or

4           B. Bicycles or other nonmotorized traffic, scooters,  
motorized bicycles or tricycles, or motor-driven cycles.

6           **Sec. R-32. 29-A MRSA §2052, sub-§5-A** is enacted to read:

8           5-A. Limiting use sign restrictions. On limiting the use  
of a way, the authority shall erect and maintain official signs  
10 stating the prohibition. A person may not disobey the  
12 restrictions stated on those signs.

14           **Sec. R-33. 29-A MRSA §2053, sub-§6**, as amended by PL 1999, c.  
183, §8, is repealed and the following enacted in its place:

16           6. Traffic circles or rotary intersections. The operator  
of a vehicle:

18           A. Approaching a traffic circle or rotary intersection  
20 shall yield the right-of-way to a vehicle already within the  
traffic circle or rotary intersection unless otherwise  
22 regulated by a law enforcement officer or by traffic control  
devices;

24           B. Entering and passing around a rotary or traffic circle  
26 may drive only to the right of the rotary or traffic circle  
and shall yield the right-of-way to a vehicle on the  
28 operator's left; and

30           C. May not drive on or across the center part of a rotary  
or traffic circle, except that the wheels of a semitrailer  
32 or trailer may cross the center part as long as the wheels  
of the towing vehicle do not cross the center part.

34           **Sec. R-34. 29-A MRSA §2055, sub-§3**, as enacted by PL 1993, c.  
36 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

38           3. Frightened animals. When a person riding, driving or  
40 leading an animal that appears to be frightened signals by  
putting up a hand or by other visible sign, an operator  
42 approaching from the opposite direction must stop as soon as  
possible and remain stationary as long as necessary and  
44 reasonable to allow the animal to pass. When traveling in the  
same direction, the operator must use reasonable caution in  
46 passing an animal.

48           **Sec. R-35. 29-A MRSA §2055, sub-§3-A** is enacted to read:

2 3-A. Passing animals. When traveling in the same direction  
3 as an animal on a way, an operator must use reasonable caution in  
4 passing the animal.

5 **Sec. R-36. 29-A MRSA §2057, sub-§1, ¶C,** as enacted by PL 1993,  
6 c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the  
7 following enacted in its place:

8 C. A red light, if steady and circular, means:

9 (1) The operator must stop and remain stationary until  
10 an indication to proceed is shown; or

11 (2) The operator may cautiously enter the intersection  
12 to make a right turn after stopping if:

13 (a) Not prohibited by an appropriate sign such as  
14 "NO RIGHT TURN ON RED"; and

15 (b) The operator executing a turn yields the  
16 right-of-way to pedestrians on a crosswalk and to  
17 a vehicle having a green signal at the  
18 intersection.

19 **Sec. R-37. 29-A MRSA §2057, sub-§1, ¶¶C-1 and C-2** are enacted  
20 to read:

21 C-1. A red light, if a steady arrow, means the operator may  
22 not enter the intersection to make the movement indicated by  
23 that arrow.

24 C-2. A red light, if showing rapid intermittent flashes,  
25 means the operator must stop and then proceed as if at a  
26 stop sign.

27 **Sec. R-38. 29-A MRSA §2058, sub-§5,** as enacted by PL 1993, c.  
28 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the  
29 following enacted in its place:

30 5. Yield. The Department of Transportation or municipal  
31 officers may erect standard signs requiring operators to yield  
32 the right-of-way at certain intersections.

33 A. Yield signs may be designated where it is expedient to  
34 allow traffic to move through or into the intersection at a  
35 reasonable speed for existing conditions of traffic and  
36 visibility, yielding the right-of-way to vehicles or  
37 pedestrians approaching from either direction on the  
38 intersecting street.

2 B. A vehicle approaching on a through way so as to arrive  
3 at an intersection at approximately the same instant as a  
4 vehicle approaching on another way has the right-of-way.

5 **Sec. R-39. 29-A MRSA §2060, last ¶**, as enacted by PL 1993, c.  
6 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

7 **Sec. R-40. 29-A MRSA §2060, sub-§4** is enacted to read:

8 **4. Markers, buttons or signs for different course.** A  
9 municipality may cause markers, buttons or signs to be placed  
10 within or adjacent to an intersection requiring a different  
11 course to be traveled by a vehicle turning at an intersection.  
12 When markers, buttons or signs are so placed, an operator shall  
13 obey them.

14 **Sec. R-41. 29-A MRSA §2062, sub-§4**, as enacted by PL 1993, c.  
15 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the  
16 following enacted in its place:

17 **4. Lane use; motorcycles and mopeds.** Lane use by  
18 motorcycles and mopeds is restricted as follows.

19 A. An operator of a motorcycle other than a moped may fully  
20 use a lane.

21 B. More than 2 motorcycles may not be operated abreast  
22 within the same lane.

23 C. A motor vehicle may not be driven in such a manner as to  
24 deprive a motorcycle of the full use of a lane.

25 D. A moped may be operated only in single file and as far  
26 as practicable to the right side of the way at all times,  
27 except when making a left turn.

28 **Sec. R-42. 29-A MRSA §2063, sub-§3**, as repealed and replaced  
29 by PL 2001, c. 667, Pt. C, §17 is amended to read:

30 **3. Seating.** A person operating a bicycle may not ride  
31 other than astride a regular and permanently attached seat. A  
32 ~~bicyele-may-not-be-used-to-carry-more-persons-than-the-number-for~~  
33 ~~which-it-is-designed-and-equipped.~~

34 **Sec. R-43. 29-A MRSA §2063, sub-§3-A** is enacted to read:

35 **3-A. Number of persons.** A bicycle may not be used to carry  
36 more persons than the number for which it is designed and  
37 equipped.

2           **Sec. R-44. 29-A MRSA §2068, sub-§1, ¶C**, as enacted by PL 1993,  
c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4           C. The Department of Transportation may place signs  
6           prohibiting or restricting the stopping, standing or parking  
of vehicles on a public way or within 10 feet of the  
8           traveled portion of a way or on property under its  
jurisdiction, where stopping, standing or parking is  
10           dangerous to those using the way or would unduly interfere  
with the free movement of traffic.

12           ~~An operator may not stop, stand or park a vehicle in~~  
~~violation of the restriction on such a sign.~~

14           **Sec. R-45. 29-A MRSA §2068, sub-§1, ¶C-1** is enacted to read:

16           C-1. An operator may not stop, stand or park a vehicle in  
18           violation of the restriction on a sign under paragraph C.

20           **Sec. R-46. 29-A MRSA §2071, sub-§§2 and 4**, as enacted by PL  
1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are repealed  
22           and the following enacted in their place:

24           **2. Turn signal.** An operator must give a turn signal as  
follows.

26

28           A. An operator may not turn a vehicle without giving an  
appropriate signal if other traffic may be affected by that  
movement.

30

32           B. A turn signal must be given continuously during at least  
the last 100 feet traveled before turning.

34           **4. Types of signals.** A stop or turn signal must be given  
by the hand and arm, a signal light or mechanical signal device.

36

38           A. When a vehicle is constructed or loaded so that a hand  
and arm signal is not visible to the front and rear, then  
signals must be given by a light or device.

40

42           B. A light signal must emit a white or amber light to the  
front and a red or amber light to the rear for turn signals  
and red to the rear for stop signals.

44

46           **Sec. R-47. 29-A MRSA §2075, sub-§1**, as enacted by PL 1993, c.  
683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the  
48           following enacted in its place:

1. Operation impeding movement of traffic. A person may not operate a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation of the motor vehicle or in compliance with law.

Sec. R-48. 29-A MRSA §2075, sub-§1-A is enacted to read:

1-A. Minimum speed limit. When the Department of Transportation determines, on the basis of an engineering and traffic investigation, that slow speeds on a public way consistently impede the normal and reasonable movement of traffic, the Commissioner of Transportation, with the approval of the Chief of the Maine State Police, may establish a minimum speed limit.

A person may not operate a vehicle below a posted minimum speed limit, except when necessary for safe operation.

Sec. R-49. 29-A MRSA §2076, sub-§3, as enacted by PL 1995, c. 247, §5 and affected by Pt. B, §5, is amended to read:

3. Required stops. The operator of one of the following vehicles ~~may not cross a railroad track~~ shall stop the vehicle at a grade crossing ~~unless the vehicle stops~~ between 50 feet and 15 feet from the nearest rail, ~~listens~~ listen, ~~looks~~ look in each direction along the tracks for an approaching train and ~~ascertains~~ ascertain that no train is approaching:

A. A bus transporting passengers;

B. A motor vehicle transporting any quantity of chlorine;

C. A motor vehicle that, in accordance with 49 Code of Federal Regulations, Part 172, Subpart F, is required to be marked or placarded;

D. A cargo tank vehicle, whether loaded or empty, used to transport:

(1) A hazardous material as defined in 49 Code of Federal Regulations, Parts 170 to 189; or

(2) A commodity under special permit in accordance with the provisions of the Code of Federal Regulations; or

E. A cargo tank vehicle transporting a commodity that at the time of loading has a temperature above its flash point

as determined by 49 Code of Federal Regulations, Part  
173.115.

**Sec. R-50. 29-A MRSA §2076, sub-§3-A** is enacted to read:

**3-A. Yield at grade crossing.** The operator of any of the vehicles listed in subsection 3 shall yield at a grade crossing to an approaching train.

**Sec. R-51. 29-A MRSA §2076, sub-§5**, as amended by PL 1999, c. 771, Pt. C, §14 and affected by Pt. D, §§1 and 2, is repealed and the following enacted in its place:

**5. Penalty.** The following penalties apply to violations of this section.

A. An operator failing to comply with the requirements of subsection 1 or 2 commits a traffic infraction.

B. An operator who fails to comply with subsection 3 commits a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

C. An operator commits a Class D crime if that operator is required to stop under subsection 3 and fails to stop for or yield the right-of-way to a train, engine or conveyance on the track. This crime is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

**Sec. R-52. 29-A MRSA §2101**, as amended by PL 2001, c. 471, Pt. A, §§31 and 32 and affected by §33, is repealed.

**Sec. R-53. 29-A MRSA §2101-A** is enacted to read:

**§2101-A. Permitting unlawful use**

**1. Traffic infraction.** A person who knowingly authorizes or permits a vehicle owned by or under control of that person to be driven on a public way by a person not authorized under this Title or in violation of a provision of this Title commits a traffic infraction if the violation the driver commits is a traffic infraction.

**2. Crime.** A person who knowingly authorizes or permits a vehicle owned by or under control of that person to be driven on a public way by a person not authorized under this Title or in violation of a provision of this Title commits a Class E crime if the violation the driver commits is a crime.



2           **Sec. R-54. 29-A MRSA §2102, sub-§1**, as enacted by PL 1993, c.  
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4           **1. Display.** Displays ~~or possesses~~ a revoked, suspended,  
6 mutilated, fictitious or fraudulently altered driver's license or  
identification card issued or represented to be issued by this  
8 State or any other state or province;

10           **Sec. R-55. 29-A MRSA §2102, sub-§1-A** is enacted to read:

12           **1-A. Possess.** Possesses a revoked, suspended, mutilated,  
14 fictitious or fraudulently altered driver's license or  
identification card issued or represented to be issued by this  
State or any other state or province;

16           **Sec. R-56. 29-A MRSA §2102, sub-§§3 and 4**, as enacted by PL  
18 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to  
read:

20           **3. Representation.** Displays or represents as one's own a  
22 driver's license or identification card issued to another by this  
State or any other state or province; ~~or~~

24           **4. Use.** Knowingly permits an unlawful use of a driver's  
26 license or identification card issued or represented to be issued  
by this State or any other state or province; ~~or~~

28           **Sec. R-57. 29-A MRSA §2102**, as amended by PL 1997, c. 437,  
30 §43, is further amended by adding at the end a new paragraph to  
read:

32           Violation of this section is a strict liability crime as  
34 defined in Title 17-A, section 34, subsection 4-A.

