

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

the owner of a partnership, limited liability company, S corporation, trust or other entity that is treated as a pass-through entity for income tax purposes under the Code, the amount of the credit allowed under subsection 1 is the amount of tax otherwise due under this Part that relates to taxable income received by the sole proprietor or owner from the qualified business as apportioned.

4. Limitation. The credit provided by this section may not be claimed for tax years beginning on or after January 1, 2019.

Sec. NNN-6. 36 MRSA §6754, sub-§1, ¶D is enacted to read:

D. For qualified Pine Tree Development Zone employees, as defined in Title 30-A, section 5246, subsection 18, employed directly in the qualified business activity of a qualified Pine Tree Development Zone business, as defined in Title 30-A, section 5246, subsection 17, for whom a certificate of qualification has been issued in accordance with Title 30-A, section 5250-B, the reimbursement under this subsection is equal to 80% of the withholding taxes withheld each year for which reimbursement is requested and attributed to those qualified employees for a period of no more than 10 years. In no event may reimbursement under this subsection be paid for years beginning after December 31, 2018.

Sec. NNN-7. Administrative costs to be absorbed. The Department of Administrative and Financial Services, Bureau of Revenue Services shall absorb within existing resources any administrative costs involved in the implementation of this Part.

Sec. NNN-8. Application. That section of this Part that enacts the Maine Revised Statutes, Title 36, section 2529 applies to calendar years beginning on or after January 1, 2004. That section of this Part that enacts Title 36, section 5219-W applies to tax years beginning on or after January 1, 2004. That section of this Part that enacts Title 36, section 6754, subsection 1, paragraph D applies to withholding taxes withheld by a qualified Pine Tree Development Zone business on or after January 1, 2004.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved, except as otherwise indicated.

Effective June 12, 2003, unless otherwise indicated.

CHAPTER 452

H.P. 1149 - L.D. 1567

An Act To Implement Recommendations of the MCJUSTIS Policy Board Concerning the Drafting of Crimes and Civil Violations Pursuant to Resolve 1997, Chapter 105, as Amended

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

PART A

Sec. A-1. 5 MRSA §3307-C, sub-§2, as amended by PL 2001, c. 471, Pt. A, §3, is further amended to read:

2. Reporting of owners and lessees of primary storage facilities. Each owner or lessee of primary storage facilities in the State shall make an accurate report on the first and 3rd Monday of each month to the State Planning Office on a form provided by the director. ~~This~~ The form must contain a conspicuous statement of the penalties provided in subsection 4 and must require the following information:

- A. The total inventory of each petroleum product stored in the State, as measured within not more than 3 working days prior to the reporting date; and
- B. The quantities of each petroleum product delivery expected into the State within 15 days of the reporting date or within any longer period established by the director.

Sec. A-2. 5 MRSA §3307-C, sub-§3, as amended by PL 1999, c. 758, §2, is further amended to read:

3. Reporting of primary suppliers. Each primary supplier of petroleum products shall make an accurate report on the 3rd Monday of each month to the State Planning Office on a form provided by the director, unless the report is already being submitted in accordance with federal regulations. The form must contain a conspicuous statement of the penalties

provided in subsection 4 and must require the following information:

~~This form shall contain a conspicuous statement of the penalties provided in subsection 4 and shall require the following information:~~

- A. Actual deliveries of all petroleum products in this State during the preceding calendar month;
- B. Anticipated deliveries of all petroleum products in this State during the following calendar month or during any longer period established by the director; and
- C. Allocation fractions for all petroleum products for the following month or for any longer period established by the director.

Sec. A-3. 5 MRSA §3307-C, sub-§4, as enacted by PL 1989, c. 501, Pt. DD, §13, is repealed and the following enacted in its place:

4. Penalty provisions. A person who violates this section is subject to the following penalties.

- A. An owner or lessee of a primary storage facility or a primary supplier covered by this section who fails to provide the information required by this section commits a Class D crime. Violation of this paragraph is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.
- B. An owner or lessee of a primary storage facility or a primary supplier covered by this section who knowingly or recklessly supplies false or misleading information is guilty of a violation of Title 17-A, section 453.
- C. An owner or lessee of a primary storage facility who supplies false or misleading information commits a civil violation for which a fine of \$2,500 may be adjudged.

PART B

Sec. B-1. 7 MRSA §445, as amended by PL 1977, c. 696, §57, is repealed and the following enacted in its place:

§445. Permits

1. Violation. After notice of the establishment of grades or standards and the determination of brands, labels or trademarks, a person may not use a brand, label or trademark to identify farm products and sardines as being of a grade established before a permit is granted or after the revocation of the right to use such brand, label or trademark by the commissioner.

2. Penalty. The following penalties apply to violations of this section.

- A. A person who violates subsection 1 commits a civil violation for which a fine of not more than \$50 may be adjudged.
- B. A person who violates subsection 1 after having previously violated subsection 1 commits a civil violation for which a fine of not more than \$200 may be adjudged.

Sec. B-2. 7 MRSA §488, as repealed and replaced by PL 1977, c. 696, §59, is repealed.

Sec. B-3. 7 MRSA §488-A is enacted to read:

§488-A. Prohibitions and penalties

1. Violation. A person may not adulterate or misbrand, within the meaning of this Title, any commercial feeding stuff, commercial fertilizer, drug, food or vinegar or manufacture, sell, distribute, transport, offer or expose for sale, distribution or transportation any article of commercial feeding stuff, commercial fertilizer, drug, food or vinegar in violation of this Title.

2. Penalty. The following penalties apply to violations of this section.

- A. A person who violates subsection 1 commits a civil violation for which a fine of not more than \$100 may be adjudged.
- B. A person who violates subsection 1 after having previously violated subsection 1 commits a civil violation for which a fine of not more than \$200 may be adjudged.

Sec. B-4. 7 MRSA §489, as amended by PL 1981, c. 470, Pt. A, §10, is further amended to read:

§489. Exceptions

~~No~~ A person shall may not be prosecuted under chapter 401, and sections 481 to 488 488-A and 640 to 643, when he that person can establish proof of purchase, and a guaranty signed by the person residing in the United States from whom the purchase was made, to the effect that the article in question is not adulterated or misbranded within the meaning of this Title.

Sec. B-5. 7 MRSA §530-A, sub-§3, as enacted by PL 2001, c. 334, §1, is amended to read:

3. Misbranding. If a manufacturer, distributor, processor, wholesaler or retailer falsely labels or advertises any food, food product or food ingredient offered for sale in the State as free of or made without recombinant deoxyribonucleic acid technology,

genetic engineering or bioengineering, the food, food product or food ingredient is misbranded in violation of section 488 488-A.

Sec. B-6. 7 MRSA §616-A, sub-§2, as enacted by PL 1989, c. 841, §3, is repealed and the following enacted in its place:

2. Civil violations. The following violations are civil violations.

A. A person may not violate this subchapter or a rule adopted pursuant to this subchapter or Title 22, chapter 258-A or a rule adopted pursuant to Title 22, chapter 258-A. Except as provided in paragraph B, the following penalties apply to violations of this paragraph.

(1) A person who violates this paragraph commits a civil violation for which a fine of not more than \$1,500 may be adjudged.

(2) A person who violates this paragraph after having previously violated this paragraph within the previous 4-year period commits a civil violation for which a fine of not more than \$4,000 may be adjudged.

B. A private applicator, as defined in Title 22, section 1471-C, may not violate a rule regarding records maintained pursuant to section 606, subsection 2, paragraph G; Title 22, section 1471-Q; or a rule adopted pursuant to Title 22, section 1471-Q. The following penalties apply to violations of this paragraph.

(1) A person who violates this paragraph commits a civil violation for which a fine of not more than \$500 may be adjudged.

(2) A person who violates this paragraph after having previously violated this paragraph within the previous 4-year period commits a civil violation for which a fine of not more than \$1,000 may be adjudged.

Sec. B-7. 7 MRSA §616-A, sub-§2-A is enacted to read:

2-A. Criminal violation. A person may not intentionally or knowingly violate this subchapter or Title 22, chapter 258-A, a rule adopted under this subchapter or Title 22, chapter 258-A or a restriction of a registration issued pursuant to this subchapter. A person who violates this subsection commits a Class E crime. Notwithstanding Title 17-A, sections 1252 and 1301, the court may impose a sentencing alternative of a fine of not more than \$7,500 or a term of imprisonment of not more than 30 days, or both, for each violation. Prosecution under this subsection is by summons and not by warrant. A prosecution under

this subsection is separate from an action brought pursuant to subsection 2.

Sec. B-8. 7 MRSA §616-A, sub-§§4 and 5, as enacted by PL 1989, c. 841, §3, are repealed.

Sec. B-9. 7 MRSA §718, as enacted by PL 1971, c. 77, §1, is amended to read:

§718. Prohibited acts

1. Prohibitions. The following acts and the causing thereof within the State of ~~Maine~~ are prohibited:

A. The manufacture or distribution of any commercial feed that is adulterated or misbranded;

B. The adulteration or misbranding of any commercial feed;

C. The distribution of agricultural commodities such as whole seed, hay, straw, stover, silage, cobs, husks and hulls, which are adulterated within the meaning of section 717, subsection 1;

D. The removal or disposal of a commercial feed in violation of an order under section 721;

E. The failure or refusal to register in accordance with section 714; and

F. The violation of ~~the last paragraph of~~ section 722, subsection 2.

Sec. B-10. 7 MRSA §722, as amended by PL 2001, c. 421, Pt. B, §7 and affected by Pt. C, §1, is repealed and the following enacted in its place:

§722. Penalties

1. Civil violation. A person may not violate this subchapter or impede, hinder or otherwise prevent the commissioner or the commissioner's duly authorized agent from performing the commissioner's duties in connection with this subchapter. The following penalties apply to violations of this subsection.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 and not more than \$200 may be adjudged.

