

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

Sec. 7. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2000-01

LEGISLATURE

Task Force on Educational Programming at Juvenile Correctional Facilities

Personal Services	\$880
All Other	3,000

Provides funds for the per diem and expenses of legislative members and expenses for other eligible members of the task force on educational programming at juvenile correctional facilities and to print the required report.

LEGISLATURE

TOTAL \$3,880

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

Effective May 8, 2000.

CHAPTER 771

H.P. 182 - L.D. 260

An Act to Enhance the Enforcement of Civil and Criminal Violations

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

PART A

Sec. A-1. 12 MRSA §7053, sub-§2, ¶A, as enacted by PL 1979, c. 420, §1, is amended to read:

A. Arrest, summons and prosecute all violators of the following:

- (1) Chapters 701 to 721;
- (2) All rules ~~promulgated~~ adopted by the commissioner; and
- (3) The United States Federal Migratory Bird Treaty Act, Public Law, July 3, 1918, chapter 128, as amended, and all rules and

regulations ~~promulgated~~ adopted in pursuance thereof.

A game warden shall, without unnecessary delay, take any person so arrested before the District Court nearest the place of violation;

Sec. A-2. 12 MRSA §7901, sub-§§19 to 23 are enacted to read:

19. Violations of chapter 703. The following violations of chapter 703 are civil violations for which a forfeiture of not less than \$100 and not more than \$500 may be adjudged:

A. Violation of rules concerning water-skiing adopted under section 7036, subsection 1; and

B. Defacement of notices as described in section 7036, subsection 2.

20. Violations of chapter 715, subchapter I. The following violations of chapter 715, subchapter I are civil violations for which a forfeiture of not less than \$100 and not more than \$500 may be adjudged:

A. Violation of rules adopted pursuant to section 7792, subsection 2 concerning:

- (1) Operation of watercraft without lights;
- (2) Towing of a water-skier without an observer; and
- (3) Violating the water safety zone;

B. Violation of rules adopted pursuant to section 7792, subsection 3 concerning inadequate personal flotation devices;

C. Operating a motorboat without a certificate of number as described in section 7801, subsection 1;

D. Illegal operation of watercraft on inland waters without a holding tank or with a holding tank with through-hull fittings as described in section 7801, subsection 2-A;

E. Leasing or renting a motorboat without a certificate of number as described in section 7801, subsection 6-A;

F. Operating a motorboat while underage as described in section 7801, subsection 13;

G. Operating a motorboat without a muffler as described in section 7801, subsection 15;

H. Operating a watercraft without proper safety equipment as described in section 7801, subsection 16;

I. Operating an airmobile upon a public way as described in section 7801, subsection 21;

J. Failing to stop an airmobile before entering a public way as described in section 7801, subsection 22;

K. Failing to yield right-of-way while operating an airmobile as described in section 7801, subsection 23;

L. Operating an airmobile that exceeds the noise limit as described in section 7801, subsection 24;

M. Operating an airmobile on railroad tracks as described in section 7801, subsection 25;

N. Operating an airmobile too close to certain buildings as described in section 7801, subsection 26;

O. Failure to display an excise tax decal as described in section 7801, subsection 28;

P. Failure to comply with additional safety requirements while operating a personal watercraft as described in section 7801, subsection 30; and

Q. Unlawfully permitting operation of a watercraft as described in section 7801, subsection 31.

21. Violations of chapter 715, subchapter II.

The following violations of chapter 715, subchapter II are civil violations for which a forfeiture of not less than \$100 and not more than \$500 may be adjudged:

A. Operating an unregistered snowmobile as described in section 7827, subsection 1;

B. Operating a snowmobile upon a controlled access highway as described in section 7827, subsection 2;

C. Unlawfully operating a snowmobile on a plowed road as described in section 7827, subsection 3;

D. Operating a snowmobile on a public way as described in section 7827, subsection 4;

E. Unlawfully operating a vehicle on a snowmobile trail as described in section 7827, subsection 4-A;

F. Failing to stop a snowmobile before entering a public way as described in section 7827, subsection 5;

G. Failing to yield the right-of-way while operating a snowmobile as described in section 7827, subsection 6;

H. Crossing a closed bridge, culvert, overpass or underpass with a snowmobile as described in section 7827, subsection 7;

