

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Lewiston, Maine
2003

county in which a Justice of the Superior Court is then sitting. The defendant's custodian shall provide transportation to the Superior Court as required by this chapter without the issuance of any writ or other process.

If there is no Justice of the Superior Court available, the defendant must be retained in custody until the petition can be considered.

B. The petition and such other papers as may accompany it ~~shall~~ must be delivered to the clerk of the Superior Court to which the defendant is transported and upon receipt the clerk shall notify the attorney for the State. ~~The petition shall have priority over any other matter before the Justice of the Superior Court. The Superior Court Justice considering the petition shall issue an order in accordance with~~ shall review the petition de novo and set bail in any manner authorized by section 1026.

C. Upon receipt of a pro se petition or upon oral or written request of the attorney for the defendant, the clerk shall set a time for hearing and provide oral or written notice to the attorney for the State. The hearing must be scheduled for a time not less than 24 hours nor more than 48 hours after the clerk notifies the attorney for the State.

2. By defendant not in custody. Any defendant ~~who is not in custody but who is aggrieved by the refusal a decision of a Judge of the District Court or a bail commissioner to authorize the defendant's release on personal recognizance or on the execution of an unsecured bond, and who is not in custody as a result of that refusal, acting under section 1026~~ may petition the Superior Court for a de novo determination of bail. The Superior Court Justice shall review the petition de novo and set bail in any manner authorized by section 1026. The petition ~~shall~~ must be considered as scheduled by the clerk.

3. No further relief. The determination by the Superior Court under this section is final and no further relief is available.

See title page for effective date.

CHAPTER 67

H.P. 330 - L.D. 422

An Act To Honor Purple Heart Award Recipients

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

Sec. 1. 29-A MRSA §515-B, first ¶, as amended by PL 2001, c. 361, §10, is further amended to read:

The Secretary of State, on application and upon evidence of payment of the excise tax required by Title 36, section 1482 ~~and the registration fee required by section 515,~~ shall issue a registration certificate and a Purple Heart motorcycle registration plate, to be used in lieu of a regular registration plate, to a person who is a Purple Heart medal recipient. Notwithstanding section 468, the Secretary of State may issue fewer than 2,000 of the plates authorized by this section, and this plate does not require a sponsor.

Sec. 2. 29-A MRSA §524, sub-§4, as amended by PL 2001, c. 155, §2, is further amended to read:

4. Purple Heart medal recipients; special license plates. The Secretary of State, on application and upon evidence of payment of the excise tax required by Title 36, section 1482 ~~and the registration fee required by section 501,~~ shall issue a registration certificate and a set of Purple Heart registration plates, to be used in lieu of regular registration plates, to a person who is a Purple Heart medal recipient.

An application for Purple Heart plates must be accompanied by proof that the applicant has been awarded the Purple Heart medal. The Secretary of State shall verify the documentation presented by the applicant. Misrepresentation of documents is in violation of section 2103, subsection 5.

The Secretary of State may ~~only~~ issue Purple Heart plates for display only on an automobile or pickup truck. A Purple Heart recipient may be issued Purple Heart plates for no more than 2 vehicles.

The surviving spouse of a Purple Heart recipient issued plates in accordance with this subsection may retain and display the Purple Heart plates as long as the surviving spouse remains unmarried. Upon remarriage, the surviving spouse may not use the Purple Heart plates on a motor vehicle, but may retain them as a keepsake. Upon the death of the surviving spouse, the family may retain the Purple Heart plates, but may not use them on a motor vehicle.

The Secretary of State shall determine the design of the Purple Heart plate. Upon request and as provided by section 453, the Secretary of State shall issue Purple Heart plates that are also vanity plates. Purple Heart vanity plates are issued in accordance with this section and section 453. The annual service fee of \$15 for vanity plates is credited to the Highway Fund.

A Purple Heart recipient or the surviving spouse of a Purple Heart recipient who does not operate a motor vehicle or register a motor vehicle and who otherwise

qualifies for the issuance of special Purple Heart registration plates may apply to the Secretary of State for a special single plate recognizing that award.

The Secretary of State shall design and identify these single plates for recognition purposes only. Single Purple Heart plates may not be attached to a motor vehicle. Only one plate may be issued to each recipient and a one-time fee of \$5 charged.

The Secretary of State shall begin issuing Purple Heart plates in accordance with this subsection no later than November 1, 1995.

See title page for effective date.

CHAPTER 68

H.P. 455 - L.D. 625

An Act Regarding the Sale of Hard Cider

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

Sec. 1. 28-A MRSA §14 is enacted to read:

§14. Hard cider sold by malt liquor licensees

Notwithstanding any other provision of this Title, a person licensed to sell malt liquor for consumption on or off premises may also sell hard cider. All provisions of this Title applicable to malt liquor apply to hard cider when hard cider is sold by persons licensed to sell malt liquor for consumption on or off premises.

See title page for effective date.

CHAPTER 69

S.P. 45 - L.D. 122

An Act Regarding the Sampling of Products

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

Sec. 1. 28-A MRSA §1402-A, sub-§3-A is enacted to read:

3-A. Partial-bottle wine samples. The products are partial-bottle wine samples provided to licensees licensed for on-premises consumption. The agent providing the sample shall maintain a log stating the names of the licensees who sampled the product and the amount sampled. Partial bottle samples must be properly sealed between tastings;

Sec. 2. 28-A MRSA §1402-A, sub-§4, as enacted by PL 1997, c. 228, §1, is amended to read:

4. Maximum annual sample established. The maximum amount of samples given to a retail licensee may not exceed 3 2 gallons of beer and 3 gallons malt beverage and 9 liters of wine annually;

See title page for effective date.

CHAPTER 70

S.P. 113 - L.D. 331

An Act Restricting Telemarketers from Blocking Their Telephone Numbers When Making Solicitation Calls

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

Sec. 1. 10 MRSA §1499-A is enacted to read:

§1499-A. Telemarketing; prohibition on number blocking

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Caller identification service" means a service that allows a telephone subscriber to have the telephone number and, where available, name of the calling party transmitted contemporaneously with the telephone call and displayed on a device in or connected to the subscriber's telephone.

B. "Seller" means any person who, in connection with a telemarketing transaction, provides, offers to provide or arranges for others to provide goods or services to the customer in exchange for consideration.

C. "Telemarketer" means any person who, in connection with telemarketing, initiates or receives telephone calls to or from a customer or donor.

D. "Telemarketing" means a plan, program or campaign that is conducted by use of one or more telephones to induce the purchase of goods or services or a charitable contribution and that involves more than one intrastate telephone call. "Telemarketing" does not include the solicitation of sales through the mailing of a catalog that contains a written description or illustration of the goods or services offered for sale, the business address of the seller and multiple pages of