B. A person who violates this subsection after having previously violated this subsection commits a civil violation for which a fine of not less than \$200 and not more than \$500 may be adjudged.

2. Trade secret violation. A person may not use to that person's own advantage or reveal to other ~~than the commissioner or officers of the department or~~

to the courts when relevant in any judicial proceeding information acquired under the authority of this subchapter concerning a method, record, formulation or process that as a trade secret is entitled to protection. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 and not more than \$500 may be adjudged. This prohibition does not prohibit the commissioner or the commissioner's duly authorized agent from exchanging information of a regulatory nature with duly appointed officials of the United States Government or of other states who are similarly prohibited by law from revealing this information.

3. Application. This subchapter may not be construed as requiring the commissioner or the commissioner's agent to cause suit to be brought or institute seizure proceedings or issue a withdrawal from distribution order as a result of minor violations of this subchapter or when the commissioner believes that the public interest will best be served by suitable notice of warning in writing.

4. Process. The authorities to whom a violation is reported shall cause appropriate proceedings to be instituted in a court of competent jurisdiction without delay. Before the commissioner reports a violation for suit to be brought, the distributor must have an opportunity to present the distributor's view to the commissioner.

5. Injunction. The commissioner is authorized to apply for and the court to grant a temporary or permanent injunction restraining a person from violating or continuing to violate this subchapter or any rule or regulation adopted under this subchapter notwithstanding the existence of other remedies at law. This injunction must be issued without bond.

6. Review. A person adversely affected by an act, order or ruling made pursuant to this subchapter may bring action within 45 days after that act, order or ruling in the Superior Court in the county of the enforcement official's office for judicial review of the actions. The form of the proceeding must be any that may be provided by statute of the State to review decisions of administrative agencies or, in the absence or inadequacy of such a form, any applicable form of legal action, including actions for declaratory judgments or writs of prohibitory or mandatory injunctions.

Sec. B-11. 7 MRSA §750, as repealed and replaced by PL 1977, c. 696, §72, is repealed and the following enacted in its place:

§750. Violations

1. Violation. A person, firm or corporation may not violate this subchapter or a rule adopted pursuant to this subchapter.

2. Penalty. The following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a civil violation for which a fine of not more than \$100 may be adjudged.

B. A person who violates subsection 1 after having previously violated subsection 1 commits a civil violation for which a fine of not more than \$200 may be adjudged.

3. Application. This subchapter may not be construed as requiring the commissioner or the commissioner's agent to report for suit or for the institution of seizure proceedings as a result of minor violations of this subchapter when the commissioner believes that the public interest will be best served by a suitable notice of warning in writing.

Sec. B-12. 7 MRSA §769, as enacted by PL 1987, c. 425, §§1 and 3, is repealed and the following enacted in its place:

§769. Fines for violations

1. Violation. A person, firm or corporation may not violate this subchapter or a rule adopted pursuant to this subchapter.

2. Penalty. The following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a civil violation for which a fine of not more than \$100 may be adjudged.

B. A person who violates subsection 1 after having previously violated subsection 1 commits a civil violation for which a fine of not more than \$200 may be adjudged.

3. Application. This subchapter may not be construed as requiring the commissioner or the commissioner's agent to bring suit or institute seizure proceedings as a result of minor violations of this subchapter when the commissioner believes that the public interest will be best served by a suitable notice of warning in writing.

Sec. B-13. 7 MRSA §1034-A, sub-§1, as enacted by PL 1989, c. 459, §3, is amended to read:

1. Rules. The commissioner shall adopt rules in accordance with ~~the Maine Administrative Procedure Act~~, Title 5, chapter 375, concerning the program, including, but not limited to, program participation, identification of the varieties of potatoes eligible for inclusion in the potato variety labeling program, requirements of the inspection of potatoes in the program and appropriate methods of labeling. ~~No~~ A rule may not be adopted that requires the inspection of

potatoes labeled by variety when the packer is not a participant in the potato variety labeling program.

Sec. B-14. 7 MRSA §1034-A, sub-§3, as enacted by PL 1989, c. 459, §3, is repealed and the following enacted in its place:

3. Violation. A participant in the potato variety labeling program may not pack potatoes in a bag labeled with the name of a different potato variety. For the purposes of this subsection, each load of potatoes constitutes a separate violation.

Sec. B-15. 7 MRSA §1034-A, sub-§5 is enacted to read:

5. Penalties. The following penalties apply to violations of this section.

A. A person who violates subsection 3 commits a civil violation for which a fine of not more than \$1,000 may be adjudged.

B. A person who violates subsection 3 after having previously violated subsection 3 commits a civil violation for which a fine of not more than \$2,000 may be adjudged.

Sec. B-16. 7 MRSA §1706, as repealed and replaced by PL 2001, c. 572, §24, is repealed and the following enacted in its place:

§1706. Penalties

1. Violation. Except as provided in section 1707 or unless another specific penalty or forfeiture is provided, a person commits a civil violation if that person violates a provision of or a rule or regulation adopted pursuant to:

- A. This chapter;
- B. Chapter 207;
- C. Chapter 303; or
- D. Chapter 305.

2. Penalty. A person who violates this section commits a civil violation for which a fine of not more than \$500 per day for each violation may be adjudged, except that the total of the fines may not exceed \$50,000.

Sec. B-17. 7 MRSA §2872, as enacted by PL 1985, c. 572, is repealed and the following enacted in its place:

§2872. Violations

1. Civil violation. A person commits a civil violation if that person violates:

A. Chapter 521;

B. Chapter 523; or

C. Chapter 527.

2. Penalty. A person who violates this section commits a civil violation for which a fine of not less than \$1 and not more than \$50 may be adjudged for each colony in violation of chapter 521, 523 or 527.

Sec. B-18. 7 MRSA §2902-B, as enacted by PL 1999, c. 418, §2, is repealed and the following enacted in its place:

§2902-B. Sale of unpasteurized milk and milk products

1. Sale of unpasteurized milk or milk product. A person may not sell unpasteurized milk or a product made from unpasteurized milk unless the label on that product contains the words "not pasteurized."

2. Sale of unpasteurized milk or milk product at eating establishment. A person may not sell unpasteurized milk or a product made from unpasteurized milk at an eating establishment as defined in Title 22, section 2491, subsection 7.

3. Exception. This section does not apply to farm cheese or to cheese that has been aged at a temperature above 35 degrees Fahrenheit for at least 60 days prior to sale.

Sec. B-19. 7 MRSA §2908, as amended by PL 1999, c. 679, Pt. A, §11, is repealed.

Sec. B-20. 7 MRSA §2908-A is enacted to read:

§2908-A. Violations

1. Violation. A firm, person, corporation or society may not sell milk or milk products in the State without the license or permits provided in sections 2901-C and 2902-A, violate sections 2901-A to 2904-A or neglect, fail or refuse to comply with those sections and the rules, regulations and standards of identity and quality issued pursuant to section 2910.

2. Penalty. The following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a civil violation for which a fine of not less than \$250 and not more than \$500 may be adjudged.

B. A person who violates subsection 1 after having previously violated subsection 1 commits a civil violation for which a fine of not less than \$500 and not more than \$1,000 may be adjudged.

Sec. B-21. 7 MRSA §3950-A, as amended by PL 1997, c. 690, §33, is repealed and the following enacted in its place:

§3950-A. Official refusal or neglect of duty

1. Violation. A mayor, municipal officer, clerk, town or city manager, administrative assistant to the mayor, town or city councilor, dog recorder of unorganized territories, constable, police officer, sheriff or animal control officer commits a civil violation if that person refuses or intentionally fails to perform the duties imposed by:

- A. This chapter;
- B. Chapter 719;
- C. Chapter 720;
- D. Chapter 721;
- E. Chapter 725; or
- F. Chapter 727.

2. Penalty. A person who violates subsection 1 commits a civil violation for which a fine of not less than \$50 and not more than \$250 and costs may be adjudged.

3. Investigation. The commissioner, at the commissioner's own instance or upon written complaint made to the commissioner by another person, shall investigate an alleged refusal or neglect of duty by a municipal officer.

4. Prosecution. The commissioner shall direct proceedings, actions and prosecutions to be instituted to enforce all laws relating to animals and to the liability of municipal officers and their agents for failure, neglect or refusal to comply with the laws relating to animals.

Sec. B-22. 7 MRSA §3991, as amended by PL 2003, c. 405, §22, is repealed.

Sec. B-23. 7 MRSA §3991-A is enacted to read:

§3991-A. Regulation of research institutions

1. License necessary. A research or teaching institution of higher education may not employ live animals in scientific investigation, experiment or instruction or for the testing of drugs or medicines without first having been issued a license under this section by the commissioner.

