

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**September 5, 1996 to September 7, 1996**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 1996 to March 27, 1997**

**FIRST SPECIAL SESSION**  
**March 27, 1997 to June 20, 1997**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 26, 1997**

**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 1997**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

provisions of Title 12, chapters 202 and 202-A do not apply to any conveyance or lease. Failure on the part of the certified applicant to purchase any submerged or intertidal lands under this subsection does not relieve the certified applicant of liability for violation of any state or federal environmental laws or regulations or local ordinances affecting submerged or intertidal lands during the lease period.

**§6856. Accelerated credit**

Beginning July 1, 1999, if a certified applicant has employment in any calendar year of at least 5,500, the credit authorized in section 6853 must be increased to \$3,125,000. If employment is at least 6,000, the credit must be increased to \$3,250,000. If employment is at least 6,500, the credit must be increased to \$3,375,000. If employment is 7,000 or more, the credit must be increased to \$3,500,000.

**§6857. Decelerated credit**

Beginning July 1, 2003, if a certified applicant has employment in any calendar year of less than 5,000 but equal to or greater than 4,500, the credit authorized in section 6853 must be decreased to \$2,875,000. If employment is less 4,500 but equal to or greater than 4,000, the credit must be decreased to \$2,750,000. If employment is less than 4,000 but equal to or greater than 3,500, the credit must be reduced to \$2,625,000.

**§6858. Maine preference**

As part of the contractual inducement for the qualified applicant to make a qualified investment and for the State to provide the credit pursuant to this chapter, the qualified applicant agrees when awarding contracts, purchasing supplies or subcontracting work related to a qualified investment or qualified ship to give, to the greatest extent possible, preference to Maine workers, companies and bidders provided the supplies, products and bids meet the standards required by the qualified applicant for best value, including, without limitation, quality and delivery, and are competitively priced.

The qualified applicant further agrees in conjunction with the Department of Economic and Community Development to sponsor regional seminars for Maine businesses on how to do business with the qualified applicant.

**Sec. 2. Calculation and transfer.** Notwithstanding the Maine Revised Statutes, Title 5, section 1585, or any other provision of law, the State Budget Officer shall calculate the amount that will remain on June 30, 1999 in all lapsing General Fund accounts and apply against each affected account the amount of the savings identified in section 3 and shall transfer the calculated amounts by financial order. These

transfers are to be considered adjustments to appropriations. The State Budget Officer shall provide the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs with a report of the transferred amounts no later than May 15, 1999.

**Sec. 3. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1998-99

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Departments and Agencies - Statewide**

Unallocated (\$949,000)

Deappropriates funds identified as amounts available in fiscal year 1998-99 that would otherwise lapse.

See title page for effective date.

**CHAPTER 450**

**H.P. 303 - L.D. 367**

**An Act to Provide That the Operator of a Motor Vehicle Is Not Responsible for Securing in a Seat Belt a Passenger 18 Years of Age or Older**

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

**Sec. 1. 29-A MRSA §2081, sub-§3,** as reenacted by PL 1995, c. 597, §1, is amended to read:

**3. Person between 4 and 18.** When a person 4 years of age or older; but less than ~~49~~ 18 years of age, is a passenger in a vehicle that is required by the United States Department of Transportation to be equipped with seat belts, the operator must have the person properly secured in a seat belt or in a child safety seat. When a person who is less than ~~49~~ 18 years of age is the operator of a vehicle that is required by the United States Department of Transportation to be equipped with seat belts, that operator must be properly secured in a seat belt.

**Sec. 2. 29-A MRSA §2081, sub-§3-A,** as amended by PL 1995, c. 597, §2, is further amended to read:

**3-A. Other passengers 18 years of age and older; operators.** When a person ~~19~~ 18 years of age or older is a passenger in a vehicle that is required by the United States Department of Transportation to be equipped with seat belts, the ~~operator~~ passenger must ~~have the person be~~ properly secured in a seat belt. Each such passenger is responsible for wearing a seat belt as required by this subsection, and a passenger that fails to wear a seat belt as required by this subsection is subject to the enforcement provisions of subsection 4. The operator of a vehicle that is required by the United States Department of Transportation to be equipped with seat belts must be secured in the operator's seat belt.

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

E. Subsection 3-A may be enforced only if a law enforcement officer has detained the operator of a motor vehicle for a suspected violation of another law. ~~An operator is not subject to the penalty established in paragraph D unless the operator is required to pay a fine for the primary violation.~~

**Sec. 4. 29-A MRSA §2081, sub-§6, ¶B,** as enacted by PL 1995, c. 597, §4, is amended to read:

B. The operator of a taxicab or a limousine is not responsible for securing in a seat belt a passenger transported for a fee.

See title page for effective date.

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## CHAPTER 451

### H.P. 57 - L.D. 82

#### An Act to Allow Field Testing of Unregistered Snowmobiles Repaired by Licensed Snowmobile Repair Shops

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

**Sec. 1. 12 MRSA §7825-A** is enacted to read:

**§7825-A. Snowmobile repair shop registration and license**

**1. Application and issuance.** A person whose business includes repairing snowmobiles but who is not required to be licensed as a snowmobile dealer under section 7825 may register that business entity as a snowmobile repair shop and secure a snowmobile repair shop license and number plate from the commissioner.

**2. Fee.** The commissioner shall set the fee for a snowmobile repair shop license. The fee may not exceed \$15 for any 12-month period.

**3. Field testing repairs on unregistered snowmobiles.** The owner of a snowmobile repair shop licensed under this section may operate or allow the operation of an unregistered snowmobile for the purpose of field testing repairs to that snowmobile if:

A. Valid snowmobile repair shop number plates issued under section 7825-A are affixed to the snowmobile during the field test; and

B. The snowmobile is not owned by the snowmobile repair shop or any person employed by the snowmobile repair shop.

Operating an unregistered snowmobile in compliance with this subsection is not a violation of section 7827, subsection 1.

**Sec. 2. 12 MRSA §7827, sub-§23, ¶B,** as enacted by PL 1979, c. 420, §1, is amended to read:

B. Notwithstanding the provisions of subsection 1:

(1) No registration ~~shall be~~ is required for a snowmobile operated over the snow on land on which the owner lives or on lands on which ~~he~~ the owner is domiciled, provided the snowmobile is not operated elsewhere within the jurisdiction of this State;

(2) No registration ~~shall be~~ is required for a snowmobile operated by a commercial ski area for the purpose of packing snow or for rescue operation thereon, unless the snowmobile is required to cross a public way during that operation; ~~and~~

(3) Snowmobiles owned and operated in this State by the Federal Government, the State or political subdivision of the State ~~shall be~~ are exempt from registration fees, but ~~shall~~ must be registered and required to display numbers;

(4) Registration is not required to field test repairs to a snowmobile if valid snowmobile repair shop number plates issued under section 7825-A are affixed to the snowmobile during the field test and the snowmobile is not owned by the snowmobile repair shop or any repair shop employee; and

(5) Registration is not required to field test repairs to a snowmobile if the snowmobile is tested on the premises of the snowmobile repair shop when the snowmobile repair shop is open and the snowmobile is not