I. Unlawfully operating a snowmobile while underage as described in section 7827, subsection 12;

J. Permitting an unaccompanied child to operate a snowmobile as described in section 7827, subsection 13;

K. Operating a snowmobile that exceeds the noise limit as described in section 7827, subsection 14;

L. Unlawfully modifying a snowmobile as described in section 7827, subsection 15;

M. Operating a snowmobile with insufficient lights as described in section 7827, subsection 16;

N. Failure to use snowmobile lights as described in section 7827, subsection 17;

O. Unlawfully operating a snowmobile on railroad tracks as described in section 7827, subsection 18;

P. Operating a snowmobile in a cemetery as described in section 7827, subsection 19;

Q. Operating a snowmobile too close to certain buildings as described in section 7827, subsection 20; and

R. Unlawfully permitting operation of a snowmobile as described in section 7827, subsection 21.

22. Violations of chapter 715, subchapter IV.

The following violations of chapter 715, subchapter IV are civil violations for which a forfeiture of not less than \$100 and not more than \$500 may be adjudged:

A. Operating an unregistered ATV as described in section 7857, subsection 1;

B. Failure to display ATV registration numbers as described in section 7857, subsection 1-A;

C. Operating an ATV upon a controlled access highway as described in section 7857, subsection 2;

D. Unlawfully operating an ATV on a snowmobile trail as described in section 7857, subsection 3;

E. Unlawfully operating an ATV on a private road as described in section 7857, subsection 4;

F. Operating an ATV on a public way as described in section 7857, subsection 5;

G. Failing to stop an ATV before entering a public way as described in section 7857, subsection 6;

H. Failing to yield the right-of-way while operating an ATV as described in section 7857, subsection 7;

I. Crossing a closed bridge, culvert, overpass or underpass with an ATV as described in section 7857, subsection 8;

J. Carrying a passenger on an ATV without headgear as described in section 7857, subsection 13-C;

K. Permitting a child under 10 years of age to operate an ATV as described in section 7857, subsection 14-A;

L. Unlawfully operating an ATV on railroad tracks as described in section 7857, subsection 18; and

M. Operating an ATV in a prohibited area as described in section 7857, subsection 22-A.

23. Violations of chapter 717. The following violations of chapter 717 are civil violations for which a forfeiture of not less than \$100 and not more than \$500 may be adjudged:

A. Hunting on a licensed dog training area as described in section 7863, subsection 2;

B. Misuse of a licensed dog training area as described in section 7863, subsection 3; and

C. Illegal use of a firearm during training or field trials as described in section 7863, subsection 4.

PART B

Sec. B-1. 12 MRSA §6123, as enacted by PL 1977, c. 661, §5, is amended to read:

§6123. Obstructing fishways

~~It shall be unlawful to tamper, damage, destroy, or close~~ A person who tampers with, damages, destroys or closes to fish migration or introduces ~~foreign objects into any fishway without the authority of the commissioner commits a civil violation for which a forfeiture of not less than \$100 and not more than \$500 may be adjudged.~~

Sec. B-2. 12 MRSA §6124, as enacted by PL 1989, c. 275, §1, is amended to read:

§6124. Violations; penalty

~~It shall be considered a violation of this subchapter if a fish kill results from the improper operation of~~ A person who improperly operates a fishway required pursuant to this subchapter. The department may assess a fine ~~commits a civil violation for which a forfeiture equivalent to the value of the fish killed but not more than \$10,000 for each day of that violation may be adjudged.~~

Sec. B-3. 12 MRSA §6445, as enacted by PL 1993, c. 726, §1, is amended to read:

§6445. Logbooks for lobster harvesters

The commissioner shall adopt rules requiring any person holding a lobster and crab fishing license to maintain a logbook. The rules must indicate the type of data that must be recorded in the logbook, the manner for producing the logbooks and the method for analyzing data from the logbooks. The commissioner shall charge a fee for the logbook that is sufficient to recover all costs associated with the production of the logbook and the analysis of the data. Fees received by the department from the sale of logbooks are dedicated revenue and must be used by the department for the purposes of this section. The logbook and data analysis may be produced and conducted by the department or may be produced and conducted by a public or private entity under contract with the department. Disclosure of any data collected under this section is subject to the confidentiality provisions of section 6173. A person who fails to maintain a logbook when required to do so commits a civil violation for which a forfeiture of not less than \$100 and not more than \$500 may be adjudged.

Sec. B-4. 12 MRSA §6521, as amended by PL 1991, c. 242, §2, is further amended to read:

§6521. Dumping of dead marine animals or scaled finfish

1. Deposition of dead marine animals; exception. ~~It is unlawful to~~ A person may not deposit or discard, in intertidal zones or in harbors or rivers below the dividing line between tidewater and fresh water, any dead marine animal or its parts, except that a person may deposit oyster shell cultch in those waters solely to promote growth of oysters with the written permission of the commissioner and under any conditions the commissioner determines appropriate.

2. Scaled finfish. ~~It shall be unlawful to~~ A person may not deposit, release or dump into the coastal waters any dead or alive finfish from which the scales have been removed.

3. Penalty. A person who violates this section commits a civil violation for which a forfeiture of not

less than \$100 and not more than \$500 may be adjudged.

Sec. B-5. 12 MRSA §§6522 and 6523, as enacted by PL 1977, c. 661, §5, are amended to read:

§6522. Monofilament nets

~~It shall be unlawful to discard or abandon~~ A person who discards or abandons into any waters any net made of monofilament or of other material which is not biodegradable commits a civil violation for which a forfeiture of not less than \$100 and not more than \$500 may be adjudged.

§6523. Marking ice fishing shacks

~~It shall be unlawful to~~ A person may not place any shack or temporary structure used for ice fishing on the frozen coastal waters or ~~to~~ use the shack or structure, unless the owner's name and address are painted or otherwise clearly marked on the outside with 2-inch letters. ~~The fine or penalty for conviction of violating this section shall include the costs incurred in removing any structure.~~ A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 and not more than \$500 may be adjudged.

Sec. B-6. 12 MRSA §§6543 and 6544, as enacted by PL 1977, c. 661, §5, are amended to read:

§6543. Standard unit of herring measure

~~It shall be unlawful to purchase or sell~~ A person who purchases or sells herring in their live or raw state for packing, other than by a standard unit of measure or by a fractional part of a standard unit of measure, commits a civil violation for which a forfeiture of not less than \$100 and not more than \$500 may be adjudged. The standard units of measure ~~shall be~~ are the bushel, barrel of 3 bushels or the hogshead of 17 1/2 bushels.

§6544. Sealing of herring boats

~~It shall be unlawful to buy, sell or transport~~ A person who sells or transports any herring for processing, from or in the hold of any boat, which has not been measured and sealed as provided in this section, commits a civil violation for which a forfeiture of not less than \$100 and not more than \$500 may be adjudged.

1. Sealing of boats. The holds of all boats transporting herring for processing purposes ~~shall~~ must be measured and sealed by the State Sealer of Weights and Measures or ~~his~~ the state sealer's designee.

2. Fee. The owner of the boat shall pay a fee for the measuring and sealing as determined by the State

Sealer of Weights and Measures, based on the carrying capacity of the boat.

3. Method of measuring and sealing. The measure ~~shall~~ must be in 5 hogshead divisions measured by liquid measure from a calibrated prover to the top of the hatch coaming. The measurement ~~shall~~ must be marked and permanently sealed, both forward and aft, in the hold, in the most practicable manner, while the boat is afloat.