36           **Sec. R-58. 29-A MRSA §2104, sub-§1**, as enacted by PL 1993, c.  
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

38           **1. Attaching false plates.** A person commits a Class E  
40 crime if that person attaches ~~or permits to be attached~~ to a  
vehicle a registration plate assigned to another vehicle or not  
42 currently assigned to that vehicle.

44           **Sec. R-59. 29-A MRSA §2104, sub-§1-A** is enacted to read:

46           **1-A. Permitting attachment of false plates.** A person  
48 commits a Class E crime if that person permits to be attached to  
a vehicle a registration plate assigned to another vehicle or not  
currently assigned to that vehicle.

50           **Sec. R-60. 29-A MRSA §2104, sub-§5** is enacted to read:

2           **5. Strict liability.** Violation of subsection 1, 2 or 3 is  
3 a strict liability crime as defined in Title 17-A, section 34,  
4 subsection 4-A.

6           **Sec. R-61. 29-A MRSA §2114, sub-§2,** as amended by PL 1999, c.  
7 356, §1, is repealed and the following enacted in its place:

8           **2. Definitions.** As used in this section, the following  
9 terms have the following meanings.

10           **A. "Diesel-powered motor vehicle"** refers only to a  
11 diesel-powered motor vehicle that has a gross vehicle weight  
12 rating of 18,000 or more pounds. "Diesel-powered motor  
13 vehicle" does not include a truck registered as a farm truck.

14           **B. "Opacity"** means the degree of light-obscuring capability  
15 of emissions of visible air contaminants expressed as a  
16 percentage. Complete obscuration must be expressed as 100%  
17 opacity.

18           **Sec. R-62. 29-A MRSA §2114, sub-§3,** as amended by PL 1999, c.  
19 356, §1, is further amended to read:

20           **3. Testing and repair requirement.** A person who causes  
21 operation of a diesel-powered motor vehicle shall comply with the  
22 requirements of the program, including emission opacity standards  
23 and testing and repair requirements. Owners or operators of  
24 diesel-powered motor vehicles that have failed opacity standards  
25 for the first time have 30 days from the date that the operator  
26 was notified of the failure of the test to certify to the  
27 department that repairs were made to bring the vehicle into  
28 compliance with the opacity standards established pursuant to  
29 this section. If certification is not made within 30 days, then  
30 owners or operators ~~are assessed a \$250 fine for the first~~  
31 ~~violation; 2nd or subsequent violations are assessed a \$500 fine~~  
32 commit a traffic infraction. A person may not be found in  
33 violation of this section until after January 1, 2000.

34           Only diesel-powered motor vehicles identified by certified  
35 inspectors as potential violators of the program's emission  
36 opacity standards are subject to testing under this section.  
37 Inspectors must be certified pursuant to the procedures for  
38 certification specified in 40 Code of Federal Regulations, Part  
39 60, Appendix A, Method 9.

40           **Sec. R-63. 29-A MRSA §2114, sub-§3-A** is enacted to read:

41           **3-A. Penalties.** The following penalties apply to  
42 violations of this section.  
43

2           A. A person who violates this section commits a traffic  
3           infraction for which a fine of \$250 may be adjudged.

4           B. A person who violates this section after previously  
5           having been adjudicated as violating this section commits a  
6           traffic infraction for which a fine of \$500 may be adjudged.

7  
8           **Sec. R-64. 29-A MRSA §2114, sub-§7**, as enacted by PL 1999, c.  
9           356, §1, is repealed.

10           **Sec. R-65. 29-A MRSA §2358, sub-§7**, as enacted by PL 1993, c.  
11           683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

12           **7. Out-of-service sticker.** If the weight exceeds the  
13           maximum allowable gross vehicle weight by 20% or more, the  
14           officer shall affix an out-of-service sticker to the windshield  
15           until the vehicle is brought into compliance.

16           The vehicle may not be moved until it is brought into compliance.

17           When a vehicle is brought into compliance, an officer may attest  
18           to compliance by signing the out-of-service sticker.

19           ~~A person commits a Class E crime if that person moves a vehicle~~  
20           ~~with an out-of-service sticker that has not been signed by an~~  
21           ~~officer attesting to compliance.~~

22           ~~An owner or operator who fails to have the out-of-service sticker~~  
23           ~~attested or who fails to return the attested sticker or portion~~  
24           ~~to the Bureau of State Police within 15 days of issuance commits~~  
25           ~~a traffic infraction.~~

26           A. A person who moves a vehicle with an out-of-service  
27           sticker that has not been signed by an officer attesting to  
28           compliance commits a Class E crime. Violation of this  
29           paragraph is a strict liability crime as defined in Title  
30           17-A, section 34, subsection 4-A.

31           B. An owner or operator who fails to have the  
32           out-of-service sticker attested or who fails to return the  
33           attested sticker or portion to the Bureau of State Police  
34           within 15 days of issuance commits a traffic infraction.

35           **Sec. R-66. 29-A MRSA §2360, sub-§1**, as enacted by PL 1993, c.  
36           683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

37           **1. Violation of weight provision.** A person who operates or  
38           causes operation of a motor vehicle in violation of a weight

2 provision for any axle or group of axles or gross vehicle weight  
commits a traffic infraction, if the vehicle is:

4 A. One percent to 10% over allowed basic weight;

6 B. Eleven percent to 20% over allowed basic weight;

8 C. Twenty-one percent to 30% over allowed basic weight;

10 D. Thirty-one percent to 40% over allowed basic weight;

12 E. Forty-one percent to 50% over allowed basic weight; or

14 F. More than 50% over allowed basic weight.

16 **Sec. R-67. 29-A MRSA §2364, sub-§1**, as enacted by PL 1993, c.  
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

18 **1. General road limit.** The general road limit for this  
20 vehicle is ~~54,000-pounds-gross-vehicle-weight-when-the-vehicle~~  
operates-as-a-3-axle-single-unit-vehicle; ~~69,000-pounds-when-the~~  
22 ~~vehicle-operates-as-a-4-axle-or-5-axle-single-unit-vehicle;~~ and  
~~77,200-pounds-gross-vehicle-weight-when-the-vehicle-operates-as-a~~  
24 ~~6-axle-single-unit-vehicle;:~~

26 A. When the vehicle operates as a 3-axle single unit  
vehicle, 54,000 pounds gross vehicle weight;

28 B. When the vehicle operates as a 4-axle or 5-axle single  
30 unit vehicle, 69,000 pounds gross vehicle weight; and

32 C. When the vehicle operates as a 6-axle single unit  
34 vehicle, 77,200 pounds gross vehicle weight;

36 **Sec. R-68. 29-A MRSA §2380, sub-§1**, as enacted by PL 1993, c.  
683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

38 **Sec. R-69. 29-A MRSA §2380, sub-§2**, as enacted by PL 1993, c.  
40 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the  
following enacted in its place:

42 **2. Maximum height.** The following height restrictions apply.

44 A. A vehicle with a permanent or temporary structural part  
46 more than 13 feet, 6 inches in height measured vertically  
from a level ground surface may not be operated on a public  
48 way or bridge.

2           B. A vehicle may not be operated on a public way or bridge  
3           if the load extends more than 6 inches above the maximum  
4           permissible structural height of the vehicle.

5           C. A vehicle may not be operated over a section of a way or  
6           bridge that does not provide adequate overhead clearance.

7           **Sec. R-70. 29-A MRSA §2380, sub-§3**, as repealed and replaced  
8           by PL 1999, c. 78, §1, is amended to read:  
9

10           **3. Maximum width; exceptions.** A vehicle that is wider than  
11           102 inches over all may not be operated on a public way or  
12           bridge. A portion of a vehicle or load may not project beyond  
13           the side of that vehicle to make a total width greater than 102  
14           inches, except as provided in this subsection and subsection 4.  
15           Reflecting mirrors and turn signal lamps are excluded from  
16           measurement of width. The following conditions and appurtenances  
17           attached to a commercial motor vehicle are excluded from the  
18           measurement of width provided that they do not extend more than 3  
19           inches from the side of a vehicle:  
20

- 21           A. Corner caps;
- 22           B. Rear and side door hinges and their protective  
23           hardware;
- 24           C. Rain gutters;
- 25           D. Side lamp markers;
- 26           E. Lift pads for piggyback trailers;
- 27           F. Hazardous materials placards;
- 28           G. Tarps and tarp hardware;
- 29           H. Tiedown assemblies on platform trailers;
- 30           I. Weevil pins and sockets on lowbed trailers;
- 31           J. Steps and handholds for entry and egress;
- 32           K. Flexible fender extensions;
- 33           L. Mud flaps and splash and spray suppressant devices;
- 34           M. Refrigeration units or air compressors;
- 35           N. Load-induced tire bulge; and

O. Wall variation from true flat.

2

**Sec. R-71. 29-A MRSA §2380, sub-§7**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4

6

**7. Penalty.** ~~The penalty for the violation of~~ A person who violates this section is commits a traffic infraction for which a fine of not less than \$100 ~~nor~~ and not more than \$1,000 may be adjudged, except that the minimum fine for a violation of a posted bridge height is \$250.

8

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**Sec. R-72. 29-A MRSA §2381, 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:

14

16

**1. Prohibition.** A person may not move a vehicle or other object over a public way or bridge without obtaining a permit under this section if that vehicle or object:

18

20

A. Exceeds the length, width, height or weight prescribed in this Title; or

22

24

B. Has attached to its wheels a flange, rib, clamp or other object likely to injure the surface of the public way or bridge.

26

28

**Sec. R-73. 29-A MRSA §2382, sub-§3**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

30

**3. County and municipal permits.** A county commissioner or municipal officer may grant a permit ~~may be granted~~, for a reasonable fee, ~~by county commissioners or municipal officers~~ for travel over a way or bridge maintained by that county or municipality.

32

34

36

**Sec. R-74. 29-A MRSA §2382, sub-§9**, as amended by PL 1997, c. 144, §1, is repealed and the following enacted to read:

38

40

**9. Pilot vehicles.** The following restrictions apply to pilot vehicles.

42

A. Pilot vehicles required by a permit must be equipped with warning lights and signs as required by the Secretary of State with the advice of the Department of Transportation.

44

46

B. Warning lights may be operated and lettering on the signs may be visible on a pilot vehicle only while it is escorting a vehicle with a permit on a public way.

48

2 With the advice of the Commissioner of Transportation and the  
3 Chief of the State Police, the Secretary of State shall establish  
4 rules for the operation of pilot vehicles.

5 **Sec. R-75. 29-A MRSA §2396, sub-§1**, as enacted by PL 1993, c.  
6 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

7 **1. Injurious substances.** A person may not place on a way a  
8 tack, nail, wire, scrap metal, glass, crockery or other substance  
9 that may injure feet, tires or wheels. ~~If a person accidentally~~  
10 ~~places such substance on a way, that person shall immediately~~  
11 ~~make all reasonable efforts to clear the way of that substance.~~

12 **Sec. R-76. 29-A MRSA §2396, sub-§1-A** is enacted to read:

13 **1-A. Duty to clear way.** If a person accidentally places an  
14 injurious substance on a way, that person shall immediately make  
15 all reasonable efforts to clear the way of that substance.

16 **Sec. R-77. 29-A MRSA §2411, sub-§1**, as amended by PL 1995, c.  
17 368, Pt. AAA, §7, is repealed.

