

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2003**

A. For harvesting shellfish from a closed area ~~or digging shellfish without a license:~~

(1) For the first offense, a fine of not less than \$300 ~~and not more than \$1,500~~; and

(2) For subsequent offenses, a fine of not less than \$500 ~~and not more than \$1,500~~.

The court may not suspend a fine imposed under this paragraph ~~or impose a penalty other than the monetary payment of a fine as provided in this paragraph~~; or

B. For violating any other provision of a municipal ordinance adopted under this section, a fine of not less than \$100 ~~and not more than \$1,000~~.

A fine for a violation of article 5 must be as provided by section 6681.

**Sec. 2. 12 MRSA §6671, sub-§10-A** is enacted to read:

**10-A. Civil penalty.** A person who digs for shellfish without a municipal shellfish license commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

See title page for effective date.

## CHAPTER 285

H.P. 1074 - L.D. 1469

### An Act To Raise the Fee Cap for Dentists

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

**Sec. 1. 32 MRSA §1084**, as amended by PL 1993, c. 600, Pt. A, §66, is further amended to read:

#### §1084. Licenses; fees

The board shall issue under its seal to any person who successfully meets all licensure requirements a license to practice dentistry in this State, signed by the members of the board. A dentist shall publicly exhibit the dentist's license. The license is prima facie evidence of authority to practice dentistry in this State, except that it is unlawful for a person to practice dentistry in this State after the expiration date that appears on the license unless the practitioner pays to the board on or before January 1st of even-numbered years a fee of not more than ~~\$200~~ \$400 to be determined by the board, and meets other conditions that the board may require. Upon receipt of the required fee, the board shall issue a renewal of the practitioner's

license, which the practitioner shall place beside or attach to the practitioner's initial license. Practitioners who have not paid as provided and who otherwise qualify for renewal may be reinstated upon payment of a fee to be determined by the board of not more than ~~\$100~~ \$200 if paid before February 1st. A license to practice is automatically suspended on February 1st for nonpayment of the license renewal fee and may be reinstated, if approved by the board, on payment of a fee to be determined by the board of not more than ~~\$200~~ \$400. A new applicant having paid the application fee shall pay either the biennial licensure fee, if the applicant applies on an even-numbered year, or half the biennial licensure fee if the applicant applies in an odd-numbered year.

**Sec. 2. 32 MRSA §1085**, as amended by PL 2001, c. 260, Pt. B, §3, is further amended to read:

#### §1085. Endorsement; fees

The board is authorized, at its discretion, without the examination as provided, to issue a license to an applicant who furnishes proof, satisfactory to the board, that the applicant has been licensed to practice dentistry in another state after full compliance with the requirements of its dental laws. If an applicant is licensed to practice dentistry in another state, that applicant's professional education may not be less than is required in this State and the applicant must have been at least 3 years in actual practice in the state in which the license was granted. Applicants for licensure by endorsement who meet the requirements of this section must be interviewed in person by the board or members of the board, prior to being issued a license. Every license of this type issued by the board must state upon its face the grounds upon which it is issued and the applicant may be required to furnish proof upon affidavit. The fee for the license is determined by the board, but may not be more than ~~\$300~~ \$400.

**Sec. 3. 32 MRSA §1087**, as amended by PL 1993, c. 600, Pt. A, §70, is further amended to read:

#### §1087. Fee for duplicate license

An applicant for a duplicate license granted upon proof of loss of the original shall pay a fee of ~~\$15~~ no more than \$50.

See title page for effective date.

## CHAPTER 286

S.P. 477 - L.D. 1439

### An Act To Protect Young Drivers and Passengers

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

**Sec. 1. 29-A MRSA §1304, sub-§1, ¶H**, as amended by PL 1999, c. 545, §1, is further amended to read:

H. A person under 21 years of age may not apply for a license unless:

(1) A period of ~~3~~ 6 months has passed from the date the person was issued an instruction permit; and

(2) The person has completed a minimum of 35 hours of driving, including 5 hours of night driving, while accompanied by a parent, guardian or licensed driver at least 20 years of age. The parent, stepparent or guardian, or a spouse or employer pursuant to section 1302, subsection 1, paragraphs B and C, must certify the person's driving time on a form prescribed by the Secretary of State.

A person 21 years of age or older is not required to submit certification of driving time to the Secretary of State.

**Sec. 2. 29-A MRSA §1304, sub-§1, ¶I** is enacted to read:

I. A person who has been issued an instruction permit may not operate a motor vehicle while using a mobile telephone. For the purpose of this paragraph, "mobile telephone" means a device used to access a wireless telephone service.

A person who violates this paragraph commits a traffic infraction.

**Sec. 3. 29-A MRSA §1310**, as amended by PL 2001, c. 361, §29, is repealed.

**Sec. 4. 29-A MRSA §1311** is enacted to read:

**§1311. Intermediate license**

**1. Restricted license.** A person under 18 years of age who has been issued a driver's license may not:

A. Carry passengers other than immediate family members unless accompanied by a licensed operator who meets the requirements of section 1304, subsection 1, paragraph E;

B. Operate a motor vehicle between the hours of 12 a.m. and 5 a.m.; or

C. Operate a motor vehicle while using a mobile telephone.

For the purpose of this paragraph, "mobile telephone" means a device used to access a wireless telephone service.