2. Application. A research or teaching institution desiring to obtain a license shall make application to the commissioner. On receipt of the application, the

commissioner shall investigate as necessary to determine whether the public interest will be served by the issuance of the license. The commissioner may issue the license as long as the research or teaching institution, by reason of its standards, facilities, practices or activities, is a fit and proper institution to receive the license and that its issuance is in the public interest. The standards for licensure are those contained in United States Code, Title 7, Section 2143 and any federal regulations issued pursuant to that law. This chapter may not be construed to be more restrictive than federal law. In the case of conflict between state law and federal law or a mandatory rule, regulation or order of the Federal Government or its agencies, the federal law, rule, regulation or order governs.

3. Fees; license renewal. Before issuance of a license, each research or teaching institution licensed under this chapter shall pay to the commissioner a license fee of \$200. A license expires on June 30th next following the date of issue. The commissioner shall annually renew each license upon the application of the licensee, unless, after notice and hearing as provided in this chapter, the commissioner finds that, by reason of the standards, facilities, practices or activities of the licensee, the renewal is not in the public interest. The commissioner, after notice and hearing as provided in this chapter, may modify, fail to renew, suspend or revoke any license if the commissioner finds that, by reason of the standards, facilities, practices or activities of the licensee, the continuation of the license is not in the public interest.

4. Noncompliance. If, in the opinion of the commissioner, there is or may be noncompliance with or a violation of this chapter or of a rule adopted by the commissioner that is of sufficient gravity to warrant further action, the commissioner may request an informal conference with the licensee. The commissioner shall provide the licensee with adequate notice of the conference and the issues to be discussed.

If the commissioner finds that the factual basis of the alleged noncompliance with or violation of this chapter is true and may warrant further action, the commissioner:

A. With the consent of the licensee, may enter into a consent agreement that fixes the period and terms of probation best adapted to protect the health and welfare of animals and to rehabilitate or educate the licensee;

B. In consideration for acceptance of a voluntary surrender of the license, may negotiate stipulations, in a consent decree to be signed by the commissioner, the licensee and the Office of the Attorney General, that ensure protection of the

health and welfare of animals and that serve to rehabilitate or educate the licensee;

C. If the commissioner concludes that modification or nonrenewal of the license may be in order, shall hold an adjudicatory hearing in accordance with Title 5, chapter 375, subchapter 4; or

D. If the commissioner concludes that suspension or revocation of the license is in order, shall file a complaint in the District Court in accordance with Title 4, chapter 5.

5. Grounds for discipline. Grounds for an action to modify, suspend, revoke or refuse to renew the license of a person licensed under this chapter are:

A. The practice of fraud or deceit in obtaining a license under this chapter or in connection with service rendered within the scope of the license issued;

B. A violation of this chapter or a rule adopted by the commissioner; and

C. Conviction of a crime involving cruelty to animals.

6. Violation; penalty. A person may not knowingly violate this chapter or the rules issued pursuant to this chapter. The following penalties apply.

A. A person who violates this subsection commits a civil violation for which a fine of not more than \$100 may be adjudged.

B. A person who violates this subsection after having previously violated this subsection commits a civil violation for which a fine of not more than \$250 may be adjudged.

7. Rules. The commissioner may adopt rules that are necessary to carry out the purposes of this chapter.

8. Inspection. In connection with the granting, continuance or renewal of a license and in connection with an investigation of alleged cruelty or alleged violation of this chapter or the rules issued pursuant to this chapter, the commissioner, at least annually, may visit and inspect the research and teaching institutions or animal research and care facilities of any licensee or of any research or teaching institution that has applied for a license.

Sec. B-24. 7 MRSA §4204, sub-§1, as amended by PL 1999, c. 723, §1, is further amended to read:

1. Nutrient management plan required. A person who owns or operates a farm that meets the criteria established in subsection 2 shall have a nutrient management plan for that farm and shall implement the provisions in that plan by the dates specified for that category of farm in subsection 4, 5, 6 or 7. The nutrient management plan must be prepared by a person certified in accordance with section 4202, subsection 2 and must address the storage and utilization of all farm nutrients generated on or transported to the farm. A nutrient management plan developed by a farm owner or operator is deemed to have been prepared by a certified nutrient management specialist if a certified nutrient management specialist reviews the plan for compliance with this chapter, signs the plan and notifies the department in accordance with subsection 3. ~~For livestock farms, the nutrient management plan must address storage and utilization of farm nutrients for the entire farm operation including leased or rented land. For crop farms, the plan must address storage and utilization of farm nutrients on land on which manure is utilized or stored. The plan must establish minimum distances between manure storage, stacking and spreading areas and property lines and surface water based on site-specific factors. The plan must provide for manure storage for a minimum of 180 days. A nutrient management plan prepared in accordance with this section is confidential and is not a public record as defined in Title 1, section 402, subsection 3. A copy of a nutrient management plan required under this section must be available to the commissioner or the commissioner's designee upon request. A nutrient management plan must include the following:~~

~~A. Provisions for soil erosion control;~~

~~B. Minimum distances between manure storage, stacking and spreading areas and property lines and surface waters;~~

~~C. Results of soil tests for land designated in the plan for manure spreading or manure irrigation;~~

~~D. Results of manure tests;~~

~~E. Statement of yield goals for land receiving farm nutrients;~~

~~F. Additional information established through rulemaking;~~

~~G. Site-specific dates recommended for the spreading of manure and spraying or irrigation of liquid manure. In compliance with section 4207, the plan may not recommend spreading between December 1st of a calendar year and March 15th of the following calendar year; and~~

~~H. A recommended timetable for implementing the plan.~~

Sec. B-25. 7 MRSA §4204, sub-§1-A is enacted to read:

1-A. Plan requirements. For livestock farms, the nutrient management plan must address storage and utilization of farm nutrients for the entire farm operation including leased or rented land. For crop farms, the plan must address storage and utilization of farm nutrients on land on which manure is utilized or stored. A nutrient management plan must include or provide for:

- A. Minimum distances between manure storage, stacking and spreading areas and property lines and surface water based on site-specific factors;
- B. Manure storage for a minimum of 180 days;
- C. Provisions for soil erosion control;
- D. Minimum distances between manure storage, stacking and spreading areas and property lines and surface waters;
- E. Results of soil tests for land designated in the plan for manure spreading or manure irrigation;
- F. Results of manure tests;
- G. A statement of yield goals for land receiving farm nutrients;
- H. Additional information established through rulemaking;
- I. Site-specific dates recommended for the spreading of manure and spraying or irrigation of liquid manure. In compliance with section 4207, the plan may not recommend spreading between December 1st of a calendar year and March 15th of the following calendar year; and
- J. A recommended timetable for implementing the plan.

Sec. B-26. 7 MRSA §4204, sub-§§9 and 10 are enacted to read:

9. Violation. The following are civil violations for which a fine of up to \$1,000 plus up to an additional \$250 per day for each day that the violation continues may be adjudged:

- A. Failure to develop a nutrient management plan in accordance with this section; and
- B. Failure to implement a nutrient management plan in accordance with this section or rules adopted pursuant to this section. Prior to the development of a plan, a person is not subject to a penalty for failure to implement a nutrient management plan.

10. Nutrient management plan confidential.

A nutrient management plan prepared in accordance with this section is confidential and is not a public record as defined in Title 1, section 402, subsection 3. A copy of a nutrient management plan required under this section must be available to the commissioner or the commissioner's designee upon request.

Sec. B-27. 7 MRSA §4205, sub-§4 is enacted to read:

4. Violation. The following are civil violations for which a fine of up to \$1,000 plus up to an additional \$250 per day for each day that the violation continues may be adjudged:

- A. Failure to obtain a livestock operations permit in accordance with this section; and
- B. Failure to comply with the conditions set forth in a livestock operations permit or a variance.

Sec. B-28. 7 MRSA §4207, as enacted by PL 1997, c. 642, §2, is repealed and the following enacted in its place:

§4207. Winter spreading of manure prohibited

1. Winter spreading prohibited. Except pursuant to a variance granted under subsection 2, a person may not spread manure on agricultural fields between December 1st of a calendar year and March 15th of the following calendar year. This prohibition includes the spreading of manure and spraying or irrigation of liquid manure.

2. Variance. Upon application to the commissioner, the commissioner may grant a variance to allow a person to spread manure during the winter due to financial hardship or other circumstances that necessitate the application. In granting a variance, the commissioner shall impose restrictions to minimize potential environmental degradation and prescribe actions to ensure future compliance.

3. Violation. A person who violates this section commits a civil violation for which a fine of up to \$1,000 per day for each day that spreading occurs may be adjudged.

Sec. B-29. 7 MRSA §4209, as amended by PL 1999, c. 530, §6, is repealed.

PART C

Sec. C-1. 8 MRSA §221-A, sub-§11 is enacted to read:

11. Value. "Value" is determined in accordance with Title 17-A, section 352, subsection 5.

Sec. C-2. 8 MRSA §222, as amended by PL 1999, c. 671, §3, is repealed and the following enacted in its place:

§222. Possession of fireworks

1. Possession prohibited. A person may not possess or have under that person's control fireworks.

2. Value does not exceed \$100. If the value of the fireworks does not exceed \$100, a person who violates subsection 1 commits a civil violation for which a fine of not more than \$50 may be adjudged.

3. Value exceeds \$100. If the value of the fireworks exceeds \$100, a person who violates subsection 1 commits a Class E crime.