18 **Sec. R-78. 29-A MRSA §2411, sub-§1-A** is enacted to read:

19 **1-A. Offense.** A person commits OUI if that person:

20 **A. Operates a motor vehicle:**

21 **(1) While under the influence of intoxicants; or**

22 **(2) While having a blood-alcohol level of 0.08% or**  
23 **more;**

24 **B. Violates paragraph A and:**

25 **(1) Has one previous OUI offense within a 10-year**  
26 **period;**

27 **(2) Has 2 previous OUI offenses within a 10-year**  
28 **period; or**

29 **(3) Has 3 or more previous OUI offenses within a**  
30 **10-year period;**

31 **C. Violates paragraph A, failed to submit to a test at the**  
32 **request of a law enforcement officer and:**

33 **(1) Has no previous OUI offenses within a 10-year**  
34 **period;**

2           (2) Has one previous OUI offense within a 10-year  
3           period;

4           (3) Has 2 previous OUI offenses within a 10-year  
5           period; or

6           (4) Has 3 previous OUI offenses within a 10-year  
7           period; or

10          D. Violates paragraph A, B or C and:

12           (1) In fact causes serious bodily injury as defined in  
13           Title 17-A, section 2, subsection 23 to another person  
14           or in fact causes the death of another person; or

16           (2) Has either a prior conviction for a Class C crime  
17           under this section or a prior criminal homicide  
18           conviction involving or resulting from the operation of  
19           a motor vehicle while under the influence of  
20           intoxicating liquor or drugs or with a blood-alcohol  
21           level of 0.08% or greater.

22           **Sec. R-79. 29-A MRSA §2411, sub-§2**, as enacted by PL 1993, c.  
23           683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

26           **2. Pleading and proof.** The alternatives outlined in  
27           subsection 1-A, paragraphs paragraph A and B may be pleaded in  
28           the alternative. The State is not required to elect between the  
29           alternatives prior to submission to the fact finder. In a  
30           prosecution under subsection 1-A, paragraph D, the State need not  
31           prove that the defendant's condition of being under the influence  
32           of intoxicants or having a blood-alcohol level of 0.08% or more  
33           caused the serious bodily injury or death alleged. The State  
34           must prove only that the defendant's operation caused the serious  
35           bodily injury or death. The court shall apply Title 17-A,  
36           section 33 in assessing any causation under this section.

38           **Sec. R-80. 29-A MRSA §2411, sub-§5**, as amended by PL 2001, c.  
39           511, §3, is further amended by amending the first paragraph to  
40           read:

42           **5. Penalties.** Except as otherwise provided, violation of  
43           this section is a Class D crime, which is a strict liability  
44           crime as defined in Title 17-A, section 34, subsection 4-A. The  
45           following minimum penalties apply and may not be suspended:

46           **Sec. R-81. 29-A MRSA §2411, sub-§5, ¶D-1** is enacted to read:

48           D-1. A violation of subsection 1-A, paragraph D is a Class  
49           C crime, which is a strict liability crime as defined in  
50



2 Title 17-A, section 34, subsection 4-A. The sentence must  
3 include a period of incarceration of not less than 6 months,  
4 a fine of not less than \$2,000 and a court-ordered  
5 suspension of a driver's license for a period of 6 years.  
6 These penalties may not be suspended;

7 **Sec. R-82. 29-A MRSA §2411, sub-§5, ¶G,** as enacted by PL 1997,  
8 c. 737, §11, is amended to read:

9 G. The court shall order an additional period of license  
10 suspension of 275 days for a person sentenced under  
11 paragraph A, B, C ~~or~~ D or D-1 if the person was operating  
12 the motor vehicle at the time of the offense with a  
13 passenger under 21 years of age.

14 **Sec. R-83. 29-A MRSA §2411, sub-§6,** as amended by PL 2001, c.  
15 332, §1, is repealed.

16 **Sec. R-84. 29-A MRSA §2412-A, sub-§1,** as amended by PL 1999,  
17 c. 743, §5, is repealed.

18 **Sec. R-85. 29-A MRSA §2412-A, sub-§1-A** is enacted to read:

19 1-A. Offense; penalty. A person commits operating while  
20 license suspended or revoked if that person:

21 A. Operates a motor vehicle on a public way or in a parking  
22 area when that person's license has been suspended or  
23 revoked, and that person:

24 (1) Has received written notice of a suspension or  
25 revocation from the Secretary of State or a court;

26 (2) Has been orally informed of the suspension or  
27 revocation by a law enforcement officer or a court;

28 (3) Has actual knowledge of the suspension or  
29 revocation;

30 (4) Has been sent written notice in accordance with  
31 section 2482 or former Title 29, section 2241,  
32 subsection 4; or

33 (5) Has failed to answer or to appear in court  
34 pursuant to a notice or order specified in section 2605  
35 or 2608;

36 B. Violates paragraph A and the suspension was for OUI or  
37 an OUI offense;

2 C. Violates paragraph A and the suspension was for OUI or  
3 an OUI offense, the person was subject to the mandatory  
4 minimum sentence and the person:

5 (1) Has one prior conviction for violating this  
6 section;

7 (2) Has 2 prior convictions for violating this  
8 section; or

9 (3) Has 3 or more prior convictions for violating this  
10 section; or

11 D. Violates paragraph A, the suspension was not for OUI or  
12 an OUI offense and the person has one or more prior  
13 convictions for violating this section.

14 Except as otherwise provided, operating while license suspended  
15 or revoked is a Class E crime, which is a strict liability crime  
16 as defined in Title 17-A, section 34, subsection 4-A.

17 **Sec. R-86. 29-A MRSA §2414, sub-§6**, as enacted by PL 1993, c.  
18 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

19 **6. Aggravating factor; eluding an officer.** A person  
20 commits a Class B crime if that person attempts to elude a law  
21 enforcement officer ~~or passes or attempts to pass a roadblock~~ and  
22 another person suffers serious bodily injury, as defined in Title  
23 17-A, section 2, subsection 23, as a result.

24 **Sec. R-87. 29-A MRSA §2414, sub-§7** is enacted to read:

25 **7. Aggravating factor; passing roadblock.** A person commits  
26 a Class B crime if that person passes or attempts to pass a  
27 roadblock and another person suffers serious bodily injury, as  
28 defined in Title 17-A, section 2, subsection 23, as a result.

29 **Sec. R-88. 29-A MRSA §2434, sub-§10**, as enacted by PL 1993, c.  
30 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

31 **10. Failure to sign acknowledgment of notice or surrender**  
32 **license.** A person commits a Class E crime if that person refuses  
33 ~~to sign the acknowledgement of notice or, without good cause,~~  
34 ~~fails to surrender a license within the period of suspension.~~

35 A. Refuses to sign the acknowledgment of notice; or

36 B. Without good cause, fails to surrender a license within  
37 the period of suspension.

2 Violation of this subsection is a strict liability crime as  
3 defined in Title 17-A, section 34, subsection 4-A.

4 **Sec. R-89. 29-A MRSA §2458, sub-§5**, as amended by PL 1997, c.  
5 111, §1, is further amended to read:

6  
7 **5. Penalty.** A person commits a Class E crime if that  
8 ~~person recklessly or with criminal negligence fails upon request~~  
9 ~~to disclose to the Secretary of State information required under~~  
10 ~~subsection 6 or, after notice of suspension, revocation, or~~  
11 ~~cancellation fails to obey an order of the Secretary of State~~  
12 ~~under this section or fails to surrender to the Secretary of~~  
13 ~~State on demand a license, certificate of title, certificate of~~  
14 ~~registration or fuel use decal that has been suspended, revoked~~  
15 ~~or cancelled by proper authority.~~

16  
17 A. Recklessly or with criminal negligence fails upon  
18 request to disclose to the Secretary of State information  
19 required under subsection 6;

20  
21 B. After notice of suspension, revocation or cancellation  
22 fails to obey an order of the Secretary of State under this  
23 section. Violation of this paragraph is a strict liability  
24 crime as defined in Title 17-A, section 34, subsection 4-A;  
25 or

26  
27 C. Fails to surrender to the Secretary of State on demand a  
28 license, certificate of title, certificate of registration  
29 or fuel use decal that has been suspended, revoked or  
30 cancelled by proper authority. Violation of this paragraph  
31 is a strict liability crime as defined in Title 17-A,  
32 section 34, subsection 4-A.

33 **Sec. R-90. 29-A MRSA §2557, sub-§1**, as amended by PL 1997, c.  
34 776, §51, is further amended to read:

35  
36 **1. Crime.** A person ~~commits a crime as defined in~~  
37 ~~subsection 2 if that person operates~~ may not operate a motor  
38 vehicle on a public way, as defined in Title 17-A, section 505,  
39 subsection 2, when that person's license to operate a motor  
40 vehicle has been revoked under this subchapter or former Title  
41 29, chapter 18-A and that person:

42  
43 **A.** Has received written notice of the revocation from the  
44 Secretary of State;

45  
46 **B.** Has been orally informed of the revocation by a law  
47 enforcement officer;

48  
49 **C.** Has actual knowledge of the revocation; or  
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D. Is a person to whom written notice was sent in accordance with section 2482 or former Title 29, section 2241, subsection 4.

**Sec. R-91. 29-A MRSA §2557, sub-§2**, as amended by PL 1997, c. 476, §1, is further amended to read:

**2. Offense; penalty.** Violation of this section is:

A. A Class D crime if the person violates subsection 1 and:

(1) The person has no conviction for operating after revocation under this section or under former Title 29, section 2298 within the previous 10 years; and

(2) The person has no conviction for violating section 2411 or former Title 29, section 1312-B within the previous 10 years; and

B. A Class C crime if the person violates subsection 1 and:

(1) The person has one or more convictions for operating after revocation under this section or under former Title 29, section 2298 within the previous 10 years; or

(2) The person has one or more convictions for violating section 2411 or former Title 29, section 1312-B within the previous 10 years.

~~The--Secretary--of--State--may--not--grant--relief--from--habitual offender status under section 2554 until at least 3 years after the original date scheduled for eligibility to apply for relief of that status.~~

**Sec. R-92. 29-A MRSA §2557, sub-§§2-A and 2-B** are enacted to read:

**2-A. Strict liability.** Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

**2-B. Relief from habitual offender status.** The Secretary of State may not grant relief from habitual offender status under section 2554 until at least 3 years have passed after the original date scheduled for eligibility to apply for relief of that status.

PART S

2           **Sec. S-1. 32 MRSA §1092**, as amended by PL 1993, c. 600, Pt.  
4 A, §73, is repealed and the following enacted in its place:

6           **§1092. Unlawful practice**

8           **1. Unlawful practice.** A person may not:

10           A. Practice dentistry without obtaining a license;

12           B. Practice dentistry under a false or assumed name;

14           C. Practice dentistry under the license of another person  
16 of the same name;

18           D. Practice dentistry under the name of a corporation,  
20 company, association, parlor or trade name;

22           E. While manager, proprietor, operator or conductor of a  
24 place for performing dental operations, employ a person who  
26 is not a lawful practitioner of dentistry in this State to  
28 perform dental practices as described in section 1081;

30           F. While manager, proprietor, operator or conductor of a  
32 place for performing dental operations, permit a person to  
34 practice dentistry under a false name;

36           G. Assume a title or append or prefix to that person's name  
38 the letters that falsely represent the person as having a  
40 degree from a dental college;

42           H. Impersonate another at an examination held by the board;

44           I. Knowingly make a false application or false  
46 representation in connection with an examination held by the  
48 board;

50           J. Practice as a dental hygienist without having a license  
to do so; or

K. Employ a person as a dental hygienist who is not  
licensed to practice.

**2. Penalty.** A person who violates this section commits a  
Class E crime. Violation of this section is a strict liability  
crime as defined in Title 17-A, section 34, subsection 4-A.

