

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 2, 2002 to April 25, 2002**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 25, 2002**

**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**  
**2002**

(2) The space leased is limited to 50% or less of the available facility up to a total of 20,000 square feet.

See title page for effective date.

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## CHAPTER 526

S.P. 666 - L.D. 1870

### An Act to Make Minor Substantive Changes to the Tax Laws

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

**Sec. 1. 36 MRSA §1752, sub-§17-A, ¶G,** as amended by PL 2001, c. 396, §21, is further amended to read:

G. Rental of video ~~tapes~~ media and video equipment;

**Sec. 2. 36 MRSA §1752, sub-§23,** as repealed and replaced by PL 1989, c. 871, §8, is amended to read:

**23. Video media; video equipment.** "Video ~~tapes media~~" means prerecorded magnetic tapes used for noncommercial playback of images and sound on video equipment. ~~It also includes, and~~ other electronic audio and video media that provide for noncommercial interactive utilization by a person or persons, including digital video discs. "Video equipment" means equipment used to play ~~back~~ video ~~tapes media~~, equipment used for recording images and sound for subsequent noncommercial playback and equipment used for noncommercial interactive utilization of electronic audio and video media.

**Sec. 3. 36 MRSA §4362-A, sub-§§2 and 3,** as enacted by PL 1997, c. 458, §3, are amended to read:

**2. Applications; forms.** An application for a distributor's license must be made on a form prescribed and issued by the assessor ~~and must be accompanied by a fee of \$250~~. Licenses are issued in the form prescribed by the assessor and must contain the name and address of the license holder, the address of the place of business and such other information as the assessor may require for the proper administration of this chapter.

**3. Expiration and reissuance.** A distributor's license expires one year from the ~~31st~~ 30th day of ~~July~~ June next succeeding the date of issuance unless sooner revoked by the assessor pursuant to subsection 5 or unless the business with respect to which the license was issued is sold, in either of which cases the

holder of the license shall immediately surrender it to the assessor. ~~A license holder may submit an application to the assessor before the expiration date for a renewal of the license for a further period of 2 years, with the fee prescribed by subsection 2.~~

**Sec. 4. 36 MRSA §4402,** as amended by PL 2001, c. 382, §1, is further amended to read:

### §4402. Licenses

Every person engaging in the business of selling tobacco products as a distributor, or as a retailer that brings into this State or causes to be brought into this State tobacco products upon which the tax imposed by this chapter has not been paid, shall obtain a license from the State Tax Assessor before engaging in that business. Every license application must be made on a form prescribed by the assessor and must state the name and address of the applicant, the address of the applicant's principal place of business, and such other information as the assessor may require for the proper administration of this chapter. ~~The application must be accompanied by a fee of \$25, except that a fee is not required for distributors or unclassified importers licensed under chapter 703.~~ A person outside the State who ships or transports tobacco products to retailers in this State shall make application as a distributor and be granted by the assessor a license subject to all the provisions of this chapter and agree, upon applying for a license, to submit that person's books, accounts and records to examination by the bureau during reasonable business hours, and to accept service of process by mail when service is made in any proceeding involving enforcement of this chapter.

Each unclassified importer before importing, receiving or acquiring tobacco products from outside the State shall obtain a license from the State Tax Assessor. There is no fee for that license.

A license issued pursuant to this section expires on ~~July 31st~~ June 30th of each year unless sooner revoked by the State Tax Assessor. The license must be prominently displayed on the premises covered by the license and may not be transferred to any other person.

The State Tax Assessor may revoke or suspend the license or licenses of any person for violation of this chapter applicable to the sale of tobacco products. A license may not be revoked, canceled or suspended until after notice and hearing by the assessor.

**Sec. 5. 36 MRSA §5219-R,** as amended by PL 1999, c. 708, §48, is further amended to read:

**§5219-R. Credit for rehabilitation of historic properties**

A taxpayer is allowed a credit against the tax imposed under this Part equal to the amount of credit claimed by the taxpayer for the taxable year under Section 47 of the Code with respect to expenditures incurred after December 31, 1999 for a certified historic structure located in the State. The credit is nonrefundable and is limited to \$100,000 annually per taxpayer. A credit received under this section is subject to the same recapture provisions as apply to a credit received under Section 47 of the Code and to any available federal carry-back or carry-forward provisions.

**Sec. 6. Application.** That section of this Act that amends the Maine Revised Statutes, Title 36, section 141, subsection 2, paragraph A applies to assessments made on or after the effective date of this Act. That section of this Act that amends Title 36, section 5219-R applies to tax years beginning on or after January 1, 2001.

See title page for effective date.

**CHAPTER 527**

S.P. 678 - L.D. 1880

**An Act to Reduce Identity Theft by  
Regulating Electronically Printed  
Credit Card and Debit Card Receipts**

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

**Sec. 1. 10 MRSA c. 202-D** is enacted to read:

**CHAPTER 202-D****CREDIT CARD AND DEBIT CARD RECEIPTS****§1149. Electronically printed credit card and debit card receipts**

**1. Electronically printed receipts.** Except as provided in this section, a person, firm, partnership, association, corporation or limited liability company that accepts credit cards or debit cards for the transaction of business may not print more than the last 5 digits of the credit card or debit card account number or may not print the expiration date of the credit card or debit card on a receipt provided to a cardholder.

**2. Exception.** This section applies only to receipts that are electronically printed and does not apply to transactions in which the sole means of recording the cardholder's credit card or debit card

account number is by handwriting or by an imprint or copy of the credit card or debit card.

**3. Forfeiture; civil penalty.** A person, firm, partnership, association, corporation or limited liability company that violates this section is subject to a forfeiture not to exceed \$250 for the first violation and a civil penalty of \$1,000 for each subsequent violation. A forfeiture or civil penalty may not be assessed for a violation of this section if the person, firm, partnership, association, corporation or limited liability company demonstrates by a preponderance of the evidence that the defendant has adopted procedures reasonably designed to avoid errors and that the violation was unintentional and resulted from a bona fide error.

**4. Effective date.** This section takes effect January 1, 2004.

See title page for effective date.

**CHAPTER 528**

H.P. 1500 - L.D. 2003

**An Act to Prepare Residential  
Electricity Customers for  
Competitive Electricity Markets in  
Maine**

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** this legislation must take effect before the expiration of the 90-day period in order to allow adequate time to prepare for the possible end of standard-offer electricity services; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 35-A MRSA §3212, sub-§4,** as enacted by PL 1997, c. 316, §3, is amended to read:

**4. Implementation period and investigation.** Standard-offer service must be available until March 1, 2005. By ~~January 1, 2004~~ August 1, 2002, the commission shall begin an investigation to determine whether the continued availability of standard-offer service is necessary and in the public interest and, if so, how best to make such service available after