

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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
1999

tion of each appropriate governmental unit over public ways pursuant to this subparagraph is the same as its jurisdiction over the passage of vehicles on public ways pursuant to Title 29-A, section 2395. Municipal or county law enforcement officials having jurisdiction have primary enforcement authority over any route established under this subparagraph.

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

Effective May 25, 1999.

CHAPTER 311

H.P. 1179 - L.D. 1690

An Act Regulating the Transportation of People in Pickup Trucks

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

Sec. 1. 29-A MRSA §2085 is enacted to read:

§2085. Passengers restricted to passenger compartment of pickup truck

1. Passengers under 19 years of age. When a passenger under 19 years of age is transported in a pickup truck, that passenger must ride in the passenger compartment of the pickup truck.

2. Exceptions. Subsection 1 does not apply to the following:

A. Workers or trainees, including agricultural workers or trainees, engaged in the necessary discharge of their duties or training or being transported between work or training locations;

B. Licensed hunters being transported to or from a hunting location, as long as those persons are in compliance with all laws pertaining to possession and transportation of firearms in a motor vehicle;

C. Participants in parades; or

D. A passenger secured by a seat belt in a manufacturer-installed seat located outside the passenger compartment.

See title page for effective date.

CHAPTER 312

H.P. 209 - L.D. 287

An Act to Impose Stricter OUI Penalties on Operators of Watercraft, ATVs and Snowmobiles

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

Sec. 1. 12 MRSA §7901, sub-§13, ¶A, as amended by PL 1995, c. 679, §12, is repealed.

Sec. 2. 12 MRSA §7901, sub-§13, ¶¶B, C, D and F, as amended by PL 1995, c. 679, §12, are further amended to read:

B. In the case of a person having no previous convictions of a violation of section 7406, subsection 3; section 7801, subsection 9; section 7827, subsection 9; or section 7857, subsection 10 ~~and having no previous adjudications of within the previous 6-year period, the fine may not be less than \$400. If that person was adjudicated within the previous 6-year period for failure to comply with the duty to submit to and complete a blood-alcohol test under section 7408, 7805, 7828 or 7860 within a 6-year period, the fine may not be less than \$300 and the sentence, the fine may not be less than \$500. A conviction under this paragraph must include a period of incarceration of not less than 48 hours, which penalties may not be suspended, when the person:~~

(1) Was tested as having a blood-alcohol level of 0.15% or more;

(2) Failed or refused to stop upon request or signal of an officer in uniform, as defined in section 6953 or 7060, during the operation that resulted in prosecution for operating under the influence or with a blood-alcohol level of 0.08% or more; or

(3) Failed to submit to a chemical test to determine that person's blood-alcohol level or drug concentration, at the request of a law enforcement officer on the occasion that resulted in the conviction.

C. In the case of a person having one previous conviction of a violation of section 7406, subsection 3; section 7801, subsection 9; section 7827, subsection 9; or section 7857, subsection 10 ~~or one previous adjudication of within the previous 6-year period, the fine may not be less than \$600. If that person was adjudicated within the previous 6-year period for failure to comply with the duty to submit to and complete a blood-~~

alcohol or drug concentration test under section 7408, 7805, 7828 or 7860 ~~within a 6-year period, the fine may not be less than \$500 and the sentence, the fine may not be less than \$800.~~ A conviction under this paragraph must include a period of incarceration of not less than 7 days, which penalties may not be suspended.

D. In the case of a person having 2 or more previous convictions of violations of section 7406, subsection 3; section 7801, subsection 9; section 7827, subsection 9; and section 7857, subsection 10 ~~or adjudications of within the previous 6-year period, the fine may not be less than \$1,000.~~ If that person was adjudicated within the previous 6-year period for failure to comply with the duty to submit to and complete a blood-alcohol or drug concentration test under section 7408, 7805, 7828 or 7860 ~~within a 6-year period, the fine may not be less than \$750 and the sentence, the fine may not be less than \$1,300.~~ A conviction under this paragraph must include a period of incarceration of not less than 30 days, which penalties may not be suspended.

F. The penalties provided under paragraphs B, C, ~~and D and, beginning July 1, 1990, paragraph A,~~ may not be suspended by the court.

See title page for effective date.

CHAPTER 313

H.P. 16 - L.D. 26

An Act to Clarify the Responsibility of a Municipality in Enforcing Personal Watercraft Regulations

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

Sec. 1. PL 1997, c. 739, §17 is amended to read:

Sec. 17. Recommendations for regulating the use, operation and type of watercraft for great ponds within the organized areas of the State. A municipality, with the approval of its legislative body, may submit recommendations to the Commissioner of Inland Fisheries and Wildlife for regulating the use, operation and type of watercraft on great ponds within the jurisdiction of that municipality. For great ponds that border more than one municipality, recommendations may be submitted only after approval by the legislative bodies of all municipalities in which those waters are located. For great ponds that border lands within the jurisdiction of the Maine Land Use Regulation Commission, the approval of the commission is also required. If a

municipality chooses to prepare recommendations for such waters, it shall take into consideration the use to which those waters are put, the depth of the water, the amount of water-borne traffic on the waters, wildlife and environmental values, noise, traditional uses of the water body and the safety of persons and property. These recommendations may be submitted only after a public hearing and must include a description of the resources the municipality or municipalities will use to enforce or assist in the enforcement of those regulations if enacted.

The commissioner shall submit a report to the First Regular Session of the 119th Legislature by January 15, 1999 on the recommendations received from municipalities prior to November 1, 1998 and shall submit a report to the Second Regular Session of the 119th Legislature on the recommendations received from municipalities between November 1, 1998 and October 30, 1999. Each report must be accompanied by legislation implementing the municipal recommendations supported by the Department of Inland Fisheries and Wildlife. That legislation may also include recommendations of the department, developed using the criteria in this section, for waters not addressed in the municipal proposals.

See title page for effective date.

CHAPTER 314

H.P. 1123 - L.D. 1582

An Act to Control the Sale and Display of Tobacco Products

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

Sec. 1. 22 MRSA §1555-B, sub-§11 is enacted to read:

11. Manner of displaying and offering for sale. Tobacco products may be displayed or offered for sale only in a manner that does not allow the purchaser direct access to the tobacco products. The requirements of this subsection do not apply to the display or offering for sale of tobacco products in multi-unit packages of 10 or more units, in tobacco specialty stores or in locations in which the presence of minors is generally prohibited. This requirement does not preempt a municipal ordinance that provides for more restrictive regulation of the sale of tobacco products.