**Sec. S-2. 32 MRSA §1093**, as amended by PL 1993, c. 600, Pt.  
A, §76, is repealed and the following enacted in its place:

2        **§1093. Fraudulent sale or alteration of diplomas or licenses**

4            **1. Fraudulent or altered diploma or license; bribery. A**  
5        **person may not:**

6            **A. Sell or offer to sell a diploma conferring a dental**  
7        **degree or license granted pursuant to the laws of this State;**

8            **B. Procure a license or diploma with intent that it be used**  
9        **as evidence of the right to practice dentistry by a person**  
10       **other than the one upon whom the diploma or license was**  
11       **conferred;**

12           **C. With fraudulent intent alter a diploma or license to**  
13       **practice dentistry;**

14           **D. Use or attempt to use an altered diploma or license; or**

15           **E. Attempt to bribe a member of the board by the offer or**  
16       **use of money or other pecuniary reward or by other undue**  
17       **influence.**

18           **2. Penalty. A person who violates this section commits a**  
19       **Class E crime. Except as otherwise specifically provided,**  
20       **violation of this section is a strict liability crime as defined**  
21       **in Title 17-A, section 34, subsection 4-A.**

22           **Sec. S-3. 32 MRSA §1105, as amended by PL 1999, c. 386, Pt.**  
23       **F, §10 and c. 547, Pt. B, §78 and affected by §80, is repealed**  
24       **and the following enacted in its place:**

25        **§1105. Violations; penalty**

26           **1. Violations. A person, firm or corporation may not:**

27           **A. Make electrical installations without being licensed as**  
28       **provided in this chapter;**

29           **B. While in the business of making electrical**  
30       **installations, employ an unlicensed person, firm or**  
31       **corporation to do that work, unless the unlicensed person,**  
32       **firm or corporation is an apprentice electrician or an**  
33       **electrician's helper as set forth in this chapter; or**

34           **C. Procure a license as provided in this chapter wrongfully**  
35       **or by fraud.**

36           **2. Penalty. A person, firm or corporation who violates**  
37       **subsection 1 commits a Class E crime. The State may bring an**

2 action in Superior Court to enjoin a person from violating this  
3 chapter, regardless of whether proceedings have been or may be  
4 instituted in the District Court or whether criminal proceedings  
5 have been or may be instituted.

6 3. Strict liability. Except as otherwise specifically  
7 provided, violation of this section is a strict liability crime  
8 as defined in Title 17-A, section 34, subsection 4-A.

10 4. Exception. Subsection 1 does not apply to a person,  
11 firm or corporation or work excepted under section 1102 or 1102-A.

12 5. Installations by resident; certification. Nothing in  
13 this chapter prevents a person from making electrical  
14 installations in a single-family residence occupied by that  
15 person or to be occupied by that person as the person's bona fide  
16 personal abode, as long as the installation conforms with the  
17 standards of the National Electric Code. An electrical  
18 installation made under the authority of this subsection, after  
19 July 1, 1987, in a newly constructed residence, requires  
20 certification by a state or local inspector, master electrician  
21 or limited electrician in house wiring prior to the activation of  
22 electricity by the utility company.

24 **Sec. S-4. 32 MRSA §2276**, as amended by PL 1999, c. 386, Pt.  
25 I, §2 and c. 547, Pt. B, §78 and affected by §80, is further  
26 amended to read:

28 **§2276. License required**

30 **1-A. License required.** A person may not practice, or  
31 profess to be authorized to practice occupational therapy, as an  
32 occupational therapist or certified occupational therapy  
33 assistant in this State or use the words "occupational  
34 therapist," "registered occupational therapist," "occupational  
35 therapy assistant" or "certified occupational therapy assistant"  
36 or the letters "O.T.," "O.T.R.," "O.T.A.," "C.O.T.A." or other  
37 words or letters to indicate that the person using the words or  
38 letters is a licensed occupational therapist or certified  
39 occupational therapy assistant, or that may misrepresent to the  
40 public that the person has received formalized training in the  
41 field of occupational therapy, unless that person is licensed in  
42 accordance with this chapter.

44 This subsection is not intended to prohibit occupational therapy  
45 students and occupational therapy assistant students completing  
46 fieldwork from using the letters "O.T.S." and "O.T.A.S."  
47 respectively.

2           **2. Individual license.** Only an individual may be licensed  
under this chapter.

4           **3. Penalty; injunction.** A person who violates the  
6           ~~provisions of this section is guilty of~~ commits a Class E crime.  
Violation of this section is a strict liability crime as defined  
in Title 17-A, section 34, subsection 4-A.

8           The State may bring an action in Superior Court to enjoin any  
10           person from violating this chapter, regardless of whether  
12           proceedings have been or may be instituted in the District Court  
or whether criminal proceedings have been or may be instituted.

14           ~~The State may bring an action in Superior Court to enjoin~~  
16           ~~any person from violating this chapter, regardless of whether~~  
18           ~~proceedings have been or may be instituted in the District Court~~  
~~or whether criminal proceedings have been or may be instituted.~~

20           **Sec. S-5. 32 MRSA §2317**, as amended by PL 1999, c. 386, Pt.  
J, §9 and c. 547, Pt. B, §78 and affected by §80, is repealed and  
the following enacted in its place:

22           **§2317. Violations; penalties**

24           **1. Penalties.** The following penalties apply to violations  
26           of this chapter.

28           A. A person, firm or corporation who makes an oil or solid  
30           fuel burner installation without being licensed as provided  
by this chapter commits a Class E crime.

32           B. A person, firm or corporation in the oil or solid fuel  
34           burner installation business that employs an unlicensed  
36           person, unless the work is exempted under this chapter,  
commits a Class E crime.

38           C. A person who procures a license as provided in this  
chapter wrongfully or by fraud commits a Class E crime.

40           **2. Strict liability.** Except as otherwise specifically  
42           provided, violation of this section is a strict liability crime  
as defined in Title 17-A, section 34, subsection 4-A.

44           **3. Injunctive relief.** The State may bring an action in  
46           Superior Court to enjoin a person from violating this chapter,  
regardless of whether proceedings have been or may be instituted  
48           in the District Court or whether civil proceedings to impose a  
fine have been or may be instituted.



2           **Sec. S-6. 32 MRSA §4662**, as amended by PL 1987, c. 202, §2,  
is repealed and the following enacted in its place:

4           **§4662. Contents of contract**

6           **1. Contract required.** When merchandise is sold or  
7 contracted to be sold, whether under a single contract or under  
8 multiple contracts, to a consumer as a result of or in connection  
9 with a seller's direct contact accomplished by means of and  
10 including, but not limited to, a personal visit or a telephone  
11 call upon the consumer, other than at the seller's place of  
12 business, without the consumer soliciting the initial contact,  
13 the contract must:

14           A. Be in writing;

16           B. Bear the signature of the seller and the consumer;

18           C. Contain the date of the transaction;

20           D. Contain the terms of the sale or offer;

22           E. Contain the name and the mailing address of the seller's  
24 permanent place of business;

26           F. Contain a statement of the consumer's right to avoid as  
28 provided in this subchapter; and

30           G. Contain a statement of the limitation contained in  
section 4664-A.

32           The seller shall furnish a completely executed copy of the  
33 contract or agreement to the consumer immediately after the  
34 consumer signs the agreement or contract.

36           **2. Penalty.** The following penalties apply to violations of  
37 this section.

38           A. A seller who violates this section commits a Class E  
39 crime, which is a strict liability crime as defined in Title  
40 17-A, section 34, subsection 4-A.

42           B. A seller who intentionally violates this section commits  
43 a Class D crime.

46           **Sec. S-7. 32 MRSA §4664-A**, as enacted by PL 1981, c. 187, §4,  
47 is repealed and the following enacted in its place:

48           **§4664-A. Time of seller's performance**

50

2 1. Performance after right to cancel. If the contract  
3 requires the seller to affix merchandise permanently to real  
4 estate or its appurtenances, then the seller may not begin  
5 performance as long as the consumer has the right to cancel.

6 2. Penalty. The following penalties apply to violations of  
7 this section.

8  
9  
10 A. A person who violates this section commits a Class E  
11 crime, which is a strict liability crime as defined in Title  
12 17-A, section 34, subsection 4-A.

13  
14 B. A person who intentionally violates this section commits  
15 a Class D crime.

16 **Sec. S-8. 32 MRSA §4666**, as enacted by PL 1969, c. 395, is  
17 repealed and the following enacted in its place:

18 **§4666. Seller's obligation**

19  
20  
21 1. Return upon avoidance. If the seller is given written  
22 notice of avoidance by the consumer pursuant to this subchapter  
23 and any merchandise that has been delivered is returned or made  
24 available for return to the seller, the seller must return to the  
25 consumer within 15 days of the effective date of the notice of  
26 avoidance the full amount of any payment or down payment made or  
27 consideration given under the contract or sale for the  
28 merchandise.

29  
30 2. Penalty. The following penalties apply to violations of  
31 this section.

32  
33  
34 A. A person who violates this section commits a Class E  
35 crime, which is a strict liability crime as defined in Title  
36 17-A, section 34, subsection 4-A.

37  
38 B. A person who intentionally violates this section commits  
39 a Class D crime.

40 **Sec. S-9. 32 MRSA §4667**, as repealed and replaced by PL 1995,  
41 c. 681, §2, is repealed.

42  
43 **Sec. S-10. 32 MRSA §14058, sub-§2**, as enacted by PL 1991, c.  
44 468, §4, is repealed and the following enacted in its place:

45 2. Penalty. The following penalties apply to violations of  
46 this chapter.

47  
48

2 A. A person or employee leasing company that violates this  
3 chapter is subject to a fine of \$100 per day for each  
4 violation.

5 B. A corporation, partnership, sole proprietorship or other  
6 form of business entity and an officer, director, general  
7 partner, agent, representative or employee of any of those  
8 types of business entities that knowingly uses or  
9 participates in any employee leasing agreement, arrangement  
10 or mechanism for the purpose of depriving one or more  
11 insurers of premiums or avoiding the calculation of the  
12 proper contribution rate for purposes of unemployment  
13 contributions commits a Class E crime.

14 **Sec. S-11. 32 MRSA §14504**, as amended by PL 2001, c. 324, §7,  
15 is repealed and the following enacted in its place:

16 **§14504. Registration required**

17 **1. Registration required.** A transient seller of home  
18 repair services must register with the department and acquire a  
19 door-to-door sales registration in the manner set forth in  
20 section 14505 before engaging in the door-to-door sales of home  
21 repair services. The registration requirement under this section  
22 is in addition to the licensing requirements applicable to the  
23 occupation, trade or profession for which a license is required.  
24 A transient seller who solicits sales during the course of a  
25 municipal or state repair contract is exempt from this  
26 requirement.

27 **2. Penalty.** The following penalties apply to violations of  
28 this section.

29 A. A person who violates this section commits a Class E  
30 crime, which is a strict liability crime as defined in Title  
31 17-A, section 34, subsection 4-A.

32 B. A person who intentionally violates this section commits  
33 a Class D crime.

34 **3. Enforcement.** This section is enforceable by either the  
35 Department of the Attorney General or a district attorney.

36 **Sec. S-12. 32 MRSA §14506**, as enacted by PL 1993, c. 444,  
37 §1, is repealed and the following enacted in its place:

38 **§14506. Disclosure of registration number**

39 **1. Disclosure required.** A contract for door-to-door sales  
40 of home repair services by a transient seller of home repair  
41 services must include the following information:

2 services must include the seller's door-to-door sales  
3 registration number in the following manner: State door-to-door  
4 sales registration #: (fill in number).

6 2. Penalty. The following penalties apply to violations of  
7 this section.

8 A. A person who violates this section commits a Class E  
9 crime, which is a strict liability crime as defined in Title  
10 17-A, section 34, subsection 4-A.

12 B. A person who intentionally violates this section commits  
13 a Class D crime.

14 3. Enforcement. This section is enforceable by either the  
15 Department of the Attorney General or a district attorney.

18 **Sec. S-13. 32 MRSA §14512, sub-§1**, as amended by PL 2001, c.  
19 324, §11, is further amended to read:

20 **§14512. Penalties**

22 The penalties in this section are in addition to penalties  
23 provided for specific violations within this subchapter.

