

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.

J.S. McCarthy Company
Augusta, Maine
1997

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.

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

owned by the snowmobile repair shop or any repair shop employee.

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

	1997-98	1998-99
INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF Savings Fund Program		
All Other	\$1,500	\$1,500
Appropriates funds to be used only to offset additional General Fund revenue from license fee increases.		

See title page for effective date.

CHAPTER 452

S.P. 174 - L.D. 503

An Act to Provide for State and Federal Criminal Record Checks on Educational Personnel in the State

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

Sec. 1. 20-A MRSA §6101, sub-§1, ¶¶E and F, as amended by PL 1995, c. 547, §2, are further amended to read:

- E. Major and minor fields of study recognized by the post-secondary institutions attended; and
- F. Degrees received and dates awarded; and

Sec. 2. 20-A MRSA §6101, sub-§1, ¶G, as enacted by PL 1995, c. 547, §3, is repealed.

Sec. 3. 20-A MRSA §6103, as enacted by PL 1995, c. 547, §5, is amended to read:

§6103. Criminal history record information conviction data

Beginning ~~January~~ July 1, 1999, certification, authorization, approval and renewal under chapters 501 and 502 are subject to the provisions of this section.

1. Conviction data obtained; reliance. The commissioner shall obtain criminal history record information containing a record of conviction data

from the Maine Criminal Justice Information System for any person applying for certification, authorization, approval or renewal. The commissioner may rely on information provided by the Maine Criminal Justice Information System within 24 months prior to the issuance of a certificate, authorization, approval or renewal.

2. Issuance restriction. Issuance of a certificate, authorization, approval or renewal to any person whose criminal history record information includes a criminal conviction is subject to the provisions of Title 5, chapter 341 and section 13020.

3. Confidentiality. Any information obtained pursuant to this section is confidential. The results of criminal history record checks received by the commissioner are for official use only and may not be disseminated outside the department.

4. Expenses. Notwithstanding Title 26, sections 594 and 629, the expense of obtaining the information required by this section must be paid by the applicant.

5. Criminal record information obtained from the Federal Bureau of Investigation. The commissioner shall obtain other state and national criminal history record information from the Federal Bureau of Investigation for any person applying for certification, authorization, approval or renewal. The commissioner may rely on information provided by the Federal Bureau of Investigation within 24 months prior to the issuance of a certificate, authorization, approval or renewal.

6. Fingerprinting. The applicant shall submit 2 fingerprint cards bearing the legible rolled and flat impression of the applicant's fingerprints prepared by a state or local public law enforcement agency to the department which shall forward the fingerprint cards to the Department of Public Safety, State Bureau of Identification for the purpose of conducting state and national criminal history record checks.

7. Use of criminal history record. State and federal criminal history record information may be used for the purpose of screening educational personnel applicants by the commissioner in order to determine whether certification, authorization, approval or renewal of educational personnel is granted or maintained.

8. Applicant's access to criminal history record check. The subject of a Federal Bureau of Investigation criminal history record check may obtain a copy of a criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state criminal record check may inspect and review criminal record information pursuant to Title 16, section 620.