4. Exception. This section does not apply to a person issued a permit pursuant to section 227-A.

Sec. C-3. 8 MRSA §223, as enacted by PL 1985, c. 23, §2, is amended to read:

§223. Sale of fireworks

1. Sale of fireworks prohibited. ~~Ne A~~ A person may not sell, possess with the intent to sell or offer for sale fireworks.

2. Value exceeds \$5,000. ~~It is a Class B crime to sell, possess with the intent to sell or offer for sale fireworks the value of which~~ If the value of the fireworks exceeds \$5,000, a person who violates subsection 1 commits a Class B crime.

3. Value exceeds \$1,000. ~~It is a Class C crime to sell, possess with the intent to sell or offer for sale fireworks the value of which~~ If the value of the fireworks exceeds \$1,000 but does not exceed \$5,000, a person who violates subsection 1 commits a Class C crime.

4. Value does not exceed \$1,000. ~~It is a Class D crime to sell, possess with the intent to sell or offer for sale fireworks the value of which~~ If the value of the fireworks does not exceed \$1,000, a person who violates subsection 1 commits a Class D crime.

5. Value. ~~"Value" is determined in accordance with Title 17-A, section 352, subsection 5.~~

Sec. C-4. 8 MRSA §224, as enacted by PL 1985, c. 23, §2, is amended to read:

§224. Storage and manufacture of fireworks

1. Storage. ~~Ne A~~ A person may not store fireworks except in such buildings as may be permitted by the rules of the Commissioner of Public Safety in a building or structure outside the premises of a fireworks manufactory; if that building or other

structure is located within 1,000 feet of any church, hospital, theatre, hall, place of assembly, workshop, factory or any inhabited building unless rules adopted by the commissioner permit storage in that building or structure.

2. Certificate of public liability insurance required for manufacture. ~~Ne A~~ A person may not manufacture fireworks without first furnishing the Commissioner of Public Safety, in an amount to be determined by ~~him~~ the commissioner, a certificate of public liability insurance to cover the losses, damages or injuries to persons or property that might result.

3. Penalty. A person who violates this section commits a Class E crime.

4. Strict liability. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. C-5. 8 MRSA §225, as enacted by PL 1985, c. 23, §2, is repealed and the following enacted in its place:

§225. Transportation of fireworks

1. Transportation of fireworks. A person may not transport fireworks in a motor vehicle or conveyance except as permitted by the rules adopted by the commissioner.

2. Penalty. A person who violates this section commits a Class E crime.

3. Strict liability. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. C-6. 8 MRSA §227-A, sub-§§4, 5 and 6 are enacted to read:

4. Permits; violation. A person may not conduct a fireworks display in violation of the permit issued under subsection 1.

5. Penalties. The following penalties apply.

A. A person who conducts a fireworks display without a permit commits a Class D crime.

B. A person who conducts a fireworks display in violation of a permit issued under subsection 1 commits a Class E crime.

6. Strict liability. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. C-7. 8 MRSA §229, as amended by PL 1999, c. 671, §11, is repealed.

Sec. C-8. 8 MRSA §389, as enacted by PL 1999, c. 176, §1, is repealed and the following enacted in its place:

§389. Forged lottery tickets

1. Forge, counterfeit or alter ticket. A person may not forge or counterfeit a Maine State Lottery ticket, alter a Maine State Lottery ticket prepared by the Director of the State Lottery or cause such alteration or forgery.

2. Publish, pass or tender as true ticket. A person may not intentionally or knowingly publish, pass or tender as true a forged, altered or counterfeited Maine State Lottery ticket.

3. Secure or manufacture. A person may not, with intent to defraud, secure, manufacture or cause to be secured or manufactured a counterfeit Maine State Lottery ticket.

4. Possess counterfeit ticket or counterfeiting device. A person may not, with intent to defraud, possess a counterfeit Maine State Lottery ticket or a counterfeiting device.

5. Penalty. A person who violates this section commits a Class D crime.

PART D

Sec. D-1. 9-B MRSA §466, as amended by PL 2001, c. 44, §11 and affected by §14 and amended by c. 211, §15, is further amended to read:

§466. Unlawful acts

The acts set forth in this section ~~shall be~~ are unlawful and ~~shall be deemed~~ are criminal offenses unless otherwise provided.

1. Copying records of financial institutions. ~~Any~~ A director, corporator, officer, agent or employee of a financial institution who copies any of the books, papers, records or documents belonging to or in the custody of such institution, either for ~~his that person's~~ own use or for the use of any other person other than in the ordinary and regular course of ~~his that person's~~ duties, ~~shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 11 months, or by both~~ commits a Class E crime.

2. Disclosures by service corporation employees. Any information derived from financial institution records or sources by personnel of a service corporation formed pursuant to section 445 ~~shall may~~ not be disclosed except in the regular course of business. ~~Whoever~~ A person who violates this subsection ~~shall be punished by a fine of not more than \$1,000 or by~~

~~imprisonment for not more than 11 months, or by both~~ commits a Class E crime.

3. Violation of orders. ~~No~~ A person ~~shall may~~ not violate ~~any an~~ order of the superintendent lawfully served upon ~~him~~ that person.

4. Unauthorized business. A person may not engage in the business of banking unless the person is properly authorized, nor may a person represent that that person is acting as a financial institution, nor use an artificial or corporate name that purports to be or suggests that the person is a financial institution unless the financial institution is properly authorized to do business in this State and except as provided in section 241, subsection 12.

5. Procuring loans. ~~No~~ A director, corporator, officer, agent, employee or attorney of a financial institution ~~shall may not~~ stipulate for or receive or consent or agree to receive any fee, commission, gift or thing of value, from ~~any a~~ person, firm or corporation for procuring or endeavoring to procure for ~~such the~~ person, firm or corporation, or for any other person, firm or corporation, from any such financial institution, ~~any a~~ loan or extension or renewal of loan or substitution of security, or the purchase or discount or acceptance of ~~any a~~ paper, note, draft, check or bill of exchange by any such financial institution. ~~Nothing contained in this~~ This subsection ~~shall may not~~ be construed to refer to the expenses of examining titles, drafting conveyances and mortgages and the performance of other purely legal services.

6. Concealment. ~~No~~ A director, corporator, officer, agent or employee of a financial institution ~~shall may not~~ conceal or endeavor to conceal ~~any a~~ transaction of the financial institution from ~~any a~~ director, corporator, officer, agent or employee of the institution ~~nor any or an~~ official or employee of the Bureau of Financial Institutions to whom it should be properly disclosed.

7. Deception; false statements. ~~No~~ A director, corporator, officer, agent or employee of a financial institution ~~shall may not~~ maintain or authorize the maintenance of ~~any an~~ account of the financial institution in a manner ~~which that,~~ to ~~his that person's~~ knowledge, does not conform to the requirements prescribed by statutes applicable to the supervision of financial institutions or ~~regulations rules~~ issued ~~thereunder under those statutes;~~ and that person ~~may not,~~ with intent to deceive, make ~~any a~~ false or misleading statement or entry or omit ~~any a~~ statement or entry that should be made in ~~any a~~ book, account, report or statement of the institution; or obstruct or endeavor to obstruct a lawful examination or investigation of the institution or any of its affairs by an official or employee of the Bureau of Financial Institutions.

8. Violation of Title or rules. If, in the opinion of the superintendent, ~~any~~ a financial institution or its officers or directors have persistently violated ~~any~~ a provision of this Title, ~~he~~ the superintendent shall ~~forthwith~~ immediately report the same with such remarks as ~~he deems~~ the superintendent determines expedient to the Attorney General, who may ~~forthwith~~ immediately institute a prosecution ~~therefor~~ on behalf of the State. ~~This section shall apply to section 363.~~

9. False returns. ~~No~~ A director, corporator, officer, agent or employee of ~~any~~ a financial institution ~~shall willfully~~ may not intentionally or knowingly make a false return to the superintendent in response to ~~any~~ a call for information issued by the superintendent or by a deputy superintendent, ~~nor~~ or upon the making or filing of ~~any~~ a regular or special report required by this Title.

10. Failure to make returns. ~~Any~~ A financial institution ~~which shall fail~~ that fails to furnish reports and information to the superintendent, as required by this Title within the time specified, ~~shall be~~ is subject to a penalty of not more than \$100 per day for each day it is in violation of this section, which penalty may be recovered in a civil action in the name of the State.

11. General penalties. The follow penalties apply.

A. ~~Any~~ A person responsible for an act or omission expressly declared to be a criminal offense by statutes pertaining to the supervision of financial institutions and for which no other penalty has been provided by statute ~~shall be guilty of a misdemeanor and shall be punished by imprisonment for not more than 11 months or by a fine of not more than \$5,000 or by both~~ commits a Class E crime, except notwithstanding Title 17-A, section 1301, a fine of not more than \$5,000 may be imposed upon a natural person. If the act or omission was intended to defraud, such person shall be guilty of a felony and shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than 5 years, or by both.

A-1. A person who violates paragraph A with the intent to defraud commits a Class C crime.

B. A director, corporator, officer, agent or employee of a financial institution ~~shall be~~ is responsible for an act or omission of the institution declared to be a criminal offense against statutes pertaining to the supervision of financial institutions whenever, knowing that such act or omission is unlawful, ~~he~~ the person participates in authorizing, executing, ratifying or concealing such act, or in authorizing or ratifying such omis-

sion or, having a duty to take the required action, omits to do so.