26 ~~1. Criminal penalty. Violation of section 14504 or section~~  
27 ~~14506 is a Class E crime for which the State need not plead or~~  
28 ~~prove a culpable state of mind, except that a violation of~~  
29 ~~section 14504 or 14506 is a Class D crime if the State pleads and~~  
30 ~~proves that the act or omission was intentional.~~

32 2. Civil penalty. A transient seller of home repair  
33 services or the seller's employee failing to register in  
34 violation of this subchapter commits a civil violation for which  
35 a civil penalty of up to \$2,000 may be adjudged against the  
36 seller and each employee. If the person violates this subchapter  
37 2 or more times, or if the injured consumer is more than 60 years  
38 of age, the civil violation penalty may be up to \$5,000.  
39 Subsection 1 and this subsection are enforceable by either the  
40 Department of the Attorney General or the District Attorney. The  
41 following penalties apply to violations of this subchapter.

42 A. A transient seller of home repair services or the  
43 seller's employee who violates this subchapter commits a  
44 civil violation for which a fine of up to \$2,000 may be  
45 adjudged. This penalty may be assessed against each seller  
46 and each employee.

48 B. A transient seller of home repair services or the  
49 seller's employee who violates this subchapter after having  
50

2 previously violated this subchapter 2 or more times commits  
3 a civil violation for which a fine of not more than \$5,000  
4 may be adjudged.

5 C. A transient seller of home repair services or the  
6 seller's employee who violates this subchapter in a way that  
7 injures a consumer who is more than 60 years of age commits  
8 a civil violation for which a fine of up to \$5,000 may be  
9 adjudged.

10 This subsection is enforceable by either the Department of the  
11 Attorney General or a district attorney.

12  
13 **3. Unfair trade practice.** A transient seller of home  
14 repair services who fails to register in violation of this  
15 subchapter commits an unfair trade practice in violation of Title  
16 5, section 207.

17  
18 **4. Revocation.** In any action under this section the court  
19 may also revoke the seller's registration to engage in the  
20 door-to-door sale of home repair services.

21  
22 **Sec. S-14. 32 MRSA §14702,** as enacted by PL 2001, c. 324,  
23 §12, is repealed and the following enacted in its place:

24  
25 **§14702. Registration**

26  
27 **1. Registration required.** A person who engages in the  
28 business of a transient seller of consumer merchandise, including  
29 a self-employed person or a person who employs one or more  
30 transient sellers of consumer merchandise, shall apply to the  
31 department and acquire a registration in the manner set forth in  
32 section 14706 before engaging in sales of consumer merchandise in  
33 this State.

34  
35 **2. Penalty.** The following penalties apply to violations of  
36 this section.

37  
38 **A.** A person who violates this section commits a Class E  
39 crime, which is a strict liability crime as defined in Title  
40 17-A, section 34, subsection 4-A.

41  
42 **B.** A person who intentionally violates this section commits  
43 a Class D crime.

44  
45 **Sec. S-15. 32 MRSA §14703, sub-§3** is enacted to read:

46  
47 **3. Penalty.** The following penalties apply to violations of  
48 this section.

2 A. A person who violates subsection 2 commits a Class E  
3 crime, which is a strict liability crime as defined in Title  
4 17-A, section 34, subsection 4-A.

5 B. A person who intentionally violates subsection 2 commits  
6 a Class D crime.

7 **Sec. S-16. 32 MRSA §14704, sub-§3** is enacted to read:

8 **3. Penalty.** The following penalties apply to violations of  
9 this section.

10 A. A person who violates this section commits a Class E  
11 crime, which is a strict liability crime as defined in Title  
12 17-A, section 34, subsection 4-A.

13 B. A person who intentionally violates this section commits  
14 a Class D crime.

15 **Sec. S-17. 32 MRSA §14713**, as enacted by PL 2001, c. 324,  
16 §12, is amended to read:

17 **§14713. Violations; unfair trade practice**

18 ~~1. -- Criminal penalty. -- Violation of section 14702, section~~  
19 ~~14703, subsection 2 or section 14704 is a Class E crime for which~~  
20 ~~the State need not plead or prove a culpable state of mind,~~  
21 ~~except that a violation of section 14702, section 14703,~~  
22 ~~subsection 2 or section 14704 is a Class D crime if the State~~  
23 ~~pleads and proves that the act or omission was intentional.~~

24 **2. Unfair trade practice.** A person who fails to comply  
25 with this subchapter commits a violation of Title 5, chapter 10.

26 **Sec. S-18. 32 MRSA §14805, sub-§8**, as enacted by PL 1999, c.  
27 386, Pt. V, §6 and amended by c. 547, Pt. B, §78 and affected by  
28 §80, is repealed and the following enacted in its place:

29 **8. Penalties.** The following penalties apply to violations  
30 of this chapter.

31 A. A person, firm or corporation who makes a propane or  
32 natural gas installation without being licensed as provided  
33 by this chapter commits a Class E crime.

34 B. A person, firm or corporation in the propane or natural  
35 gas installation business who employs an unlicensed person,  
36 unless the work is exempted under this chapter, commits a  
37 Class E crime.

2 C. A person who procures any license as provided in this  
3 chapter wrongfully or by fraud commits a Class E crime.

4 **Sec. S-19. 32 MRSA §14805, sub-§§9 and 10** are enacted to read:

6 9. **Strict liability.** Except as otherwise specifically  
7 provided, violation of this section is a strict liability crime  
8 as defined in Title 17-A, section 34, subsection 4-A.

10 10. **Injunctive relief.** The State may bring an action in  
11 Superior Court to enjoin a person from violating this chapter,  
12 regardless of whether proceedings have been or may be instituted  
13 in the District Court or whether civil proceedings to impose a  
14 fine have been or may be instituted.

16 **PART T**

18 **Sec. T-1. 34-A MRSA §11227**, as amended by PL 2001, c. 553,  
20 §9, is repealed and the following enacted in its place:

22 **§11227. Violation**

24 1. **Failure to register or update information.** A sex  
25 offender or sexually violent predator who fails to register or  
26 update the information required under this chapter commits a  
27 Class D crime.

28 2. **Failure to register or update information; 2nd offense.**  
29 A sex offender or sexually violent predator who has one prior  
30 conviction for failure to register or update the information  
31 required under this chapter commits a Class D crime.

34 3. **Failure to register or update information; 3rd or**  
35 **subsequent offense.** A sex offender or sexually violent predator  
36 who fails to register or update the information required under  
37 this chapter when the sex offender or sexually violent predator  
38 has 2 or more prior convictions in this State for violation of  
39 this chapter commits a Class C crime.

40 4. **Strict liability.** Violation of this section is a strict  
41 liability crime as defined in Title 17-A, section 34, subsection  
42 4-A.

44 5. **Prior conviction.** Title 17-A, section 9-A governs the  
45 use of prior conviction when determining a sentence.

48 6. **Affirmative defense.** It is an affirmative defense that  
49 the failure to register or update information resulted from just

2 cause, except that sex offenders and sexually violent predators  
3 convicted from June 30, 1992 to September 17, 1999 may not raise  
4 a defense under just cause that they were not aware of the  
5 registration requirement.

## 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48

**PART U**

**Sec. U-1. 35-A MRSA §703, sub-§4,** as amended by PL 1987, c. 490, Pt. A, §2, is repealed and the following enacted in its place:

**4. Penalties.** The following penalties apply to violations of this section.

A. A person who violates this section by knowingly soliciting, accepting or receiving an unlawful preference from a utility commits a civil violation for which a fine of not more than \$1,000 must be adjudged for each offense.

B. A public utility that offers or grants an unlawful preference commits a civil violation for which a fine of not more than \$1,000 may be adjudged for each offense.

**Sec. U-2. 35-A MRSA §7701, sub-§2,** as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

**2. Offense.** A person is guilty of unlawful interference with a party line if he that person:

A. Willfully Intentionally or knowingly refuses to surrender the use of a party line to another person in accordance with subsection 1; or

B. Requests the use of a party line on pretext that an emergency exists, knowing that an emergency does not exist.

## 41 42 43 44 45 46 47 48

**PART V**

**Sec. V-1. 36 MRSA §184,** as amended by PL 1989, c. 880, Pt. D, §1, is repealed and the following enacted in its place:

**§184. Criminal offenses**

**1. Failure to collect, account for or pay over tax.** A person who is required under this Title to collect, truthfully account for and pay over any tax imposed by this Title and who intentionally fails to collect or truthfully account for or pay



2 over that tax at the time required by law or rule, in addition to  
3 any other penalties provided by law, commits a Class D crime.

4 2. Subsequent offense. A person who violates subsection 1  
5 who has a prior conviction for violation of this section commits  
6 a Class C crime. Title 17-A, section 9-A governs the use of  
7 prior convictions when determining a sentence.

8  
9 3. "Person" defined. For purposes of this section, the  
10 word "person" includes, in addition to its defined meaning in  
11 section 111, subsection 3, an officer, director, member, agent or  
12 employee of another person who, in that capacity, is responsible  
13 for the control or management of the funds and finances of that  
14 person or is responsible for either the collection or payment of  
15 that retailer's taxes.

16  
17 **Sec. V-2. 36 MRSA §184-A**, as enacted by PL 1997, c. 504, §3,  
18 is amended to read:

19 **§184-A. Intentional evasion of tax**

20  
21 1. Tax amount of \$2,000 or less. Any A person who  
22 intentionally attempts in any manner to evade or defeat any tax  
23 in an amount of \$2,000 or less imposed by this Title or the  
24 payment of the assessed tax, in addition to any other penalties  
25 provided by law, ~~is guilty of~~ commits a Class D crime, ~~except~~  
26 ~~that violation of this subsection is a Class C crime if the~~  
27 ~~person has a prior conviction for violation of this section,~~  
28 ~~section 184 or 5332.~~

29  
30 1-A. Tax amount of \$2000 or less, subsequent offense. A  
31 person who has a prior conviction for violation of this section  
32 or section 184 or 5332 who intentionally attempts in any manner  
33 to evade or defeat any tax in an amount of \$2,000 or less imposed  
34 by this Title or the payment of the assessed tax, in addition to  
35 any other penalties provided by law, commits a Class C crime.  
36 Title 17-A, section 9-A governs the use of prior convictions when  
37 determining a sentence.

38  
39 2. Tax amount over \$2,000. Any A person who intentionally  
40 attempts in any manner to evade or defeat any tax in an amount  
41 over \$2,000 imposed by this Title or the payment of the assessed  
42 tax, in addition to any other penalties provided by law, is  
43 guilty of ~~commits~~ a Class C crime, ~~except that violation of this~~  
44 ~~subsection is a Class B crime if the person has a prior~~  
45 ~~conviction for violation of this section, section 184 or 5332.~~

46  
47 2-A. Tax amount over \$2,000, subsequent offense. A person  
48 who has a prior conviction for violation of this section or  
49 section 184 or 5332 who intentionally attempts in any manner to  
50

2 evade or defeat any tax in an amount over \$2,000 imposed by this  
3 Title or the payment of the assessed tax, in addition to any  
4 other penalties provided by law, commits a Class B crime. Title  
5 17-A, section 9-A governs the use of prior convictions when  
6 determining a sentence.

7 ~~3. -- Date of prior conviction. -- For purposes of this section,~~  
8 ~~the date of prior conviction under this section must precede the~~  
9 ~~commission of the offense being enhanced by 10 years or less.~~  
10 ~~The date of conviction is deemed the date sentence is imposed.~~

11 **Sec. V-3. 36 MRSA §1754-B, sub-§2-A** is enacted to read:

12 **2-A. Making sales after revocation.** A person whose sales  
13 tax registration certificate has been revoked by the assessor  
14 pursuant to section 1757 who continues to make retail sales in  
15 this State commits a Class D crime. Violation of this subsection  
16 is a strict liability crime as defined in Title 17-A, section 34,  
17 subsection 4-A.