**2. Period of restrictions.** Unless extended pursuant to subsection 3, the license restrictions in subsection 1 are in effect for a period of 180 days from license issuance.

**3. Extension of restrictions.** A person who is adjudicated for violating this section must have the license restrictions in subsection 1 extended for an additional period of 180 days. The additional period of license restrictions may extend beyond the person's 18th birthday. Any violation of the license restrictions during the period of this extension must result in a further extension of the license restrictions pursuant to this section.

**4. Penalty.** A person who violates this section commits a traffic infraction.

**Sec. 5. 29-A MRSA §2471, sub-§2**, as amended by PL 1997, c. 737, §14, is further amended to read:

**2. Suspension terms.** If a person is convicted or adjudicated of a moving motor vehicle violation that occurred during the period of the provisional license, the Secretary of State shall suspend the license without right to hearing:

A. For ~~60~~ 30 days on the 1st offense;

B. For ~~90~~ 60 days on the 2nd offense; and

C. ~~To the 2nd birthday following the date of issue or for 120 days, whichever is longer; For 90 days on the 3rd offense.~~

~~A person whose provisional license is suspended may request a hearing pursuant to section 2483.~~

**Sec. 6. 29-A MRSA §2472, sub-§2**, as amended by PL 1997, c. 737, §16, is further amended to read:

**2. Suspension terms for moving violations.** If a person who has not yet attained the age of 21 years is convicted or adjudicated of a moving motor vehicle violation that occurred within ~~the first year from the date of issue of a juvenile provisional license issued prior to August 1, 1998 or within 2 years from the date of issue of a juvenile provisional license issued after July 31, 1998,~~ the Secretary of State shall suspend the license without right to hearing:

A. For ~~60~~ 30 days on the 1st offense;

B. For ~~90~~ 60 days on the 2nd offense; and

C. ~~To the 2nd birthday following the date of issue or for 120 days, whichever is longer, For 90 days on the 3rd offense.~~

~~A person whose juvenile provisional license is suspended may request a hearing pursuant to section 2483.~~

See title page for effective date.

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**CHAPTER 287**

**S.P. 511 - L.D. 1523**

**An Act To Change the Tax Laws as They Apply to Combat Troops**

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

**Sec. 1. 36 MRSA §5116** is enacted to read:

**§5116. Tax waiver for combat casualty**

A taxpayer whose income tax liability is forgiven pursuant to Section 692 of the Code for any tax year is entitled to a waiver of state income tax for the same tax year, including any related interest and penalty, in the same manner in which the federal tax liability is forgiven. In the case of a joint return, the waiver is equal to the proportion of the tax on the joint return equal to the ratio of the deceased taxpayer's tax liability computed as if both taxpayers were filing separately to the sum of the deceased taxpayer's tax liability and the taxpayer's spouse's tax liability computed as if filing separately.

**Sec. 2. Application.** This Act applies to tax years beginning on or after January 1, 2003.

See title page for effective date.

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**CHAPTER 288**

**S.P. 523 - L.D. 1554**

**An Act Regarding Eligibility under the Municipal Investment Trust Fund**

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

Whereas, funds from bond issuances will be available to the Municipal Investment Trust Fund in the coming months, and this Act will enable the fund to make grants and loans in a timely manner for critical downtown revitalization projects; 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. 30-A MRSA §5953-D, sub-§1-A,** as enacted by PL 1999, c. 776, §13, is amended to read:

**1-A. Application for downtown improvement grants and loans.** In addition to the other forms of financial assistance available under section 6006-D, an eligible municipality or group of municipalities may apply for a downtown improvement grant or loan from the fund, the proceeds of which must be used to acquire, design, plan, construct, enlarge, repair or protect downtown improvements.

The bank, in conjunction with the Department of Economic and Community Development, may prescribe an application form or procedure for an eligible municipality or group of municipalities to apply for a grant or a loan under this subsection. The application must include all information necessary for the purpose of implementing this section and section 6006-D.

**Sec. 2. 30-A MRSA §5953-D, sub-§3, ¶¶D and E,** as repealed and replaced by PL 2001, c. 667, Pt. A, §49, are amended to read:

D. In the case of a ~~public service infrastructure~~ grant or loan, the Department of Economic and Community Development affirms that the applicant has met the conditions of this paragraph.

(1) A municipality is eligible to receive a grant or a loan, or a combination of both, if that municipality has adopted a growth management program certified under section 4347-A that includes a capital improvement program composed of the following elements:

(a) An assessment of all public facilities and services, such as, but not limited to, roads and other transportation facilities, sewers, schools, parks and open space, fire and police;

(b) An annually reviewed 5-year plan for the replacement and expansion of existing public facilities or the construction of such new facilities as are required to meet expected growth and economic development. The plan must include projections of when and