

# 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**

When an inventory has not been filed or furnished as required under this section and an interested party makes a prima facie case that property that should have been inventoried is now missing, the personal representative has the burden of proving by a preponderance of the evidence that the specific property would properly be excluded from the inventory.

See title page for effective date.

**CHAPTER 379**

**H.P. 186 - L.D. 227**

**An Act to Ban Smoking in Beano and Bingo Halls**

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

**Sec. 1. 22 MRSA §1542, sub-§2, ¶K**, as enacted by PL 1993, c. 342, §1 and affected by §9, is amended to read:

K. Smoking is not prohibited in public places when beano or bingo games are being conducted in accordance with the provisions of Title 17, ~~sections 314 and~~ section 314-A.

See title page for effective date.

**CHAPTER 380**

**H.P. 474 - L.D. 644**

**An Act To Assist Regional Transportation Providers To Comply with the Booster Seat Law**

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

**Sec. 1. 29-A MRSA §2081, sub-§1, ¶C**, as enacted by PL 2001, c. 585, §1 and affected by §6, is amended to read:

C. "Federally approved child restraint system" means a child ~~passenger safety restraint system that is intended to be used as crash protection in vehicles that is designed to elevate a child to enable that child to properly sit in a federally approved lap and shoulder belt system~~ and that meets the requirements of the Federal Motor Vehicle Safety ~~Standards~~ Standard 213.

**Sec. 2. 29-A MRSA §2081, sub-§3, ¶A**, as enacted by PL 2001, c. 585, §3 and affected by §6, is amended to read:

A. The operator shall ensure that a child who weighs at least 40 pounds but less than 80 pounds and who is less than 8 years of age is properly secured in a federally approved child restraint system. Nonprofit, municipal or contracted transportation service providers are exempt from this paragraph until February 1, 2005, except that the operator shall ensure that the child is properly secured in a seat belt.

**Sec. 3. 29-A MRSA §2081, sub-§3, ¶B**, as amended by PL 2001, c. 710, §15 and affected by §16, is further amended to read:

B. The operator shall ensure that a child who is less than 18 years of age and at least 8 years of age or who is less than 18 years of age and more than 4 feet, 7 inches in height is properly secured in a seat belt ~~unless that child is required to be secured in a federally approved child restraint system pursuant to this subsection or in a child safety seat pursuant to subsection 2.~~

**Sec. 4. 29-A MRSA §2081, sub-§4, ¶D**, as amended by PL 1995, c. 597, §3, is further amended to read:

D. A violation of subsection 3 or 3-A is a traffic infraction. The fine for a violation of subsection 3 or 3-A may not be less than \$25 nor more than \$50. A written warning must be issued in lieu of a fine for a violation of subsection 3 until September 1, 2003. After September 1, 2003 a fine may be imposed for a violation of subsection 3.

**Sec. 5. Retroactivity.** This Act applies retroactively to January 1, 2003.

See title page for effective date.

**CHAPTER 381**

**H.P. 106 - L.D. 97**

**An Act To Change the Personnel Employed by the Commission on Governmental Ethics and Election Practices**

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

**Sec. 1. 1 MRSA §1002, sub-§5**, as amended by PL 2001, c. 470, §3, is further amended to read:

**5. Employees.** The commission shall employ an administrative executive director and such other assistance as may be necessary to carry out its duties. The commission also shall retain a general counsel or a computer analyst as an employee of the commission,