18 **Sec. V-4. 36 MRSA §1754-B, sub-§3,** as enacted by PL 1995, c.  
19 640, §3, is amended to read:

20 **3. Failure to register.** A person that who is required by  
21 this section to register as a retailer with the assessor and that  
22 who makes retail sales in this State without being so registered  
23 commits a Class E crime. When a person's sales tax registration  
24 certificate has been revoked by the assessor pursuant to section  
25 1757, that person commits a Class D crime by continuing to make  
26 retail sales in this State. Violation of this subsection is a  
27 strict liability crime as defined in Title 17-A, section 34,  
28 subsection 4-A.

29 **Sec. V-5. 36 MRSA §2113,** as repealed and replaced by PL 1997,  
30 c. 393, Pt. A, §42, is repealed and the following enacted in its  
31 place:

32 **§2113. Criminal penalties**

33 **1. Violations; first offense.** A person who violates this  
34 Part for which a penalty is not provided by any other provision  
35 of law commits a Class E crime. Except as otherwise specifically  
36 provided, violation of this subsection is a strict liability  
37 crime as defined in Title 17-A, section 34, subsection 4-A.

38 **2. Violations; subsequent offenses.** A person who violates  
39 this Part for which a penalty is not provided by any other  
40 provision of law when the person has a prior conviction for  
41 violation of the same provision within the prior 3 years commits  
42 a Class D crime. Except as otherwise specifically provided,  
43

2 violation of this subsection is a strict liability crime as  
3 defined in Title 17-A, section 34, subsection 4-A. Title 17-A,  
4 section 9-A governs the use of prior convictions when determining  
5 a sentence.

6 **Sec. V-6. 36 MRSA §4315, sub-§1,** as amended by PL 1999, c.  
7 194, §1, is further amended to read:

8  
9 **1. Transportation of wild blueberries without permit.** It  
10 ~~is unlawful for a~~ A person ~~to~~ may not transport wild blueberries  
11 in quantities exceeding 25 pounds without first obtaining a  
12 transportation permit on an official form to be furnished by the  
13 Wild Blueberry Commission of Maine. The Wild Blueberry  
14 Commission of Maine shall issue upon request official  
15 transportation permit forms to shippers and processors certified  
16 under section 4305. Shippers and processors may issue the  
17 transportation permits to owners or owner's transportation agents  
18 with written authorization from owners. Each permit issued must  
19 bear a different number and expire at the end of the calendar  
20 year. ~~When a shipper or processor issues a transportation~~  
21 ~~permit, the shipper or processor shall immediately send a copy to~~  
22 ~~the Wild Blueberry Commission of Maine. The commission shall~~  
23 ~~keep a permanent record of all permits issued. The commission~~  
24 ~~shall establish the form and content of transportation permits~~  
25 ~~and establish the record-keeping requirements of the commission,~~  
26 ~~shippers and processors. Notwithstanding any provision of Title~~  
27 ~~1, chapter 13, subchapter I to the contrary, records pertaining~~  
28 ~~to transportation permits required to be kept by the Wild~~  
29 ~~Blueberry Commission of Maine under this section are confidential~~  
30 ~~to the extent necessary to preserve the identity of parties to~~  
31 ~~individual business transactions. The confidential status does~~  
32 ~~not apply when records kept by the Wild Blueberry Commission of~~  
33 ~~Maine are needed as evidence in any proceeding to enforce any~~  
34 ~~provision of section 4314 or this section, or in any prosecution~~  
35 ~~for a violation of any other criminal law. This subsection does~~  
36 not apply to wild blueberries that have been received by a  
37 certified shipper or processor and have been weighed, logged into  
38 a permanent record-keeping system and reloaded onto a vehicle for  
39 shipping under a bill of lading.

40  
41 **Sec. V-7. 36 MRSA §4315, sub-§1-A** is enacted to read:

42  
43 **1-A. Records of permits; confidentiality.** When a shipper  
44 or processor issues a transportation permit, the shipper or  
45 processor shall immediately send a copy to the Wild Blueberry  
46 Commission of Maine. The commission shall keep a permanent  
47 record of all transportation permits issued. The commission  
48 shall establish the form and content of transportation permits  
49 and establish the record-keeping requirements of the commission,  
50 shippers and processors. Notwithstanding any provision of Title

1, chapter 13, subchapter 1 to the contrary, records pertaining  
2 to transportation permits required to be kept by the Wild  
4 Blueberry Commission of Maine under this section are confidential  
6 to the extent necessary to preserve the identity of parties to  
8 individual business transactions. The confidential status does  
not apply when records kept by the Wild Blueberry Commission of  
Maine are needed as evidence in a proceeding to enforce a  
provision of section 4314 or this section or in a prosecution for  
a violation of any other criminal law.

10           **Sec. V-8. 36 MRSA §4315, sub-§3**, as amended by PL 1997, c.  
12 511, §23, is repealed and the following enacted in its place:

14           **3. Violation.** The following penalties apply to violations  
16 of this section.

18           A. A person who transports wild blueberries in violation of  
20 this section commits a Class E crime. Violation of this  
paragraph is a strict liability crime as defined in Title  
17-A, section 34, subsection 4-A.

22           B. A person who violates any other provision of this  
24 section commits a civil violation for which a fine of not  
more than \$500 may be adjudged.

26           **Sec. V-9. 36 MRSA §4362-A, sub-§4**, as enacted by PL 1997, c.  
28 458, §3, is repealed and the following enacted in its place:

30           **4. Penalties.** The following penalties apply to violations  
32 of this section.

34           A. A distributor who imports into this State any cigarettes  
36 without holding a distributor's license issued by the  
assessor pursuant to this section commits a civil violation  
for which a fine of not less than \$250 and not more than  
\$500 must be adjudged.

38           B. A distributor who violates paragraph A after having been  
40 previously adjudicated as violating paragraph A commits a  
42 civil violation for which a fine of not less than \$500 and  
not more than \$1,000 must be adjudged for each subsequent  
violation.

44           C. A distributor who sells at wholesale, offers for sale at  
46 wholesale or possesses with intent to sell at wholesale any  
48 cigarettes without holding a distributor's license issued by  
the assessor pursuant to this section commits a civil  
violation for which a fine of not less than \$250 and not  
more than \$500 must be adjudged.

2 D. A distributor who violates paragraph C after having been  
4 previously adjudicated as violating paragraph C commits a  
6 civil violation for which a fine of not less than \$500 and  
8 not more than \$1,000 must be adjudged for each subsequent  
10 violation.

12 **Sec. V-10. 36 MRSA §4366-A, sub-§1**, as enacted by PL 1997, c.  
14 458, §10, is repealed and the following enacted in its place:

16 **1. Generally.** A distributor may not:

18 A. Sell, offer for sale or display for sale any cigarettes  
20 within this State that do not bear stamps evidencing the  
22 payment of the tax imposed by this chapter; or

24 B. Violate paragraph A when the distributor has 2 prior  
26 convictions for violation of this chapter.

28 The face value of the stamps must be considered as part of the  
30 retail cost of the cigarettes.

32 **Sec. V-11. 36 MRSA §4366-A, sub-§4**, as enacted by PL 1997, c.  
34 458, §10, is repealed and the following enacted in its place:

36 **4. Resale and reuse of stamps prohibited.** A distributor  
38 may not:

40 A. Sell, transfer or use more than once cigarette stamps  
42 issued by the assessor pursuant to this chapter; or

44 B. Violate paragraph A when the distributor has 2 prior  
46 convictions for violation of this chapter.

48 **Sec. V-12. 36 MRSA §4366-A, sub-§4-A** is enacted to read:

50 **4-A. Redemption of stamps.** The assessor shall redeem any  
unused, uncanceled stamps presented within one year of the date  
of purchase by a licensed distributor at a price equal to the  
amount paid for them. The assessor may also redeem, at face  
value, cigarette tax stamps affixed to packages of cigarettes  
that have become unsalable if application is made within 90 days  
of the return of the unsalable cigarettes to the manufacturer.  
The Treasurer of State shall provide out of money collected  
pursuant to this chapter, the funds necessary for the redemption.

**Sec. V-13. 36 MRSA §4366-A, sub-§6**, as enacted by PL 1997, c.  
458, §10, is repealed and the following enacted in its place:

**6. Penalties.** The following penalties apply to violations  
of this section.

2           A. A person who sells, offers for sale, displays for sale  
3           or possesses with intent to sell unstamped cigarettes in  
4           violation of this section commits a Class D crime.

6           B. A person who violates paragraph A when the person has 2  
7           or more prior convictions for violation of this chapter  
8           commits a Class C crime.

10          C. A person who sells or transfers cigarette stamps or uses  
11          stamps more than once in violation of this section commits a  
12          Class D crime.

14          D. A person who violates paragraph C when the person has  
15          one or more prior convictions for violation of this chapter  
16          commits a Class C crime.

18          Except as otherwise specifically provided, violation of this  
19          subsection is a strict liability crime as defined in Title 17-A,  
20          section 34, subsection 4-A.

22          Title 17-A, section 9-A governs the use of prior convictions when  
23          determining a sentence.

24                    **Sec. V-14. 36 MRSA §4366-B, sub-§4**, as enacted by PL 1997, c.  
25                    458, §10, is repealed and the following enacted in its place:

27                    4. Penalties. The following penalties apply to violations  
28                    of this section.

30                    A. A person who violates this section commits a Class E  
31                    crime.

33                    B. A person who violates this section when the person has  
34                    one or more prior convictions for violation of this section  
35                    commits a Class D crime. Title 17-A, section 9-A governs  
36                    the use of prior convictions when determining a sentence.

38                    Violation of this section is a strict liability crime as defined  
39                    in Title 17-A, section 34, subsection 4-A.

42                    **Sec. V-15. 36 MRSA §4366-C, sub-§3**, as enacted by PL 1999, c.  
43                    616, §3, is repealed and the following enacted in its place:

45                    3. Penalties. The following penalties apply to violations  
46                    of this section.

48                    A. A dealer or distributor who violates this section  
49                    commits a Class E crime.

50

2           B. A dealer or distributor who violates this section when  
3           the dealer or distributor has one or more prior convictions  
4           for violation of this section commits a Class D crime.  
5           Title 17-A, section 9-A governs the use of prior convictions  
6           when determining a sentence.

7           Violation of this section is a strict liability crime as defined  
8           in Title 17-A, section 34, subsection 4-A.

10           **Sec. V-16. 36 MRSA §4641-K**, as amended by PL 2001, c. 559,  
11           Pt. I, §13 and affected by §15, is repealed and the following  
12           enacted in its place:

14           **§4641-K. Falsifying declaration of value**

16           **1. Prohibition.** A person may not:

18           A. Knowingly falsify the declaration of value prescribed by  
19           section 4641-D;

20           B. Refuse to permit the State Tax Assessor or any of the  
21           State Tax Assessor's agents or representatives to inspect  
22           property in question or any relevant books, papers, records  
23           or memoranda within 3 years after recording or transfer of a  
24           controlling interest subject to tax under this chapter;

25           C. Knowingly alter, cancel or obliterate a part of any  
26           relevant books, papers, records or memoranda; or

27           D. Knowingly make a false entry in any relevant books,  
28           papers, records or memoranda.

29           **2. Penalties.** A person who violates this section commits a  
30           Class E crime.

31           **Sec. V-17. 36 MRSA §5332**, as amended by PL 1989, c. 880, Pt.  
32           D, §3, is repealed and the following enacted in its place:

33           **§5332. Failure to file return, supply information, pay tax**

34           **1. Failure to pay tax, file return, keep records or supply**  
35           **information.** A person commits a Class D crime if that person:

36           A. Is required under this Part to pay any tax or estimated  
37           tax, and intentionally fails to pay that tax or estimated  
38           tax at the time or times required by law or regulation;

39           B. Is required by this Part or rule prescribed under this  
40           Part to make a return, other than a return of estimated tax,

2 and intentionally fails to make the return at the time or  
times required by law or rule; or

4 C. Is required to keep any records or supply any  
information and intentionally fails to keep the records or  
6 supply the information, at the time or times required by law  
or rule.

