

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

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

J.S. McCarthy Company
Augusta, Maine
1993

Sec. 1. 29 MRSA §1368-B, sub-§1, as amended by PL 1989, c. 640, is further amended to read:

1. Transportation of child in vehicle. When ~~any a~~ child who is less than 4 years of age is being transported in a motor vehicle in this State and that ~~motor vehicle is owned or operated by the child's 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. The parent or legal guardian of the child is responsible for providing and installing the child safety seat.~~

Sec. 2. 29 MRSA §1368-B, sub-§2, as amended by PL 1989, c. 640, is repealed.

Sec. 3. 29 MRSA §1368-B, sub-§3, as enacted by PL 1983, c. 299, is amended to read:

3. Exception and limitation. The requirements of ~~subsections subsection 1 and 2 shall do~~ not apply to any person transporting a child less than 4 years of age and over one year of age when the number of passengers exceeds the seating capacity of the vehicle.

Sec. 4. 29 MRSA §1368-B, sub-§5, as enacted by PL 1983, c. 299, is amended to read:

5. Violation limitation. ~~Any parent, guardian, owner or An~~ operator stopped for a violation of this section and against whom enforcement action has been taken ~~shall not be guilty of~~ may not be adjudicated to have committed 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 Violation Summons and Complaint.

See title page for effective date.

CHAPTER 521

H.P. 1260 - L.D. 1687

An Act to Correct an Error in the Sand Dune Laws

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

Whereas, legislation enacted during the First Regular Session of the 116th Legislature inadver-

tently allows development to occur without state review on sand dune areas that are geologically unstable and subject to rapid shoreline change; and

Whereas, development in these areas, and subsequent storm-related damage to property on-site, thus poses a risk to public health and safety as well as a potential financial liability to state and local governments; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 38 MRSA §480-Q, sub-§16, as enacted by PL 1993, c. 410, Pt. G, §7, is amended to read:

16. Alterations in back dunes of coastal sand dune systems. Alterations in back dunes of sand dune systems as long as the site is not subject to flooding during a 100-year flood event based on information from the Federal Emergency Management Agency and is not expected to be damaged due to shoreline change within 100 years based on historic and projected trends. The applicant must provide the department with written notification of the proposed activity, including a location map, at least 14 days prior to commencing work. This subsection is repealed on February 15, 1995.

Sec. 2. Rulemaking. Pursuant to its authority under the Maine Revised Statutes, Title 38, section 344, subsection 7, the Board of Environmental Protection shall adopt rules establishing permit-by-rule performance standards for activities exempt under Title 38, section 480-Q, subsection 16. Those rules take effect on February 15, 1995.

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

Effective March 14, 1994.

CHAPTER 522

S.P. 608 - L.D. 1706

An Act to Revise the Execution of Certain Mandatory Consecutive Sentences

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

Sec. 1. 17-A MRSA §1256, sub-§1, as amended by PL 1983, c. 408, §3, is further amended to read:

1. Other provisions of this section notwithstanding, when a person subject to an undischarged term of imprisonment is convicted of a violation of ~~sections 755 and 757, or of a violation of section 752-A, 755 or 757~~ or of any other crime against the person of a member of the staff of the institution in which the convicted person was imprisoned, or of an attempt to commit any of the crimes mentioned in this subsection, the sentence ~~shall run consecutively to~~ is not concurrent with the undischarged term terms of imprisonment. The court may order that the undischarged terms of imprisonment be tolled and service of the nonconcurrent sentence commence immediately and the court shall so order if any undischarged term of imprisonment is a split sentence. No portion of ~~this sentence~~ the nonconcurrent sentence may be suspended. All sentences that the convicted person receives as a result of the crimes mentioned in this subsection ~~shall must be consecutive to~~ nonconcurrent with all other sentences.

See title page for effective date.

CHAPTER 523

H.P. 1289 - L.D. 1737

An Act to Amend the Classification of Part of the Presumpscot River

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

Sec. 1. 38 MRSA §467, sub-§9, ¶A, as amended by PL 1989, c. 764, §9, is further amended to read:

A. Presumpscot River, main stem.

(1) From the outlet of Sebago Lake to its confluence with Dundee Pond - Class A.

(1-A) From the outlet of Dundee Pond to its confluence with the Pleasant River - Class A.

For the purposes of water quality certification of the hydropower project at the Dundee Dam under the Federal Water Pollution Control Act, Public Law 92-500, Section 401, as amended, and licensing modifications to this hydropower project under section 636 and any other licensing

proceeding affecting this project, the habitat characteristics and aquatic life criteria of Class A are deemed to be met in the waters immediately downstream and measurably affected by that project if the criteria of section 465, subsection 3, paragraphs A and C are met.

(2) ~~From the outlet of Dundee Pond its confluence with the Pleasant River to Sacarappa Falls - Class B.~~

(3) From Sacarappa Falls to tidewater - Class C.

See title page for effective date.

CHAPTER 524

H.P. 1335 - L.D. 1798

An Act to Clarify the Laws Relating to Permits to Carry Concealed Firearms

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

Whereas, the Legislature believes that it is important that these changes to the laws relating to permits to carry concealed firearms be effective immediately so as to give needed guidance to both the applicant and the issuing authority; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 25 MRSA §2002, sub-§§2 to 5, as enacted by PL 1985, c. 478, §2, are amended to read:

2. **Dependency-related drug.** "~~Dependency related~~ Dependency-related drug" has the same meaning as set forth in Title 22 § 5, section 7403 20003, subsection 7.

3. **Drug abuser.** "Drug abuser" has the same meaning as set forth in Title 22 § 5, section 7403 20003, subsection 9 10.

4. **Drug addict.** "Drug addict" has the same meaning as set forth in Title 22 § 5, section 7403 20003, subsection 11.