12. Strict liability. Except as otherwise specifically provided, violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

PART E

Sec. E-1. 10 MRSA §1602, as amended by PL 1977, c. 694, §166, is repealed and the following enacted in its place:

§1602. Licenses

1. Unlawful use of trademark. After establishment by rules adopted in a manner consistent with the Maine Administrative Procedure Act of a trademark by the commission, a person may not use the trademark without first securing a permit or license from the Maine Potato Commission.

2. Penalty. The following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not more than \$50 may be adjudged.

B. A person who violates this section after having previously violated this section commits a civil violation for which a fine of not more than \$200 may be adjudged.

3. Additional remedies. The Maine Potato Commission or a duly authorized representative may recover penalties imposed for violation of this section in a civil action brought in the name of the commission, and if it prevails in such action may recover full costs; or the commission may prosecute for violations of this section by complaint or indictment. The District Court and the Superior Court have concurrent jurisdiction of actions brought for the recovery of penalties imposed by this section and of prosecutions for violations thereof.

Sec. E-2. 10 MRSA §1606 is repealed.

Sec. E-3. 10 MRSA §1661-B, sub-§2, as enacted by PL 1989, c. 83, §2, is repealed and the following enacted in its place:

2. Penalties. The following penalties apply to violations of this section.

A. A person, firm, partnership or corporation who violates this section commits a civil violation for which a fine of not more than \$100 may be adjudged.

B. A person, firm, partnership or corporation who violates this section after having previously violated this section commits a civil violation for which a fine of not more than \$500 may be adjudged.

Sec. E-4. 10 MRSA §1661-B, sub-§3 is enacted to read:

3. Enforcement. The Commissioner of Agriculture, Food and Rural Resources shall enforce this section pursuant to Title 7, section 14.

Sec. E-5. 10 MRSA §2364-B, sub-§5, as enacted by PL 1997, c. 648, §2, is amended to read:

5. Enforcement; violations. Upon request, a truck driver must present the trip ticket to any employee of the State charged with enforcing the provisions of this subchapter. Upon request, a wood scaler shall present the record of measurement contained on the trip ticket to any employee of the State charged with enforcing the provisions of this subchapter. ~~A person who fails to comply with the provisions of this section or misrepresents information on a trip ticket is subject to the penalties provided in section 2368.~~

A. A person who violates this section commits a civil violation and is subject to the penalties provided in section 2368.

B. A person who violates this section after having previously violated this subchapter or rules adopted pursuant to this subchapter commits a civil violation and is subject to the penalties provided in section 2368.

C. A person who misrepresents information on a trip ticket commits a civil violation and is subject to the penalties provided in section 2368.

D. A person who misrepresents information on a trip ticket after having previously violated this subchapter or rules adopted pursuant to this subchapter commits a civil violation and is subject to the penalties provided in section 2368.

Sec. E-6. 10 MRSA §2368, as enacted by PL 1983, c. 804, §11, is repealed and the following enacted in its place:

§2368. Violations; penalties

1. Civil penalties. The following penalties apply to violations of this subchapter or a rule adopted pursuant to this subchapter.

A. A person who violates this subchapter or a rule adopted pursuant to this subchapter is subject to a civil penalty of not more than \$1,000.

B. A person who violates this subchapter or a rule adopted pursuant to this subchapter after having previously violated this subchapter or a rule adopted pursuant to this subchapter is subject to a civil penalty of not more than \$2,000.

These penalties may be recovered by the state sealer on behalf of the State in a civil action.

2. Private action. A person who violates this subchapter or a rule adopted pursuant to this subchapter is liable in a civil action to a person aggrieved by the violation pursuant to the remedies set forth in Title 26, section 626-A. The civil action for damages may be brought by either the aggrieved party or, at the request of the state sealer, by the Attorney General.

Sec. E-7. 10 MRSA §2505, as amended by PL 1999, c. 646, §2, is repealed and the following enacted in its place:

§2505. Malfeasance

1. Falsification of certificate. A licensed public weighmaster who falsifies a weight certificate or who delegates authority to a person not licensed as a licensed public weighmaster or who preseals a weight certificate with the licensed public weighmaster's official seal before performing the act of weighing commits a civil violation for which a fine of not more than \$100 may be adjudged.

2. Misuse of seal. A holder of a corporate public weighmaster's license may not allow a person not licensed as a licensed public weighmaster to issue a weight certificate using the corporate seal.

A. A person who violates this subsection commits a civil violation for which a fine of not more than \$500 may be adjudged.

B. A person who violates this subsection after having previously violated this subsection commits a civil violation for which a fine of not more than \$1,000 may be adjudged.

3. Holder of corporate license. For the purposes of this section, the person whose name appears on the application for a corporate license pursuant to section 2501, subsection 2 is deemed to be the holder of the corporate license.

Sec. E-8. 10 MRSA §2656 is repealed and the following enacted in its place:

§2656. Penalties

1. Violation of subchapter; first and subsequent offenses. The following penalties apply to violations of this subchapter.

A. A person who violates a provision of this subchapter commits a civil violation for which a fine of not more than \$100 may be adjudged.

B. A person who violates a provision of this subchapter after having previously violated this subchapter commits a civil violation for which a fine of not more than \$200 may be adjudged.

2. Conducting business without license; first and subsequent offenses. A person may not conduct a business of dealer or repairman without having a certificate in full force.

A. A person who violates this subsection commits a civil violation for which a fine of not more than \$100 may be adjudged.

B. A person who violates this subsection after having previously violated this subsection commits a civil violation for which a fine of not more than \$200 may be adjudged.

Sec. E-9. 10 MRSA §2702 is repealed and the following enacted in its place:

§2702. Penalty for failure to pay

1. Payment for services rendered. A person, firm or corporation for whom scales, weights and measures or any weighing or measuring devices have been tested by a local sealer of weights and measures may not neglect or refuse to pay for the services rendered.

2. Penalties. The following penalties apply to violations of this section.

A. A person, firm or corporation who violates subsection 1 commits a civil violation for which a fine of \$3 plus costs must be adjudged.

B. A person, firm or corporation who violates subsection 1 after having previously violated subsection 1 commits a civil violation for which a fine of not less than \$10 plus costs and not more than \$20 plus costs must be adjudged.

Sec. E-10. 10 MRSA §8003-C, sub-§3, as enacted by PL 1999, c. 687, Pt. C, §12, is repealed and the following enacted in its place:

3. Unlicensed practice; criminal penalties. Notwithstanding any other provision of law:

A. A person who practices or represents to the public that the person is authorized to practice a profession or trade and intentionally, knowingly or recklessly fails to obtain a license as required by this Title or intentionally, knowingly or recklessly practices or represents to the public that the person is authorized to practice after the li-

cense required by this Title has expired or been suspended or revoked commits a Class E crime; and

B. A person who practices or represents to the public that the person is authorized to practice a profession or trade and intentionally, knowingly or recklessly fails to obtain a license as required by this Title or intentionally, knowingly or recklessly practices or represents to the public that the person is authorized to practice after the license required by this Title has expired or been suspended or revoked when the person has a prior conviction under this subsection commits a Class D crime. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence, except that, for purposes of this paragraph, the date of the prior conviction must precede the commission of the offense being enhanced by no more than 3 years.

PART F

Sec. F-1. 10 MRSA §2364-B, sub-§1, ¶D, as enacted by PL 1997, c. 648, §2, is amended to read:

D. For wood harvested in the State, the number on the harvest notification form filed with the Bureau of Forestry in accordance with Title 12, section ~~8883~~ 8883-B;

Sec. F-2. 12 MRSA §903, as amended by PL 1977, c. 694, §237, is repealed and the following enacted in its place:

§903. Rules

1. Adoption of rules. The Baxter State Park Authority may adopt rules pursuant to the Maine Administrative Procedure Act it considers necessary for the protection and safety of the public or for the proper observance of the conditions and restrictions expressed in the deeds of trust of the Baxter State Park to the State.

2. Violation of rules. A person who violates any of the rules of the Baxter State Park Authority commits a Class E crime. Except as otherwise specifically provided, these crimes are strict liability crimes as defined in Title 17-A, section 34, subsection 4-A.

3. Destruction of structure, monument, marker or notice. A person who intentionally or knowingly mutilates, defaces or destroys any structure, monument or marker lawfully erected within the boundaries of the Baxter State Park, or any notice or rule of the Baxter State Park Authority that is posted in conformity with this section, commits a Class E crime.

Sec. F-3. 12 MRSA §1880, sub-§1, as enacted by PL 1997, c. 678, §13, is amended to read:

1. Restricted zone; timber harvesting. Timber harvesting operations are not permitted within the restricted zone, except:

A. By direction of the bureau for the purpose of maintaining healthy forest conditions; or

B. By direction of the bureau for the purpose of correcting situations arising from natural disasters.

~~The spraying of herbicides is prohibited within the restricted zone. No person may fly any aircraft equipped to spray herbicides lower than 500 feet above ground level over any portion of the restricted zone.~~

Sec. F-4. 12 MRSA §1880, sub-§2, as enacted by PL 1997, c. 678, §13, is repealed.