8  
10 2. Subsequent offense. A person who violates subsection 1  
when the person has a prior conviction for violation of this  
12 section or of section 184, 5330 or 5333 commits a Class C crime.  
Title 17-A, section 9-A governs the use of prior convictions when  
determining a sentence.

14  
16 3. Additional penalties. This section is in addition to  
other penalties provided by law.

18 4. Presumption. Proof that a person filed a federal income  
tax return for a taxable year gives rise to a presumption that  
20 the person was required to file a federal income tax return for  
that taxable year.

22  
24 Sec. V-18. 36 MRSA §5333, as amended by PL 1989, c. 880, Pt.  
D, §4, is repealed and the following enacted in its place:

26 §5333. False statements

28 1. Making or aiding false tax return, statement or  
document. A person who knowingly makes and subscribes any  
30 return, statement or other document that contains or is verified  
by a written declaration that it is made under the penalties of  
32 perjury that the person does not believe to be true and correct  
as to every material matter or who knowingly aids or procures the  
34 preparation or presentation in a matter arising under this Part  
of a return, affidavit, claim or other document that is  
36 fraudulent or is false as to any material matter commits a Class  
D crime.

38  
40 2. Subsequent offense. A person who violates subsection 1  
when the person has a prior conviction for violation of this  
42 section or section 184, 5330 or 5332 commits a Class C crime.  
Title 17-A, section 9-A governs the use of prior convictions when  
determining a sentence.

44  
46 **PART W**

48 Sec. W-1. 37-B MRSA §806, sub-§2, as enacted by PL 1989, c.  
50 464, §3, is repealed and the following enacted in its place:



2 2. Civil penalties. The following penalties apply to the  
3 following violations.

4 A. A person who violates section 795 is subject to a civil  
5 penalty of not more than \$25,000.

6 B. A person who violates section 796 is subject to a civil  
7 penalty of not more than \$1,000.

10 C. A person who violates section 797 is subject to a civil  
11 penalty of not more than \$1,000.

12 D. A person who violates section 798, subsection 1 or 2 is  
13 subject to a civil penalty of not more than \$25,000.

16 Civil penalties under this subsection are payable to the  
17 Emergency Response Commission Fund. These penalties are  
18 recoverable in a civil action. Minimum penalties under this  
19 subsection are \$100 per day. Each day of violation constitutes a  
20 separate violation.

22 **Sec. W-2. 37-B MRSA §806, sub-§3,** as enacted by PL 1989, c.  
23 464, §3, is repealed and the following enacted in its place:

24 3. Criminal penalties. The following penalties apply to  
25 the following violations.

28 A. A person who intentionally, knowingly or recklessly  
29 fails to comply with the reporting requirements of section  
30 798, subsection 1 commits a Class C crime and,  
31 notwithstanding Title 17-A, section 1301, is subject to a  
32 fine of not more than \$25,000.

34 B. A person who violates paragraph A when the person has a  
35 prior conviction for violation of paragraph A commits a  
36 Class C crime and, notwithstanding Title 17-A, section 1301,  
37 is subject to a fine of not more than \$50,000. Title 17-A,  
38 section 9-A governs the use of prior convictions when  
39 determining a sentence.

## 42 PART X

44 **Sec. X-1. 38 MRSA §101,** as amended by PL 1999, c. 355, §23,  
45 is repealed and the following enacted in its place:

### 46 **§101. Surrender of revoked or suspended license**

48 1. Surrender of revoked or suspended license. A pilot  
49 whose license has been revoked or suspended shall surrender the  
50

2 license to the commission, which shall retain it until the period  
4 of the pilot's suspension expires. A suspended pilot who refuses  
6 to surrender the license on demand commits a civil violation for  
8 which a fine of not more than \$5,000 for each week after the  
10 demand that the pilot refuses to surrender the license may be  
12 adjudged.

8 2. Continuing to pilot after revocation or suspension. A  
10 pilot whose license has been revoked or suspended who continues  
12 to pilot commits a civil violation for which a fine of not more  
14 than \$5,000 for each vessel piloted without a license may be  
16 adjudged.

14 3. Publication. The commission may cause to be published  
16 in a newspaper of general circulation published in the State a  
18 notice that that person has no authority to act as a pilot unless  
20 and until reinstated by law.

20 **Sec. X-2. 38 MRSA §349, sub-§1**, as amended by PL 1997, c. 794,  
Pt. A, §7, is further amended to read:

22 1. Criminal penalties. Any Except as otherwise specifically  
24 provided, a person who intentionally, knowingly, recklessly or  
26 with criminal negligence violates any-provisions-of-the-laws a  
28 law administered by the department, including, without  
30 limitation, a violation of the terms or conditions of any an  
32 order, rule, license, permit, approval or decision of the board  
34 or commissioner, or who disposes of more than 500 pounds or more  
36 than 100 cubic feet of litter for a commercial purpose, in  
38 violation of Title 17, section 2264 2264-A, is-guilty-of commits  
40 a Class E crime and-may-be-punished-accordingly,--except,  
42 notwithstanding. Notwithstanding Title 17-A, section 1301,  
44 subsection--1 A,--paragraph--C--or--Title--17 A,--section--1301,  
46 subsection-3,--paragraph-E, the fine for such a violation of this  
48 subsection may not be less than \$2,500 ~~not~~ and not more than  
50 \$25,000 for each day of the violation, except that the minimum  
amount for knowing violations is \$5,000 for each day of violation.

This subsection does not apply to actions subject to the criminal penalties set forth in section 1319-T.

42 **Sec. X-3. 38 MRSA §349, sub-§2**, as amended by PL 1989, c. 282,  
§3 and c. 820, §10, is further amended to read:

44 2. Civil penalties. Any Except as otherwise specifically  
46 provided, a person who violates any-provision-of-the-laws a law  
48 administered by the department, including, without limitation, a  
50 violation of the terms or conditions of any an order, rule,  
license, permit, approval or decision of the board or  
commissioner, or who disposes of more than 500 pounds or more

2 than 100 cubic feet of litter for a commercial purpose, in  
3 violation of Title 17, section 2264 ~~2265-A~~, ~~is-subject-to~~ commits  
4 a civil penalty, ~~payable-to-the-State~~, violation for which a fine  
5 of not less than \$100 ~~nor~~ and not more than \$10,000 for each day  
6 of that violation or, if the violation relates to hazardous  
7 waste, of not more than \$25,000 for each day of the violation may  
8 be adjudged.

9  
10 **Sec. X-4. 38 MRSA §349, sub-§3**, as amended by PL 1989, c. 282,  
11 §4 and affected by c. 890, Pt. A, §40 and amended by Pt. B, §7,  
12 is repealed and the following enacted in its place:

13 **3. Falsification and tampering.** A person may not knowingly:

14 A. Make a false statement, representation or certification  
15 in an application, record, report, plan or other document  
16 filed or required to be maintained by any law administered  
17 by the department or by any order, rule, license, permit,  
18 approval or decision of the board or commissioner;

19 B. Tamper with or render inaccurate a monitoring device or  
20 method required by any law or by any order, rule, license,  
21 permit, approval or decision of the board or commissioner; or

22 C. Fail to comply with an information submittal required by  
23 the commissioner pursuant to section 568, subsection 3 or  
24 section 1364, subsection 3.

25 A person who violates this subsection commits a Class E crime.  
26 Notwithstanding Title 17-A, section 1301, a fine for a violation  
27 of this subsection may not be more than \$10,000.

28  
29 **Sec. X-5. 38 MRSA §418, sub-§1**, as affected by PL 1989, c.  
30 890, Pt. A, §40 and amended by Pt. B, §35, is repealed and the  
31 following enacted in its place:

32 **1. Prohibitions.** A person, firm, corporation or other legal  
33 entity may not place logs or pulpwood:

34 A. Into the inland waters of the State for the purpose of  
35 driving the logs or pulpwood to pulp mills, lumber mills or  
36 any other destination, except to transport logs or pulpwood  
37 from islands to the mainland;

38 B. On the ice of any inland waters of the State, except to  
39 transport logs or pulpwood from islands to the mainland; or

40 C. Into the inland waters of the State for the purpose of  
41 storage or curing the logs or pulpwood, or for other  
42 purposes incidental to the processing of forest products, or  
43

2 to transport logs or pulpwood from islands to the mainland,  
3 without a permit from the department as described in  
4 subsection 2.

5 **Sec. X-6. 38 MRSA §423**, as amended by PL 1989, c. 502, Pt. B,  
6 §49, is repealed and the following enacted in its place:

7 **§423. Discharge of waste from watercraft**

8 **1. Discharge from watercraft prohibited.** A person, firm,  
9 corporation or other legal entity may not discharge, spill or  
10 permit to be discharged sewage, garbage or other pollutants from  
11 watercraft:

12 **A. Into inland waters of the State;**

13 **B. On the ice of inland waters of the State; or**

14 **C. On the banks of inland waters of the State in a manner**  
15 **that the pollutants may fall or be washed into the waters or**  
16 **in a manner in which the drainage from the banks may flow**  
17 **into the waters.**

18 **2. Holding tank required.** A person, firm, corporation or  
19 other legal entity may not operate upon the inland waters of the  
20 State a watercraft that has a permanently installed sanitary  
21 waste disposal system if it does not have securely affixed to the  
22 interior discharge opening of the sanitary waste disposal system  
23 a holding tank or suitable container for holding sanitary waste  
24 material so as to prevent its discharge or drainage into the  
25 inland waters of the State.

26 **3. Watercraft defined.** For the purposes of this section,  
27 "watercraft" has the same meaning as provided in Title 12,  
28 section 7791, subsection 14, except that "watercraft" includes  
29 houseboats.

30 **Sec. X-7. 38 MRSA §483-A**, as amended by PL 1995, c. 704, Pt.  
31 A, §7 and affected by Pt. C, §2, is repealed and the following  
32 enacted in its place:

33 **§483-A. Prohibition**

34 **1. Approval required.** A person may not construct or cause  
35 to be constructed or operate or cause to be operated or, in the  
36 case of a subdivision, sell or lease, offer for sale or lease or  
37 cause to be sold or leased any development of state or regional  
38 significance that may substantially affect the environment  
39 without first having obtained approval for this construction,  
40 operation, lease or sale from the department.

2           2. Compliance with order or permit required. A person  
4           having an interest in, or undertaking an activity on, a parcel of  
6           land affected by an order or permit issued by the department may  
          not act contrary to that order or permit.

8           Sec. X-8. 38 MRSA §967, as enacted by PL 1979, c. 459, §1, is  
          repealed and the following enacted in its place:

10       §967. Enforcement, inspection and penalties for violations

12           1. Effect of standards, rules and orders. Standards, rules  
14           and orders issued by the commission pursuant to this chapter have  
          the force and effect of law.

16           2. Conformance required. A person may not undertake  
18           development except in conformance with this chapter and the  
20           standards, rules and orders issued by the commission pursuant to  
          this chapter. Real estate or personal property may not exist or  
          be used in violation this chapter or the standards, rules and  
          orders issued by the commission pursuant to this chapter.

22           3. Ensuring compliance; access. For the purposes of  
24           inspection and to ensure compliance with this chapter and  
26           standards, rules and orders issued by the commission pursuant to  
          this chapter, commission members, staff, consultant personnel and  
          designated municipal officials may conduct such investigations,  
          examinations, tests and site evaluations determined necessary to  
          verify information presented to the commission and may obtain  
          access to any lands and structures subject to this chapter.