4. Notification of broken seals. The boat owner shall immediately notify the State Sealer of Weights and Measures of any alteration or the breaking of any seal.

5. Certification to commissioner. After measuring and sealing each boat, the State Sealer of Weights and Measures shall certify to the commissioner the name of the owner and the name and capacity of each boat.

Sec. B-7. 12 MRSA §6554, as amended by PL 1983, c. 662, §5, is further amended to read:

§6554. Pacific salmon; method of taking; limits

1. Minimum length. ~~It shall be unlawful to~~ A person may not take or possess Pacific salmon which are less than 14 inches in length.

2. Method of taking. ~~It shall be unlawful to~~ A person may not fish for or take Pacific salmon from the coastal waters by any means other than hook and line with a single hook.

3. Limits. ~~No~~ A person may not take more than 2 Pacific salmon ~~may be taken~~ in any one day.

4. Exception for aquaculture. A person lawfully engaged in the aquaculture of Pacific salmon ~~shall be~~ is exempt from this section ~~provided that if~~ that person holds a special license, if required, under section 6074.

5. Recommendations; commissioner. Nothing in this chapter may prohibit the commissioner from recommending to the Legislature changes in the limit on Pacific salmon that may be taken by hook and line with a single hook.

6. Penalty. A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 and not more than \$500 may be adjudged.

Sec. B-8. 12 MRSA §6703, sub-§1, as enacted by PL 1985, c. 662, §4, is amended to read:

1. License required. ~~It is unlawful for any~~ A person to may not engage in the activities authorized

by this license under this section without a current noncommercial scallop license.

Sec. B-9. 12 MRSA §6703, sub-§5 is enacted to read:

5. Penalty. A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 and not more than \$500 may be adjudged.

Sec. B-10. 12 MRSA §§6859 and 6860, as enacted by PL 1977, c. 661, §5, are amended to read:

§6859. Unmarked lobster shipping container

~~It shall be unlawful to ship, offer~~ A person who ships, offers to ship or accept accepts for shipment any lobsters or their parts in any container that is not clearly marked to indicate that it contains lobsters commits a civil violation for which a forfeiture of not less than \$100 and not more than \$500 may be adjudged.

§6860. Labeling of shrimp

~~It shall be unlawful to process~~ A person who processes and package packages shrimp, unless without clearly marking the country or state of origin is clearly marked on the container commits a civil violation for which a forfeiture of not less than \$100 and not more than \$500 may be adjudged.

Sec. B-11. 12 MRSA §6863, sub-§4 is enacted to read:

4. Penalty. A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 and not more than \$500 may be adjudged.

Sec. B-12. 12 MRSA §6956, as enacted by PL 1993, c. 448, §1, is amended to read:

§6956. Diver's down flag required

A person licensed to harvest a marine species by hand must display a diver's down flag when using a self-contained underwater breathing apparatus to harvest that species. For the purposes of this section, "diver's down flag" means the International Code Flag "A" as defined in navigation rules adopted by the United States Coast Guard. A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 and not more than \$500 may be adjudged.

PART C

Sec. C-1. 29-A MRSA §404, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Dismissal. A person served with a Violation Summons and Complaint charging a violation of this section may have the complaint dismissed if that person shows satisfactory evidence that the vehicle was registered at the time of the alleged violation. The clerk of the District Court violations bureau must dismiss the complaint if, prior to the date required for filing an answer to the complaint, the person charged files with the bureau a copy of the Violation Summons and Complaint together with satisfactory evidence that the vehicle was registered at the time of the alleged violation. If a person files a timely answer of "~~not contested~~" to a Violation Summons and Complaint alleging a violation of this section and that person presents satisfactory evidence to the court at the time of trial showing that the vehicle was registered at the time of the alleged violation, the court must dismiss the complaint.

