

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

THE GENERAL EFFECTIVE DATE FOR
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.

Penmor Lithographers
Lewiston, Maine
2003

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

written material or illustrations, and that is issued not less frequently than once a year, if the person making the solicitation does not solicit customers by telephone but only receives calls initiated by customers in response to the catalog and during those calls takes orders without further solicitation. For purposes of this paragraph, the term "further solicitation" does not include providing the customer with information about, or attempting to sell, any other item included in the same catalog that prompted the customer's call or in a substantially similar catalog.

2. Prohibition. Except as provided in subsection 3, it is an unfair trade practice, as prohibited by Title 5, section 207, for a seller or telemarketer to fail to transmit or cause to be transmitted the telephone number and, when made available by the telemarketer's carrier, the name of the telemarketer to any caller identification service in use by a recipient of a telemarketing call.

3. Exception. It is not a violation of subsection 2 for a seller or telemarketer to substitute for the name and telephone number used in or billed for making the call:

A. The name of the seller or charitable organization on whose behalf the telemarketing call is placed; and

B. The seller's or charitable organization's customer or donor service telephone number that is answered during regular business hours.

Sec. 2. Effective date. This Act takes effect January 29, 2004.

Effective January 29, 2004.

CHAPTER 71

H.P. 280 - L.D. 360

An Act To Strengthen the Animal Control Laws

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

Sec. 1. 7 MRSA §3952, first ¶, as enacted by PL 1999, c. 350, §2, is amended to read:

A person who owns or keeps a dangerous dog commits a civil violation for which ~~a forfeiture of not more than \$1,000, plus costs, may be adjudged~~ the court shall adjudge a fine of not less than \$250 and not

more than \$1,000, plus costs, none of which may be suspended.

See title page for effective date.

CHAPTER 72

S.P. 191 - L.D. 551

An Act To Suspend Property Tax Abatement Appeals When the Taxpayer Fails To Pay Taxes

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

Whereas, there are currently property tax abatement appeals before the State Board of Property Tax Review that would be affected by this legislation; and

Whereas, the municipalities involved in these appeals are significantly affected by the failure of significant taxpayers to make current tax payments; 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. 36 MRSA §844, sub-§4, as amended by PL 1995, c. 262, §8, is further amended to read:

4. Payment requirements for taxpayers. If the taxpayer has filed an appeal under this section without having paid an amount of current taxes equal to the amount of taxes paid in the next preceding tax year, provided that amount does not exceed the amount of taxes due in the current tax year, or the amount of taxes in the current tax year not in dispute, whichever is greater, by or after the due date, or according to a payment schedule mutually agreed to in writing by the taxpayer and the municipal officers, the appeal process must be suspended until the taxes, together with any accrued interest and costs, have been paid. If an appeal is in process upon expiration of a due date or written payment schedule date for payment of taxes in a particular municipality, without the appropriate amount of taxes having been paid, whether the taxes are due for the year under appeal or a subsequent tax year, the appeal process must be suspended until the appropriate amount of taxes described in this subsection, together with any accrued interest and costs, has