Sec. F-5. 12 MRSA §1880, sub-§§3 to 7 are enacted to read:

3. Restricted zone; herbicides. The spraying of herbicides is prohibited within the restricted zone.

4. Restricted zone; aircraft. A person may not fly an aircraft equipped to spray herbicides lower than 500 feet above ground level over any portion of the restricted zone.

5. Waterway outside restricted zone. A person may not:

A. Commence a timber harvesting operation in the waterway outside the restricted zone without consultation with or, when required under subsection 6, paragraph B, written approval from the bureau; or

B. Commence a herbicide application in the waterway outside the restricted zone without written approval from the bureau under subsection 6, paragraph B.

6. Operations and application outside restricted zone. The following requirements apply to timber harvesting and herbicide application in the waterway outside the restricted zone.

A. Before a timber harvesting operation is commenced in the waterway outside the restricted zone, a management plan must be submitted to the bureau. The plan must contain:

(1) A description of the proposed timber harvesting operation that includes the type of cutting;

(2) The amount of timber proposed to be removed;

(3) The time of year of cutting and removal;

(4) The location of principal haul roads and crossings in the waterway to be used in connection with the proposed timber harvesting operation;

(5) A plan for reforestation;

(6) A stand table indicating species composition, size class and health of the original and residual stands;

(7) The expected date of reentry;

(8) A pesticide or other chemical treatment planned, excluding the use of herbicides before December 1, 1990; and

(9) A plan for mitigating evidence of harvesting.

When a permit is not required under paragraph B, those who are submitting the management plan shall cooperate with the bureau to address any concerns of the bureau.

B. When the bureau determines that a timber harvesting operation or herbicide application is proposed for an area in the waterway outside the restricted zone and visible from the watercourse, that operation may commence only with approval from the bureau. A request for approval on a form provided by the bureau must be completed and signed by the applicant. This paragraph may not be construed to excuse the applicant from obtaining other permits required by law.

C. The bureau shall, within 30 days of receipt of a form requesting approval, either approve in writing the proposed timber harvesting or herbicide application upon terms and conditions the bureau determines are appropriate and reasonable or disapprove the request, setting forth in writing the reasons for the disapproval. If a decision is not made within the 30 days, the request for the timber harvesting operation or herbicide application is considered approved under the provisions of the management plan submitted.

D. The bureau shall approve a timber harvesting operation or herbicide application when it finds that the management plan provides for the silvicultural alternative that:

(1) Produces the least adverse impact upon the natural character of the area in the wa-

terway outside the restricted zone and visible from the watercourse for which the timber harvesting operation or herbicide application is proposed; and

(2) Is economically feasible, except that an applicant may waive the requirement of a finding of economic feasibility.

E. Notwithstanding the provisions of paragraph D, the bureau may not deny approval for the removal of trees that are dead, dying or damaged by natural causes.

F. Before disapproving a request for approval or imposing terms and conditions under paragraph C, the bureau shall have the request for approval and the management plan reviewed by an experienced professional forester.

7. Violations. The following penalties apply to violations of this section.

A. Except as otherwise provided in this subsection, a person who violates any provision of this section or rules adopted or permits issued under this section commits a civil violation for which a fine of up to \$1,000 for each day of the violation may be adjudged.

B. A person who intentionally or knowingly falsifies any statement contained in a management plan or application under this section commits a civil violation for which a fine of up to \$1,000 may be adjudged.

C. A person who violates the herbicide provisions of this section is subject to the penalties of Title 22, section 1471-J.

In addition, the bureau may in the name of the State institute any appropriate action, injunction or other proceeding to prevent, restrain, correct or abate any violation of this subchapter or of the rules or permits issued under this subchapter as provided in section 1884.

Sec. F-6. 12 MRSA §1884, 3rd ¶, as amended by PL 2001, c. 604, §16, is repealed.

Sec. F-7. 12 MRSA §6204, as amended by PL 2003, c. 248, §6, is further amended to read:

§6204. General penalty

A violation of any provision of marine resources' laws is a Class D crime, unless another penalty has been expressly provided. Except as otherwise specifically provided, these crimes are strict liability crimes as defined in Title 17-A, section 34, subsection 4-A.

Sec. F-8. 12 MRSA §6421, sub-§1, as amended by PL 2001, c. 421, Pt. B, §19 and affected by Pt. C, §1, is repealed and the following enacted in its place:

1. License required. A person may not engage in the activities authorized under this section without a current:

A. Class I lobster and crab fishing license;

B. Class II lobster and crab fishing license;

C. Class III lobster and crab fishing license;

D. Apprentice lobster and crab fishing license;

E. Student lobster and crab fishing license;

F. Noncommercial lobster and crab fishing license; or

G. Other license issued under this Part authorizing the activities.

Sec. F-9. 12 MRSA §6436, sub-§1, as enacted by PL 1977, c. 661, §5, is repealed and the following enacted in its place:

1. Egg-bearing and v-notched lobsters. A person may not take, transport, sell or possess:

A. Any lobster that is bearing eggs; or

B. Any female lobster marked with a v-notch in the right flipper next to the middle flipper or any female lobster that is mutilated in a manner that could hide or obliterate that mark. The right flipper is determined when the underside of the lobster is down and its tail is toward the person making the determination.

Sec. F-10. 12 MRSA §6501, sub-§1, as amended by PL 2001, c. 421, Pt. B, §25 and affected by Pt. C, §1, is further amended to read:

1. License required. A person may not engage in the activities authorized under this section without a current ~~commercial fishing license or other license under this Part authorizing the activities.~~

A. Commercial fishing license for a resident operator;

B. Commercial fishing license for a resident operator and all crew members;

C. Commercial fishing license for a nonresident operator and all crew members; or

D. Other license under this Part authorizing the activities.

Sec. F-11. 12 MRSA §6505-A, sub-§1, as amended by PL 2001, c. 421, Pt. B, §27 and affected by Pt. C, §1, is further amended to read:

1. License required. A person may not fish for or take elvers or possess, ship, transport or sell elvers that the person has taken unless the person is issued ~~an~~ one of the following elver fishing ~~license licenses~~ under this section:

A. A resident elver fishing license for one device;

B. A resident elver fishing license for 2 devices;

C. A nonresident elver fishing license for one device; or

D. A nonresident elver fishing license for 2 devices.

Sec. F-12. 12 MRSA §6551, as enacted by PL 1977, c. 661, §5, is repealed and the following enacted in its place:

§6551. Tuna; method of taking

A person may not:

1. Fish for or take tuna; permitted methods.

Fish for or take any tuna by any method other than by harpoons or by hook and line; or

2. Possess. Possess any tuna that was taken in an unlawful manner.

Sec. F-13. 12 MRSA §6575-C, sub-§§1 and 2, as enacted by PL 1995, c. 536, Pt. A, §9, are amended to read:

1. Dams with fishways. ~~It is unlawful for a A~~ A person ~~to may not~~ fish for or take elvers within 150 feet of any part of a dam with a fishway or within 150 feet of a fishway.

2. Alewife traps. ~~It is unlawful for a A~~ A person ~~to may not~~ fish for or take elvers within 50 feet of a licensed alewife trap.

Sec. F-14. 12 MRSA §6575-C, sub-§3, as amended by PL 1997, c. 575, §5, is repealed and the following enacted in its place:

3. Portion of rivers, streams and brooks. A person may not:

A. Fish for or take elvers at any time within the middle 1/3 of a river, stream, brook or other watercourse, as measured at mean high tide, within the coastal waters of the State; or

B. Obstruct the middle 1/3 of any river, stream, brook or other watercourse, as measured at mean low tide, within the coastal waters of the State.

Sec. F-15. 12 MRSA §6575-C, sub-§4, as enacted by PL 1995, c. 536, Pt. A, §9, is amended to read:

4. Dip nets near elver fyke nets. ~~It is unlawful for a A~~ A person ~~to may not~~ fish for or take elvers with a dip net in the mouth of an elver fyke net. For the purposes of this subsection, "mouth of an elver fyke net" means that area within an elver fyke net that is net-side of a straight line that runs from one meshed wing tip of the net to the other meshed wing tip.

Sec. F-16. 12 MRSA §6621, sub-§§1 and 2, as enacted by PL 1977, c. 661, §5, are repealed and the following enacted in their place:

1. Taking from closed areas. A person may not:

A. Fish for or take shellfish from any area closed by regulation;

B. Fish for or take shellfish from any area closed by regulation when the person has one or more prior convictions for violating paragraph A;

C. Possess, ship, transport or sell shellfish taken from any area closed by regulation; or

D. Possess, ship, transport or sell shellfish taken from any area closed by regulation when the person has one or more prior convictions for violating paragraph C.

2. Washing or holding in closed areas. A person may not:

A. Wash, hold or keep shellfish in any area closed by regulation;

B. Wash, hold or keep shellfish in any area closed by regulation when the person has one or more convictions for violating paragraph A;

C. Possess, ship, transport or sell shellfish washed, held or kept in any area closed by regulation; or

D. Possess, ship, transport or sell shellfish washed, held or kept in any area closed by regulation when the person has one or more convictions for violating paragraph C.

Sec. F-17. 12 MRSA §6621, sub-§4, as amended by PL 1997, c. 628, §1, is further amended to read:

4. Penalty. A person who violates this article commits a Class D crime. The following minimum penalties apply:

- A. For the first offense, a fine of not less than \$300; and
- B. For subsequent offenses within 10 years from the date of conviction for the first violation, a fine of not less than \$500.