Sec. C-2. 29-A MRSA §752, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

3. Violation. Any person, corporation, organization or other legal entity that knowingly violates this section commits a ~~Class D crime~~ traffic infraction. A violation of this section is a violation of Title 5, chapter 10.

Sec. C-3. 29-A MRSA §952, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

3. Penalty. A person who fails to comply with subsection 1, paragraphs A to E or subsection 4 commits a ~~Class E crime~~ traffic infraction.

Sec. C-4. 29-A MRSA §953, sub-§6, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

6. Penalty. A person who fails to comply with this section commits a ~~Class E crime~~ traffic infraction.

Sec. C-5. 29-A MRSA §955, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

3. Penalty. A person who fails to comply with this section commits a ~~Class E crime~~ traffic infraction.

Sec. C-6. 29-A MRSA §1003, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4. Record. A complete record must be kept at the licensee's established place of business, stating the hour and date the vehicle is loaned and returned, the serial number of the vehicle loaned, the loaner plate number and the registration number of the customer's

vehicle. Failure to keep this record is a ~~Class E crime~~ traffic infraction.

Sec. C-7. 29-A MRSA §1051, sub-§9, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

9. Penalty. A person who fails to obtain a vehicle auction business license as required by this section commits a ~~Class E crime~~ traffic infraction.

Sec. C-8. 29-A MRSA §1052, sub-§6, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

6. Penalty. Violation of this section is a ~~Class E crime~~ traffic infraction.

Sec. C-9. 29-A MRSA §1251, sub-§1-A, as enacted by PL 1995, c. 584, Pt. B, §5, is repealed and the following enacted in its place:

1-A. Residents required to obtain license. Within 30 days of becoming a resident of this State, a person shall apply to obtain a license in accordance with section 1301. A person who fails to comply with the requirement of this subsection and operates a motor vehicle on a public way or parking area commits:

A. A traffic infraction if the person has been a resident for less than 90 days; or

B. A Class E crime if the person has been a resident for at least 90 days.

Sec. C-10. 29-A MRSA §1408, sub-§3, as corrected by RR 1993, c. 2, §22, is amended to read:

3. Dismissal. A person served with a Violation Summons and Complaint charging a violation of this section may have the complaint dismissed if that person shows satisfactory evidence that the person held a valid license at the time of the alleged violation. The clerk of the District Court Violations Bureau must dismiss the complaint if, prior to the date required for filing an answer to the complaint, the person charged files a copy of the Violation Summons and Complaint with the bureau, together with evidence that the person held a valid license at the time of the alleged violation. If a person files a timely answer ~~of not contested~~ to a Violations Summons and Complaint alleging a violation of this section and that person presents satisfactory evidence to the court at the time of trial that the person held a valid license at the time of the alleged violation, the court must dismiss the complaint.

Sec. C-11. 29-A MRSA §1601, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4. Dismissal. A person served with a Violations Summons and Complaint charging a violation of this section may have the complaint dismissed if that person shows satisfactory evidence of liability insurance or financial responsibility that was in effect at the time of the alleged violation. The clerk of the District Court Violations Bureau must dismiss the complaint if, prior to the date required for filing an answer to the complaint, the person charged files a copy of the Violation Summons and Complaint with the bureau, together with satisfactory evidence of liability insurance or financial responsibility that was in effect at the time of the alleged violation. If a person files a timely answer ~~of not contested~~ to a Violations Summons and Complaint alleging a violation of this section and that person presents to the court at the time of trial satisfactory evidence of liability insurance or financial responsibility that was in effect at the time of the alleged violation, the court must dismiss the complaint.

Sec. C-12. 29-A MRSA §1612, last ¶, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

The operation, or the release for operation, of any vehicle registered under chapter 9, subchapter I that is not in compliance with this section is a ~~Class E crime~~ traffic infraction.

Sec. C-13. 29-A MRSA §1918, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

§1918. regrooved tires

A person commits a ~~Class E crime~~ traffic infraction if that person distributes, has for sale, offers for sale, sells or uses on a motor vehicle a pneumatic tire that has been regrooved below the original tread depth, unless that tire was originally manufactured with extra undertread material.

