

# 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**

**20. Profits.** If a court determines that a person has violated this section, the court shall order any profits, gain, gross receipts or other benefit from the violation to be paid to the Fund for a Healthy Maine. Unless otherwise expressly provided, the remedies or penalties provided by this section are cumulative to each other and to the remedies or penalties available under all other laws of this State.

**21. Construction; severability.** If a court of competent jurisdiction finds that the provisions of this section and of subchapter 3 conflict, then the provisions of subchapter 3 control. If any portion of this section causes subchapter 3 to no longer constitute a qualifying or model statute, as those terms are defined in the Master Settlement Agreement, then that portion of this section is not valid.

**Sec. 2.** **36 MRSA §4362-A, sub-§3**, as amended by PL 2001, c. 526, §3, is further amended to read:

**3. Expiration and reissuance.** A distributor's license expires one year from the 30th day of June next succeeding the date of issuance unless sooner revoked by the assessor pursuant to subsection 5 or unless the business with respect to which the license was issued is sold, in either of which cases the holder of the license shall immediately surrender it to the assessor.

A person may not be issued a distributor's license or granted a renewal of a license unless the person certifies in writing to the Attorney General that the person is in compliance with Title 22, section 1580-L.

**Sec. 3.** **36 MRSA §4383**, as enacted by PL 2001, c. 322, §1, is repealed.

**Sec. 4.** **36 MRSA §4402**, as amended by PL 2001, c. 526, §4, is further amended by adding at the end a new paragraph to read:

A person may not be issued a license or granted a renewal of a license unless the person certifies in writing to the Attorney General that the person is in compliance with Title 22, section 1580-L.

**Sec. 5. Initial certification due.** Notwithstanding the Maine Revised Statutes, Title 22, section 1580-L, subsections 2 and 3, the initial certification required by those sections must be filed by a tobacco product manufacturer 45 days after the effective date of this Act.

**Sec. 6. Availability of directory.** No later than 90 days after the effective date of this Act the Attorney General shall make available for public inspection the directory required by the Maine Revised Statutes, Title 22, section 1580-L, subsection 6.

See title page for effective date.

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## CHAPTER 440

H.P. 867 - L.D. 1170

### An Act To Redefine "Muzzle-loading Firearm"

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

**Sec. 1.** **12 MRSA §7001, sub-§23-A**, as repealed and replaced by PL 1993, c. 438, Pt. A, §2, is repealed and the following enacted in its place:

**23-A. Muzzle-loading firearm.** "Muzzle-loading firearm" means a muzzleloader, a traditional muzzleloader or a muzzle-loading shotgun.

**Sec. 2.** **12 MRSA §7001, sub-§§23-B and 23-C** are enacted to read:

**23-B. Muzzleloader.** "Muzzleloader" means a firearm that:

A. Is capable of being loaded only through the muzzle;

B. Is ignited by a matchlock, wheel lock, flintlock or caplock, including an in-line caplock or shotgun or rifle primer mechanism;

C. Has a rifled or smooth-bored barrel or barrels, each barrel capable of firing only a single charge;

D. Propels a ball, bullet or charge of shot; and

E. May have any type of sights, including scopes.

**23-C. Muzzle-loading shotgun.** "Muzzle-loading shotgun" means a firearm that:

A. Is capable of being loaded only through the muzzle;

B. Is ignited by a matchlock, wheel lock, flintlock or caplock with an exposed ignition mechanism;

C. Has a smooth-bored single or double barrel, each barrel capable of firing only a single charge;

D. Is charged with black powder or black powder replica only;

E. Propels a load of shot for the purposes of fowling or small game hunting;

F. Propels a charge of buckshot, patched round ball or full-bore diameter lead bullet for purposes of big or small game hunting; and

G. May have only open or aperture sights.

**Sec. 4. 12 MRSA §7001, sub-§38-B** is enacted to read:

**38-B. Traditional muzzleloader.** "Traditional muzzleloader" means a firearm that:

A. Is capable of being loaded only through the muzzle;

B. Is ignited by a matchlock, wheel lock, flintlock or caplock with an exposed ignition mechanism;

C. Has a rifled or smooth-bored barrel or barrels, each barrel capable of firing only a single charge;

D. Is charged with black powder or black powder replica only;

E. Propels a lead ball, full-bore diameter lead bullet or charge of shot; and

F. May have only open or aperture sights.

See title page for effective date.

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## CHAPTER 441

H.P. 510 - L.D. 693

### An Act To Ensure the Safety of Children Touring Incinerator Facilities

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

**Sec. 1. 38 MRSA §590-F** is enacted to read:

**§590-F. Safety precautions for children touring incinerator facilities**

A resource recovery facility burning municipal solid waste may not permit students who have not yet entered 7th grade to enter the facility for the purpose of touring the facility. Prior to allowing 7th grade, 8th grade and secondary school students of a public or

private school to enter a resource recovery facility that burns municipal solid waste for the purpose of touring the facility:

**1. List of violations to superintendent or headmaster.** The facility shall send to the office of the superintendent within the school administrative unit or to the headmaster of the private school a list of air quality violations issued to the facility by the federal Occupational Safety and Health Administration within the last 2 years; and

**2. List to parents.** The office of the superintendent or the headmaster shall send the list of violations under subsection 1 to the parent or guardian of any participating student.

See title page for effective date.

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## CHAPTER 442

H.P. 820 - L.D. 1117

### An Act Regarding Wrongful Discharge

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

**Sec. 1. 26 MRSA §42-B, sub-§2**, as enacted by PL 2001, c. 242, §1, is amended to read:

**2. Notice of cause for termination.** The bureau shall include in one of the posters or notices under subsection 1 the following information regarding at-will employment:

Under Maine law, an at-will employee may be terminated for any reason not specifically prohibited by law. In most instances, you are an at-will employee unless you are covered by a collective bargaining agreement or other contract that limits termination. If you have questions about at-will employment, contact your human resources department or the State Department of Labor, Bureau of Labor Standards.

The notice must be printed in bold type of at least 24 points.

**Sec. 2. Posters not reprinted.** The Department of Labor, Bureau of Labor Standards shall make the change required in this Act in its next reprinting of the regulation of employment poster.

See title page for effective date.