

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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
2000

- B. Semitrailers;
- C. Aircraft;
- D. Truck bodies and trailers manufactured in the State; and
- E. Camper trailers, including truck campers.

If the vehicles are registered for use in the State within 12 months of the date of purchase, the person seeking registration is liable for use tax on the basis of the original purchase price.

Notwithstanding section 1752-A, for purposes of this subsection, the term "nonresident" may include an individual, an association, a society, a club, a general partnership, a limited partnership, a domestic or foreign limited liability company, a trust, an estate, a domestic or foreign corporation and any other legal entity.

Sec. 3. 36 MRSA §1760, sub-§41, as amended by PL 1987, c. 497, §38, is further amended to read:

41. Certain instrumentalities of interstate or foreign commerce. The sale of a vehicle, railroad rolling stock, aircraft or watercraft ~~which that~~ is placed in use by the purchaser as an instrumentality of interstate or foreign commerce within 30 days after that sale and ~~which that~~ is used by the purchaser not less than 80% of the time for the next 2 years as an instrumentality of interstate or foreign commerce. The State Tax Assessor may for good cause extend for not more than 60 days the time for placing the instrumentality in use in interstate or foreign commerce. For purposes of this subsection, property is "placed in use as an instrumentality of interstate or foreign commerce" by its carrying of, or providing the motive power for the carrying of, a bona fide payload in interstate or foreign commerce, or by being dispatched to a specific location at which it will be loaded upon arrival with, or will be used as motive power for the carrying of, a payload in interstate or foreign commerce. For purposes of this subsection, "bona fide payload" means a cargo of persons or property transported by a contract or common carrier for compensation ~~which that~~ exceeds the direct cost of carrying that cargo or pursuant to a legal obligation to provide service as a public utility or a cargo of property transported in the reasonable conduct of the purchaser's own nontransportation business in interstate commerce.

A. For purposes of the requirement under this subsection that a watercraft be placed in use by the purchaser as an instrumentality of interstate or foreign commerce within 30 days after its sale and not less than 80% of the time for the next 2 years, the 30-day period and the 2-year period

are tolled during any time period in which the watercraft is under construction, not in the physical possession of the purchaser or otherwise incapable of being used by the purchaser to carry a bona fide payload in interstate or foreign commerce. The exemption applies to any components, equipment or materials installed during construction, refitting, renovation, retrofitting, repair or refurbishment of a watercraft. The exemption does not apply to any components, equipment or materials installed after a watercraft has been placed in use in the State by the purchaser as an instrumentality of interstate or foreign commerce. This paragraph is repealed September 1, 2000.

Sec. 4. Application. That section of this Act that amends the Maine Revised Statutes, Title 36, section 1760, subsection 41 applies retroactively to January 1, 1994, but may not be the basis for any refund claim.

Sec. 5. Effective date. That section of this Act that enacts the Maine Revised Statutes, Title 36, section 1760, subsection 23-C takes effect June 30, 2001.

See title page for effective date, unless otherwise indicated.

CHAPTER 760

H.P. 1807 - L.D. 2533

An Act to Amend the Liquor Laws to Create a New Category of License for Pool Halls and Exempt Them from the Prohibition Against Smoking

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

Sec. 1. 28-A MRSA §2, sub-§23-A is enacted to read:

23-A. Pool hall. "Pool hall" means a pool hall or billiard room that contains at least 6 regulation pool tables and generates at least 50% of its gross annual income from the sale of games of pool or the rental of pool tables.

Sec. 2. 28-A MRSA §1004, sub-§3, ¶L-1 is enacted to read:

L-1. Pool halls;

Sec. 3. 28-A MRSA §1005, sub-§3, ¶L-1 is enacted to read:

L-1. Pool halls;

Sec. 4. 28-A MRSA §1063-B is enacted to read:

§1063-B. Pool halls

1. Issuance of licenses. The bureau may issue licenses under this section for the sale of malt liquor and wine to be consumed on the premises to pool halls as defined in section 2, subsection 23-A.

2. Minors prohibited on premises; exceptions. Except as provided in paragraphs A, B and C, a pool hall licensee may not permit minors in any part of the pool hall where the license privilege is exercised. For the purposes of this subsection and notwithstanding section 2, subsection 20, "minor" means a person who has not reached 18 years of age.

A. A minor may be permitted when the minor is accompanied by a parent or legal guardian.

B. A minor may be permitted if the minor is employed by the pool hall licensee under section 704.

C. A minor may be permitted when the pool hall licensee prohibits smoking on the licensed premises.

3. Smoking when minors are prohibited. Notwithstanding Title 22, section 1542, a pool hall licensee may permit smoking on the premises subject to the limitations of subsection 2, paragraph C.

See title page for effective date.

CHAPTER 761

H.P. 1862 - L.D. 2597

An Act to Improve Public Water Supply Protection

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 22 MRSA §2601-A is enacted to read:

§2601-A. Scope

This chapter establishes a system designed to help ensure public health; to allow the State, municipalities and public water systems to identify significant public water supplies and strive for a higher degree of protection around source water areas or areas that are used as public drinking water supplies; and to allow the State, municipalities and water systems to pursue watershed or wellhead protection activities around significant public water supplies.

Sec. 2. 22 MRSA §2612, sub-§1, as enacted by PL 1975, c. 751, §4, is repealed and the following enacted in its place:

1. Construction or alteration of public water systems. New construction, additions or alterations involving the source, treatment or storage of water in any public water system may not commence until the plans and specifications have been submitted to and approved by the department.

A. The commissioner may exempt the construction, addition or alteration from submission and approval if it will have no effect on public health or welfare.

B. The department must consult with and advise persons planning or operating a public water system as to the most appropriate source of supply and the best methods of ensuring its purity. The department must consider any existing potential sources of contamination in the vicinity of the proposed source of supply when reviewing whether to approve a new source of supply and may deny approval based on those existing potential sources of contamination.

C. In granting approval of plans and specifications, the department may require modifications, conditions or procedures to ensure, as far as feasible, the protection of the public health. The department may adopt and enforce rules governing the construction or alteration of public water systems to ensure the protection of the public health and may require the submission of water samples for analysis to determine the extent of treatment required.

Records of construction, including, when feasible, plans and descriptions of existing public water systems, must be maintained by public water systems and made promptly available to the department upon request.

Sec. 3. 22 MRSA §2647-A, first ¶, as enacted by PL 1991, c. 467, §2, is amended to read:

Any water utility or municipality and the department are authorized to take reasonable steps to protect a public water source from pollution consistent with section 2642.