Sec. C-14. 29-A MRSA §2076, sub-§5, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

5. Penalty. An operator failing to comply with the requirements of ~~this section~~ subsection 1 or 2 commits a traffic infraction. An operator who fails to comply with subsection 3 commits a Class E crime. An operator commits a Class D crime if that operator is required to stop under subsection 3 and fails to stop for or yield the right-of-way to a train, engine or conveyance on the track.

Sec. C-15. 29-A MRSA §2101, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

§2101. Permitting unlawful use

A person commits a Class E crime if that person who knowingly authorizes or permits a vehicle owned by or under control of that person to be driven on a public way by any person not authorized under this Title or in violation of a provision of this Title- commits:

A. A traffic infraction if the violation the driver commits is a traffic infraction; or

B. A Class E crime if the violation the driver commits is a crime.

PART D

Sec. D-1. Application. This Act applies to violations committed on or after July 1, 2001.

Sec. D-2. Effective date. This Act takes effect July 1, 2001 except as otherwise provided.

Effective July 1, 2001, unless otherwise indicated.

CHAPTER 772

H.P. 480 - L.D. 687

An Act Regarding Wrongful Death Actions

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

Sec. 1. 18-A MRSA §2-804, sub-§(b), as amended by PL 1995, c. 577, §1, is further amended to read:

(b) Every such action must be brought by and in the name of the personal representative of the deceased person, and the amount recovered in every such action, except as otherwise provided, is for the exclusive benefit of the surviving spouse if no minor children, and of the children if no surviving spouse, and one-half for the exclusive benefit of the surviving spouse and one-half for the exclusive benefit of the minor children to be divided equally among them if there are both surviving spouse and minor children, and to the deceased's heirs to be distributed as provided in section 2-106 if there is neither surviving spouse nor minor children. The jury may give such damages as it determines a fair and just compensation with reference to the pecuniary injuries resulting from the death to the persons for whose benefit the action is brought and in addition shall give such damages as will compensate the estate of the deceased person for reasonable expenses of medical, surgical and hospital care and treatment and for reasonable funeral expenses, and in addition may give damages not exceeding ~~\$150,000~~ \$400,000 for the loss of comfort, society and companionship of the deceased, including

any damages for emotional distress arising from the same facts as those constituting the underlying claim, to the persons for whose benefit the action is brought, and in addition may give punitive damages not exceeding \$75,000, provided that the action is commenced within 2 years after the decedent's death. If a claim under this section is settled without an action having been commenced, the amount paid in settlement must be distributed as provided in this subsection. No settlement on behalf of minor children is valid unless approved by the court, as provided in Title 14, section 1605.

Sec. 2. Application. This Act applies to causes of action arising on or after the effective date of this Act.

See title page for effective date.

CHAPTER 773

H.P. 1736 - L.D. 2442

An Act Regarding the Solid Waste Hauling and Disposal Industry

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

Sec. 1. 38 MRSA §2111 is enacted to read:

§2111. Acquisition of solid waste and residue hauling assets

1. Prohibition. A person may not acquire, directly or indirectly, controlling stock or substantial assets that include those used in solid waste or residue hauling from a business engaged in and of which more than 1/2 of the revenue is derived from solid waste or residue hauling in the State without prior notice as required under subsection 2.

For the purposes of this subsection, "solid waste or residue hauling" means the collection, transportation or delivery of solid waste or residue to a transfer facility or station, incinerator or disposal site from residential or commercial generators and customers and includes hand pickup, containerized pickup and roll-off services.

2. Notice. The person acquiring controlling stock or substantial assets under subsection 1 shall provide notice of this acquisition to the Department of the Attorney General at least 30 days prior to the date of acquisition. That period may be shortened with the consent of the Attorney General.

3. Exception. Notwithstanding subsection 1, this section does not apply if the business from which