The court may not suspend a fine imposed under this subsection. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence.

Sec. F-18. 12 MRSA §6681, sub-§§3 and 4, as enacted by PL 1983, c. 838, §6, are amended to read:

3. Minimum size. ~~It is unlawful to~~ A person may not possess soft-shelled clam shell stock whose shells are less than 2 inches in the largest diameter;

A. If the soft-shelled clams comprise more than 10% but less than 20% of a bulk pile as determined under subsection 4;

B. If the soft-shelled clams comprise 20% or more of a bulk pile as determined under subsection 4; or

C. If the soft-shelled clams comprise 20% or more of a bulk pile as determined under subsection 4 and the person has one or more prior convictions for violating paragraph B. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence.

4. Tolerance. Any person may possess soft-shelled clams that are less than 2 inches if, ~~beginning on the effective date of this Article, they comprise less than 30% of any bulk pile; beginning in calendar year 1985, they comprise less than 20% of any bulk pile; and beginning in calendar year 1986, they comprise less than 10% of any bulk pile.~~ The tolerance ~~shall be~~ is determined by numerical count of not less than one peck nor more than 4 pecks taken at random from various parts of the bulk pile or by a count of the entire pile if it contains less than one peck.

Sec. F-19. 12 MRSA §6703, sub-§3, as enacted by PL 1985, c. 662, §4, is amended to read:

3. License limitation; quantity. In any one day, the holder of a noncommercial scallop license may not take or possess more than 2 bushels of shell scallops or 4 quarts of shucked scallops. ~~The holder of a noncommercial scallop license may take or possess scallops only for personal use and may not sell scallops he has taken.~~

Sec. F-20. 12 MRSA §6703, sub-§3-A is enacted to read:

3-A. License limitation; personal use. The holder of a noncommercial scallop license may take or possess scallops for personal use only and may not sell scallops the holder has taken.

Sec. F-21. 12 MRSA §6743, sub-§§1 and 2, as enacted by PL 1981, c. 297, §4, are repealed and the following enacted in their place:

1. Quahogs from closed areas. A person may not:

A. Fish for or take quahogs, including mahogany quahogs, from an area closed by regulation; or

B. Possess, ship, transport or sell quahogs, including mahogany quahogs, taken from an area closed by regulation.

2. Washing or holding in closed areas. A person may not:

A. Wash, hold or keep quahogs in an area closed by regulation; or

B. Possess, ship, transport or sell quahogs washed, held or kept in an area closed by regulation.

Sec. F-22. 12 MRSA §6747, sub-§§1 and 2, as enacted by PL 1987, c. 328, §3, are repealed and the following enacted in their place:

1. Taking from closed areas. A person may not:

A. Fish for or take mussels from an area closed by regulation; or

B. Possess, ship, transport or sell mussels taken from an area closed by regulation.

2. Washing or holding in closed areas. A person may not:

A. Wash, hold or keep mussels in an area closed by regulation; or

B. Possess, ship, transport or sell mussels washed, held or kept in an area closed by regulation.

Sec. F-23. 12 MRSA §6803, sub-§1, as amended by PL 2001, c. 421, Pt. B, §50 and affected by Pt. C, §1, is further amended to read:

1. Permit required. Except as provided in subsections 1-A and 2, a person may not harvest, possess, ship, transport or sell seaweed without a

~~current seaweed permit, except that an employee or immediate relation of a seaweed permit holder may harvest, possess or transport seaweed for commercial purposes with a supplemental seaweed permit.;~~

A. Resident seaweed permit; or

B. Nonresident seaweed permit.

Sec. F-24. 12 MRSA §6803, sub-§1-A is enacted to read:

1-A. Supplemental permit. ~~An employee or immediate relation of a seaweed permit holder may harvest, possess or transport seaweed for commercial purposes with a current:~~

A. Resident supplemental seaweed permit; or

B. Nonresident supplemental seaweed permit.

Sec. F-25. 12 MRSA §6804, sub-§1, as amended by PL 2003, c. 248, §10, is further amended to read:

1. License required. A person may not engage in the activities authorized under this section without a ~~current commercial northern shrimp license.;~~

A. Resident commercial northern shrimp license;

B. Resident with crew commercial northern shrimp license; or

C. Nonresident with crew commercial northern shrimp license.

Sec. F-26. 12 MRSA §6851, sub-§1, as amended by PL 2001, c. 421, Pt. B, §53 and affected by Pt. C, §1, is further amended to read:

1. License required. A person may not engage in the activities authorized under this section without a ~~current wholesale seafood license or other license issued under this Part authorizing the activities.;~~

A. Wholesale seafood license;

B. Supplemental wholesale seafood license; or

C. Other license issued under this Part authorizing the activities.

Sec. F-27. 12 MRSA §6853, sub-§1, as amended by PL 2001, c. 421, Pt. B, §57 and affected by Pt. C, §1, is further amended to read:

1. License required. A person may not engage in the activities authorized under this section without a ~~current marine worm dealer's or other license issued under this Part authorizing the activities.;~~

A. Marine worm dealer's license;

B. Supplemental marine worm dealer's license; or

C. Other license issued under this Part authorizing the activities.

Sec. F-28. 12 MRSA §6854, sub-§1, as amended by PL 2001, c. 421, Pt. B, §58 and affected by Pt. C, §1, is further amended to read:

1. License required. A person may not engage in the activities authorized under this section without a ~~lobster transportation license. current:~~

A. Lobster transportation license; or

B. Supplemental lobster transportation license.

Sec. F-29. 12 MRSA §6855, sub-§1, as amended by PL 2001, c. 421, Pt. B, §59 and affected by Pt. C, §1, is further amended to read:

1. License required. A person may not engage in the activities authorized under this section without a ~~shellfish transportation license. current:~~

A. Shellfish transportation license; or

B. Supplemental shellfish transportation license.

Sec. F-30. 12 MRSA §6858, sub-§1, as amended by PL 1991, c. 39, §9, is further amended to read:

1. Size of lobster meat. ~~It is unlawful to~~ A person may not possess any tail section of lobster meat removed from the shell except in accordance with rules adopted by the commissioner.

Sec. F-31. 12 MRSA §6858, sub-§2, as enacted by PL 1977, c. 661, §5, is repealed and the following enacted in its place:

2. Condition of lobster meat. A person may not:

A. Remove a tail section of lobster meat from the shell unless it is removed whole and intact; or

B. Possess any tail section of lobster meat removed from the shell that is not whole and intact.

Sec. F-32. 12 MRSA §6861-A, sub-§1, ~~¶¶A and B,~~ as enacted by PL 1989, c. 348, §13, are amended to read:

~~It is unlawful to~~ A person may not possess crayfish meat removed from the shell except as follows:

(1) For immediate personal consumption;

(2) For the purpose of serving the meat immediately to a customer;

(3) Under refrigeration and in its original container, clearly labeled as crayfish, with the country or state of origin clearly disclosed; or

(4) Mixed with other food if receipts are available to prove the product is crayfish.

~~A violation of this paragraph is subject to the general penalty provisions of section 6204.~~

B. It is prima facie evidence that lobster or crayfish meat is illegal lobster meat if the crayfish or lobster meat is outside the shell; is not in its original container and clearly labeled as crayfish, with the country or state of origin clearly disclosed; and:

(1) Does not meet the legal length requirements for lobster established in section 6858; or

(2) Is unmixed with any other food and there are no receipts available to prove the product is crayfish.

~~A violation of this paragraph is subject to the penalties provided by section 6858.~~

Sec. F-33. 12 MRSA §6861-A, sub-§2, as enacted by PL 1989, c. 348, §13, is repealed and the following enacted in its place:

2. Mix or commingle. A person may not:

A. Mix or commingle crayfish in any form with lobster;

B. Cause or allow crayfish to be mixed or commingled with lobster; or

C. Possess a mixture of crayfish and lobster.

Sec. F-34. 12 MRSA §6861-A, sub-§6, as enacted by PL 1989, c. 348, §13, is repealed and the following enacted in its place:

6. Penalties. The following penalties apply to violations of this section.

A. Violation of subsection 1, paragraph A is subject to the general penalty provisions of section 6201.

B. Violation of subsection 1, paragraph B is subject to the penalty provisions of section 6431, subsection 7.

C. Except as provided in paragraphs A and B, violation of this section is a Class D crime, ex-

cept that the court shall impose a fine of not less than \$100.

Sec. F-35. 12 MRSA §6952, as amended by PL 1983, c. 52, is repealed.

Sec. F-36. 12 MRSA §6952-A is enacted to read:

§6952-A. Trawling, seining or netting for lobster

1. Trawling, seining or netting for lobsters prohibited. A person may not:

A. Fish for or take lobsters by use of an otter or beam trawl, a scallop drag or trawl, seine or net; or

B. Possess any lobsters, regardless of their source, on board any boat rigged for otter or beam trawling, scallop dragging or trawling, seining or netting.

2. Exception; liberated alive. A person does not violate this section if the lobster is immediately liberated alive in the coastal waters.