32           4. Violations. A person who violates a provision of this  
34           chapter or of standards, rules and orders issued by the  
          commission pursuant to this chapter commits a civil violation for  
          which a fine of not more than \$100 for each day of the violation  
          may be adjudged. In addition, the person's permit, certificate  
          of compliance or variance issued by the commission is subject to  
          revocation.

40           5. Falsification. A person who intentionally or knowingly  
42           falsifies a statement to the commission commits a civil violation  
          for which a fine of not more than \$1,000 may be adjudged. In  
          addition, the person's permit, certificate of compliance or  
          variance granted by the commission in reliance on such statement  
          must be revoked.

46           6. Additional remedies. In addition to enforcing any other  
48           penalties provided, either the commission or the Attorney General  
          may institute any appropriate action, injunction or other  
50           proceeding to prevent, restrain, correct or abate a violation of

2 this chapter or the standards, rules and orders issued by the  
3 commission pursuant to this chapter.

4 7. Commission's status. Subject to written approval of the  
5 Attorney General as provided in Title 5, section 191 and within  
6 the limits of the commission's budget, the commission may retain  
7 private counsel for the conduct of commission meetings and  
8 hearings and advice on other legal matters.

10 Sec. X-9. 38 MRSA §972 is repealed and the following enacted  
11 in its place:

12 **§972. Conversion as theft**

14 1. Prohibition. A person may not, personally or by another  
15 in the person's employment, intentionally or knowingly take and  
16 convert to the person's own use any log, mast or spar as  
17 described in section 971 for the purpose of its being driven to a  
18 market or place of manufacture.

20 2. Penalties. The following penalties apply to violations  
21 of this section.

24 A. A person who violates subsection 1 when the value of the  
25 log, mast or spar is more than \$10,000 commits a Class B  
26 crime.

28 B. A person who violates subsection 1 when the person is  
29 armed with a dangerous weapon at the time of the offense  
30 commits a Class B crime.

32 C. A person who violates subsection 1 when the value of the  
33 property is more than \$2,000 but not more than \$10,000  
34 commits a Class C crime.

36 D. A person who violates subsection 1 when the value of the  
37 property is more than \$1,000 but not more than \$2,000  
38 commits a Class D crime.

40 E. A person who violates subsection 1 commits a Class E  
41 crime.

42 F. A person who violates subsection 1 or attempts to  
43 violate subsection 1 when the person has 2 prior Maine  
44 convictions for any combination of the following commits a  
45 Class C crime: theft; any violation of Title 17-A, section  
46 401 in which the crime intended to be committed inside the  
47 structure was theft; any violation of Title 17-A, section  
48 651; any violation of Title 17-A, section 702, 703 or 708.

2 Title 17-A, section 9-A governs the use of prior convictions  
3 when determining a sentence.

4 **Sec. X-10. 38 MRSA §1316-M, sub-§4**, as enacted by PL 1995, c.  
5 579, §5, is amended to read:

6  
7 **4. Transporting without license or manifest; penalties.** A  
8 person who in fact transports scrap tires without a license or  
9 without a manifest as required by department rules commits a  
10 Class E crime if that person in fact transports scrap tires  
11 without a license or without a manifest as required by department  
12 rules. Violation of this subsection is a strict liability crime  
13 as defined in Title 17-A, section 34, subsection 4-A. The  
14 minimum fines for transporting scrap tires without a manifest are  
15 as follows: ~~for a vehicle with a registered gross weight of up~~  
16 ~~to 12,000 pounds, \$500; for a vehicle with a registered gross~~  
17 ~~weight of between 12,001 and 34,000 pounds, \$2,000; and for a~~  
18 ~~vehicle with a registered gross weight of over 34,000 pounds,~~  
19 ~~\$4,500. This minimum fine may not be suspended, but it may be~~  
20 ~~reduced by the amount of the disposal fee paid by the transporter~~  
21 ~~for disposal of the truckload of tires at a licensed waste~~  
22 ~~facility. A person commits a Class D crime if that person, after~~  
23 ~~being cited for a violation of the manifest requirements,~~  
24 ~~transports the tires to an unlicensed, nonexempt waste facility.~~  
25 ~~Notwithstanding Title 17-A, section 1301, the fine for a Class E~~  
26 ~~crime under this subsection may not exceed \$10,000 per violation,~~  
27 ~~and the fine for a Class D crime under this subsection may not~~  
28 ~~exceed \$25,000 per violation.~~

29 A. For a vehicle with a registered gross weight of up to  
30 12,000 pounds, \$500;

31 B. For a vehicle with a registered gross weight of between  
32 12,001 and 34,000 pounds, \$2,000; and

33 C. For a vehicle with a registered gross weight of over  
34 34,000 pounds, \$4,500.

35 This minimum fine may not be suspended, but it may be reduced by  
36 the amount of the disposal fee paid by the transporter for  
37 disposal of the truckload of tires at a licensed waste facility.  
38 Notwithstanding Title 17-A, section 1301, the maximum fine under  
39 this subsection is not more than \$10,000 per violation.

40 **Sec. X-11. 38 MRSA §1316-M, sub-§5** is enacted to read:

41  
42 **5. Transporting after citation.** A person who, after being  
43 cited for a violation of the manifest requirements, transports  
44 scrap tires to an unlicensed, nonexempt waste facility commits a  
45 Class D crime. Violation of this subsection is a strict  
46 liability crime.

2 liability crime as defined in Title 17-A, section 34, subsection  
4 4-A. Notwithstanding Title 17-A, section 1301, the maximum fine  
6 under this subsection is not more than \$25,000 per violation.

## 8 **PART Y**

10 **Sec. Y-1. 14 MRSA §5604** is enacted to read:

### 12 **§5604. Monetary sanctions**

14 1. **Designation.** A monetary sanction authorized by law and  
16 imposed by the court for a civil violation may be designated a  
18 "fine," "penalty," "forfeiture," "surcharge" or "assessment" or  
20 may be designated by another similar term.

22 2. **Civil violation.** Use of the terminology under  
24 subsection 1 in describing a monetary sanction for a civil  
26 violation does not limit or prohibit the application of Title  
28 17-A, section 4-B, subsection 3.

30 **Sec. Y-2. Effective date.** This Act takes effect July 1, 2004.

## 32 **SUMMARY**

34 This bill is the report of the Maine Criminal Justice  
36 Information System, MCJUSTIS, Policy Board pursuant to Resolve  
38 2001, chapter 45.

40 MCJUSTIS is an information clearinghouse, the purpose of  
42 which is to provide access to shared uniform information on  
44 criminal defendants and crime data. In order for the information  
46 to be uniform and accurate, it must be entered and accessed by  
48 all participants in the same way. To ensure that crimes are  
entered accurately, the statutes defining each crime must be  
precise and narrow enough to ensure that citing to the specific  
statutory unit will be the same as describing the elements and  
class of that exact crime. There must be a one-to-one  
relationship between each crime and the statutory unit that  
defines it. The 120th Legislature enacted Public Law 2001,  
chapter 383, which revised the Maine Criminal Code to establish  
that one-to-one relationship for each crime and its unique  
statutory cite. This bill revises crimes and civil violations in  
all other Titles of the Maine Revised Statutes that require  
amendment to ensure that each crime and civil violation has its  
own unique statutory cite.



2 The original resolve directed the MCJUSTIS policy board to  
propose only those changes to the laws that are necessary to  
4 result in a unique statutory cite for each violation. In working  
through each crime and civil violation in the Maine Revised  
6 Statutes, the MCJUSTIS policy board and staff used drafting  
standards that were adopted in Public Law 2001, chapter 383 and  
8 sought input from state department and agency representatives,  
including assistance from the Attorney General's office.  
10 Comments and drafting suggestions from these departments were  
incorporated into this bill.

12 In addition to the MCJUSTIS formatting changes, Public Law  
2001, chapter 383 identified several drafting changes that were  
14 substantive in nature and necessary to accomplish the MCJUSTIS  
policy board's directive. These changes also apply in this  
16 bill. Specifically, the category of substantive changes that are  
necessary relates to how to handle facts about a crime that are  
18 not technically elements of the crime but are currently used for  
determining the class of crime for sentencing purposes. The  
20 statute currently does not require that such "enhancers" be  
proved beyond a reasonable doubt by the prosecution. The Law  
22 Court has required, however, that the prosecution must prove such  
facts beyond a reasonable doubt if the facts are to be used to  
24 make the underlying crime a higher class than it would otherwise  
be or would require a specific punishment. This bill  
26 incorporates each enhancer into the elements of the crime that it  
enhances. This results in the statutory requirement that the  
28 enhancer be proved beyond a reasonable doubt in order to secure a  
conviction for that crime at that class. The enhancers that this  
30 bill includes are for prior convictions. When a person has a  
prior conviction for committing the same or another crime, that  
32 prior conviction may sometimes be used to enhance the penalty,  
but the State must plead and prove to a jury that the prior  
34 conviction did occur, instead of the court making that  
determination in order to enhance a crime at the point of  
36 sentencing.

38 The bill adopts the standard language used in Public Law  
2001, chapter 383 for referring to prior convictions when prior  
40 convictions are used to affect one class of a newly committed  
crime. Provisions in the bill that include these prior  
42 convictions cite the Maine Revised Statutes, Title 17-A, section  
9-A, which provides general rules for using prior convictions to  
44 enhance a new crime. These general rules are consistent with  
most existing provisions concerning the use of prior  
46 convictions.

48 The bill rewrites as an element of a crime any fact  
regarding the crime that is used to establish the class for the  
50 crime or the appropriate sentence. This is a substantive change,

2           although it will make little difference in how cases are  
currently prosecuted.

4           Civil violations are frequently prosecuted in a different  
manner than crimes. It is not uncommon for a prosecution for a  
6           civil violation to be initiated after the violator has committed  
several civil violations. At the time that violator comes to  
8           court, the prosecutor may charge the violator with more than one  
violation. These violations may be used to enhance the  
10          violator's penalty if the violator is adjudicated as having  
committed multiple violations. Instead of using the prior  
12          conviction language explained above for committing multiple  
crimes, the bill specifies that enhanced penalties for civil  
14          violations may be applied if the violator has previously violated  
that statute or another statute, as specified.

16           The bill identifies those crimes that do not require a  
culpable state of mind as strict liability crimes as defined in  
18          Title 17-A, section 34, subsection 4-A. This distinction is not  
made for civil violations.

22          The bill includes language to make the statutes gender  
neutral and to correct and update grammar. "Exceeds" is changed  
24          to "more than," and "under" is changed to "less than." These  
changes are made for consistency and are not intended to be  
26          substantive.

28          The bill changes reference to all monetary sanctions  
authorized by law, including fines, forfeitures, penalties or  
30          surcharges imposed by the court for a civil violation, to "fine"  
unless the sanction is payable to an entity other than the State,  
32          in which case the sanction continues to be identified as a civil  
penalty. A general provision that indicates this change is added  
34          to Title 14. Current law distinguishes between monetary  
sanctions for civil violations based on the amount of the  
36          penalty. If the sanction is less than \$1,000, it is called a  
civil forfeiture. If the sanction is more than \$1,000, it is  
38          called a civil penalty. Because "forfeiture" frequently carries  
a different meaning under the statutes and because a distinction  
40          based upon the monetary amount of a sanction appears to be  
unknown to many and often used inconsistently even by those aware  
42          of the distinction, the bill instead uses "fine" to refer to all  
monetary sanctions for civil violations, just as the term is used  
44          for crimes. Again, the only exception to this in the bill is  
when the monetary sanction is to be paid to someone other than  
46          the State, in which case "civil penalty" continues to be used to  
distinguish to whom the sanction is paid.

48

2           The bill also adds an effective date of July 1, 2004 in  
order to give district attorneys, the courts and others adequate  
time to update their charging instruments and computer systems.