

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 1-452

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH
IN ACCORDANCE WITH MAINE REVISED STATUTES
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

CHAPTER 298

H.P. 899 - L.D. 1178

AN ACT to Allow Domestic Mutual Assessment Companies to Appoint Agents.

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

Sec. 1. 24-A MRSA §1531, sub-§1, ¶D, as enacted by PL 1971, c. 435, §9, is amended to read:

D. Covering only title insurance; or

Sec. 2. 24-A MRSA §1531, sub-§1, ¶E is enacted to read:

E. Allowing a director of a domestic mutual assessment fire insurance company to sell property insurance coverage written by that company.

Effective September 23, 1983.

CHAPTER 299

H.P. 1149 - L.D. 1514

AN ACT Requiring Motorists to Protect Children in Motor Vehicles by Use of Approved Child Safety Seats.

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

29 MRSA §1368-B, as enacted by PL 1981, c. 405, is repealed and the following enacted in its place:

§1368-B. Use of approved child safety seats

1. Transportation in vehicle of parent or guardian. When any child who is less than 4 years of age is being transported in a motor vehicle registered in this State and owned or operated by his parent or legal guardian, and the motor vehicle is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured, in ac-

cordance with the manufacturer's instructions, in a child safety seat that meets the standards described in Federal Motor Vehicle Safety Standards, 49 Code of Federal Regulations, Part 571, in effect on January 1, 1981. The parent or legal guardian of the child is responsible for providing and installing the child safety seat.

2. Transportation in vehicle not owned by parent or guardian. If the child is being transported in a motor vehicle registered in this State, neither owned nor operated by his parent or legal guardian, and the motor vehicle is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured, in accordance with the manufacturer's instructions, in a child safety seat that meets the standards described in Federal Motor Vehicle Safety Standards, 49 Code of Federal Regulations, Part 571, in effect on January 1, 1981. When such a child safety seat is not available, the operator shall have the child properly secured in a seat belt, except when all seating positions equipped with seat belts are occupied. No exception may apply if the child is less than one year of age.

3. Exception and limitation. The requirements of subsections 1 and 2 shall not apply to any person over one year of age when the number of passengers exceeds the seating capacity of the vehicle.

4. Warning. Any person stopped for a violation of this section during the initial 6 months after this section takes effect shall be issued a warning that a violation of this section has occurred.

5. Violation limitation. Any parent, guardian, owner or operator stopped for a violation of this section and against whom enforcement action has been taken shall not be guilty of a subsequent violation of this section until after 24 hours have elapsed from the date and time of the violation, as indicated on the traffic ticket.

6. Penalty. Following the initial 6-month warning period, violation of this section is a civil violation for which a forfeiture of \$25 for the first violation and \$50 for each subsequent violation may be adjudged. The court shall waive any civil fine or cost against a parent or legal guardian who receives a civil violation citation for a first violation of this section if the parent or legal guardian supplies the court with satisfactory evidence that the parent or guardian has acquired or purchased a child safety seat for continuous use by

the child of the parent or guardian. This child safety seat shall comply with the standards described in Federal Motor Vehicle Safety Standards, 49 Code of Federal Regulations, Part 571, in effect January 1, 1981, within 30 days of the issuance of the civil violation citation.

7. Failure to secure a child; use as evidence. Failure to secure a child in a child safety seat or seat belt shall not be considered negligence imputable to the child, nor shall that failure be admissible as evidence in the trial of any civil or criminal action, except for a violation of this section.

Effective September 23, 1983.

CHAPTER 300

S.P. 477 - L.D. 1438

AN ACT to Amend the Obscenity Laws.

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

Sec. 1. 8 MRSA c. 26, as amended, is repealed.

Sec. 2. 17 MRSA §2911, sub-§1, ¶C, as enacted by PL 1977, c. 410, §2, is amended to read:

C. "Matter" means any printed or written material, any picture, photograph, motion picture or other visual representation; ~~excluding motion pictures.~~

Sec. 3. 17 MRSA §2911, sub-§1, ¶C-1 is enacted to read:

C-1. "Minor" means a person under 18 years of age.

Sec. 4. 17 MRSA §2911, sub-§2, ¶B, as enacted by PL 1977, c. 410, §2, is amended to read:

B. It shall be a valid defense to any proceeding under this section that:

(1) The defendant was a parent or guardian of the minor; ~~and~~

(2) The distribution or exhibition is exempt under paragraph A; or