

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

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,

based on the staffing needs of the executive director. ~~The If the commission employs a general counsel, the general counsel may not hold any other state office or otherwise be employed by the State. Compensation paid to the commission's general counsel must be paid using funds from the Maine Clean Election Fund established by Title 21-A, section 1124. The commission shall select the administrative executive director and general counsel by an affirmative vote of at least 4 commission members.~~

See title page for effective date.

CHAPTER 382

H.P. 488 - L.D. 658

An Act To Improve the Operation of the Workers' Compensation Board

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

Sec. 1. 39-A MRSA §151, sub-§1, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

1. Board established. Pursuant to Title 5, section 12004-G, subsection 35, the Workers' Compensation Board is established as an independent board composed of 8 members. The members of the board must be appointed by the Governor within 30 days after a new board member is authorized or a vacancy occurs, subject to review by the joint standing committee of the Legislature having jurisdiction over ~~state and local government~~ labor matters and confirmation by the Legislature. Notwithstanding the provisions of Title 3, section 151, the designated committee shall complete its review of the appointments of the Governor within 15 days of the Governor's written notice of appointment and the vote of the Legislature must be taken no later than 7 days after the vote of the designated committee.

Four members of the board must be representatives of management and 4 members must be representatives of labor. All management representatives must be appointed from a list provided by the Maine Chamber of Commerce and Industry or other bona fide organization or association of employers. All labor representatives must be from a list provided by the Executive Board of the Maine AFL-CIO or other bona fide labor organization or association of employees representing at least 10% of the Maine work force. Any list submitted to the Governor must have at least 4 times the number of names as there are vacancies for the group represented by the vacancies.

A member of the board is not liable in a civil action for any act performed in good faith in the execution of duties as a board member.

A member of the board may not be a lobbyist required to be registered with the Secretary of State, a service provider to the workers' compensation system or a representative of a service provider to the workers' compensation system.

Members of the board hold office for staggered terms of 4 years, except for the initial members of the board. The terms of one member representing management and one member representing labor expire February 1st of each year. A member may not serve for more than 2 full terms.

The Governor shall initially designate one member representing management and one member representing labor for terms expiring February 1, 1994; one member representing management and one member representing labor for terms expiring February 1, 1995; one member representing management and one member representing labor for terms expiring February 1, 1996; and one member representing management and one member representing labor for terms expiring February 1, 1997.

See title page for effective date.

CHAPTER 383

H.P. 790 - L.D. 1072

An Act Regarding Filing and Certification Fees

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

Sec. 1. 18-A MRSA §1-602, sub-§(2), ¶(xx), as enacted by PL 1997, c. 18, §1, is amended to read:

(xx) More than \$2,000,000, \$750, and continuing in steps of \$50 for every increase in value of \$500,000 or part thereof above \$2,500,000.

See title page for effective date.

CHAPTER 384

S.P. 111 - L.D. 329

An Act to Encourage the Use of Generic Drugs

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