3. Exceptions; boats. This section does not apply to:

A. A boat rigged for otter or beam trawling, scallop dragging or trawling, or seining if all nets and scallop drags are removed from the boat; or

B. A boat rigged for netting if there are no fin-fish taken by gill net aboard.

Sec. F-37. 12 MRSA §6954-A, sub-§1, as amended by PL 1997, c. 78, §2, is repealed and the following enacted in its place:

1. Violation. Unless permitted by rules adopted under subsection 1-A, a person may not:

A. Take scallops by any means within the Frenchboro area; or

B. Operate any watercraft when towing a drag or trawl within the Frenchboro area. A drag or trawl must be lifted out of the water to transit the cable area.

For purposes of this section, "the Frenchboro area" means the following area: starting at the easternmost point on Red Point, Swan's Island; thence in an easterly direction to the southernmost point of the western Sister's Island; thence in a southeasterly direction to the southernmost point of Crow Island; thence in a southerly direction to the northernmost point of Harbor Island, Frenchboro, Long Island; thence southerly to the state ferry terminal located on the eastern side of Lunt's Harbor, Frenchboro, Long

Island, and then starting at the westernmost point of Gooseberry Point on Frenchboro, Long Island; westerly to the northeast point of John's Island; thence northwest to the easternmost point of the largest of the Baker Islands; thence northwesterly to the northeastern point of Harbor Island, Swan's Island; thence northerly to Quarry Wharf, Minturn, Swan's Island.

Sec. F-38. 12 MRSA §8832, sub-§3 is enacted to read:

3. Violation. A person may not:

A. Misgrade shingles; or

B. Engage in the unauthorized use of MCST grades.

Sec. F-39. 12 MRSA §8842, as repealed and replaced by PL 1983, c. 507, §2, is repealed.

Sec. F-40. 12 MRSA §8842-A is enacted to read:

§8842-A. Owner's permission required

1. Cutting prohibited. A person may not:

A. Cut Christmas trees or evergreen boughs on land of another without securing written permission or a bill of sale from the owner or the owner's authorized agents. Only one such permit is needed per work crew. Violation of this paragraph is a Class E crime; or

B. Violate paragraph A when:

(1) The value of the trees or boughs is more than \$10,000. Violation of this subparagraph is a Class B crime;

(2) The person is armed with a dangerous weapon at the time of the offense. Violation of this subparagraph is a Class B crime;

(3) The value of the trees or boughs is more than \$2,000 but not more than \$10,000. Violation of this subparagraph is a Class C crime;

(4) The value of the trees or boughs is more than \$1,000 but not more than \$2,000. Violation of this subparagraph is a Class D crime; or

(5) The person has 2 prior Maine convictions for any combination of the following: theft; any violation of Title 17-A, section 401 in which the crime intended to be committed inside the structure is theft; any violation of Title 17-A, section 651; any

violation of Title 17-A, section 702, 703 or 708; or attempts thereat. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence. Violation of this subparagraph is a Class C crime.

2. Transport prohibited. A person may not:

A. Transport Christmas trees or evergreen boughs without written permission or a bill of sale from the owner of the land where the trees or evergreen boughs were harvested or that owner's authorized agents. Violation of this paragraph is a Class E crime; or

B. Violate paragraph A when:

(1) The value of the trees or boughs is more than \$10,000. Violation of this subparagraph is a Class B crime;

(2) The person is armed with a dangerous weapon at the time of the offense. Violation of this subparagraph is a Class B crime;

(3) The value of the trees or boughs is more than \$2,000 but not more than \$10,000. Violation of this subparagraph is a Class C crime;

(4) The value of the trees or boughs is more than \$1,000 but not more than \$2,000. Violation of this subparagraph is a Class D crime; or

(5) The person has 2 prior Maine convictions for any combination of the following: theft; any violation of Title 17-A, section 401 in which the crime intended to be committed inside the structure is theft; any violation of Title 17-A, section 651; any violation of Title 17-A, section 702, 703 or 708; or attempts thereat. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence. Violation of this subparagraph is a Class C crime.

3. Inspections and investigations. An officer authorized to make inspections and investigations under this article may require of any person, firm or corporation engaged in cutting or transporting Christmas trees or evergreen boughs to show:

A. If engaged in cutting trees or boughs belonging to another, a current written permit or bill of sale issued pursuant to subsection 1, paragraph A; and

B. If engaged in transportation, a current written permit, bill of sale, port of entry statement or other written proof of ownership when transporting for commercial purposes trees, loose or in bundles, or boughs, loose or baled. A driver shall carry this permit on the driver's person or in the vehicle.

4. Remedies not exclusive. Prosecution under this section does not preclude the civil remedy available under Title 14, section 7552.

5. Strict liability. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. F-41. 12 MRSA §8849, as repealed and replaced by PL 1983, c. 507, §6, is repealed.

Sec. F-42. 12 MRSA §8882, as amended by PL 1997, c. 648, §3, is further amended to read:

§8882. Forms

Forms required under this subchapter must be provided by the bureau and must be written in an easily understandable format. In addition to the information required under section ~~8883~~ 8883-B, the bureau may request information regarding business practices and workers' compensation coverage.

Sec. F-43. 12 MRSA §8883, as amended by PL 2003, c. 345, §1, is repealed.

Sec. F-44. 12 MRSA §8883-B is enacted to read:

§8883-B. Notification

1. Notification required prior to harvest.

Unless exempted under subsection 6 or by rule, prior to commencing harvesting operations the landowner or designated agent shall notify the bureau of:

A. A harvest operation of 50 cords or less; or

B. A commercial harvest operation of more than 50 cords.

When the harvest is occurring within a municipality, the bureau shall send a copy of the notification form to the municipal clerk.

2. Notification form. Unless an alternate form or method of reporting is provided in rule, notification must be on forms supplied by the bureau and must include the following information:

A. The name, address and phone number of the landowner, any designated agent and, if known, any harvester or harvesters;

B. The name and address of any licensed professional forester consulting the landowner on forest management or harvesting practices;

C. The municipality or township and county of harvest;

D. The name of the nearest public or private all-weather road;

E. The approximate dates the harvest will begin and finish;

F. The anticipated acreage to be harvested;

G. An indication whether the land being harvested is taxed under the Maine Tree Growth Tax Law. If the land being harvested is taxed under the Maine Tree Growth Tax Law, the notification must include a statement, signed by the landowner, indicating that the harvest is consistent with the forest management and harvest plan required by Title 36, section 574-B, subsection 1. A licensed professional forester who has a fiduciary responsibility to the landowner may sign the statement required in this paragraph.

Failure to indicate that the harvest is consistent with the forest management and harvest plan constitutes a withdrawal from taxation under the Maine Tree Growth Tax Law of the land being harvested in a manner that is not consistent with the forest management and harvest plan. When such failure is indicated, the director shall notify the assessor for the jurisdiction in which the parcel is located that the land or a portion of the land no longer meets the requirements of Title 36, chapter 105, subchapter 2-A and must be withdrawn in accordance with Title 36, section 581;

H. Whether the land is being harvested to convert to another use within 2 years and, if so, what that use is to be.

If the land being converted to another use is taxed under the Maine Tree Growth Tax Law, notification of a change of land use under this subsection constitutes a withdrawal from taxation under the Maine Tree Growth Tax Law of that portion of land being converted to another use. When a change in land use is indicated, the director shall notify the assessor for the jurisdiction in which the parcel is located that the land or the portion of land no longer meets the requirements of Title 36, chapter 105, subchapter 2-A and must be withdrawn in accordance with Title 36, section 581;

I. The signatures of the harvester when listed on the form in accordance with paragraph A and the

licensed professional forester when listed on the form in accordance with paragraph B;

J. The signature of the landowner and the signature of the designated agent when a designated agent is listed in accordance with paragraph A. If the designated agent is a licensed professional forester who has a fiduciary responsibility to the landowner, the signature of the landowner is not required;

K. A map locating the harvest site in relation to known or easily identifiable terrain features such as a road junction or a stream and road junction. The map must be a copy of a 7.5 or 15 minute series topographical map produced by the United States Geological Survey or a map of equivalent or superior detail in the location of roads; and

L. The date of notification.

3. Harvest reporting forms. Upon receipt by the bureau of the form required under subsection 2, the bureau shall mail forms to the landowner or designated agent for reporting harvest information pursuant to this subchapter.

4. Notification form on file; posted. The landowner or designated agent shall retain a copy of the notification form and produce it upon request of agents as specified in section 8888. The landowner or designated agent shall post the notification number at the harvest site in a clearly visible location.

5. Duration. A notification shall remain valid for 2 years from the date of issue or upon completion of the harvest, whichever occurs first. If the harvest extends beyond 2 years, a new notice under this section must be filed.

6. Notification exemption. The following activities are exempt from the notification requirement under this section:

A. Activities where forest products are harvested for an owner's own use and are not sold or offered for sale or used in the owner's primary wood-using plants;

B. Precommercial silvicultural forestry activities; and

C. Harvesting performed by the landowner within a 12-month period when the total area harvested on land owned by that landowner does not exceed:

(1) Two acres if the residual basal area of acceptable growing stock over 4 1/2 inches in diameter measured at 4 1/2 feet above

the ground is less than 30 square feet basal area per acre; or

(2) Five acres if the residual basal area of acceptable growing stock over 4 1/2 inches in diameter measured at 4 1/2 feet above the ground is more than 30 square feet basal area per acre.

7. Penalties. The following penalties apply to the failure to notify the bureau pursuant to this section. Each day of failure to notify is a separate offense.

A. Failure to notify the bureau of a harvest operation of 50 cords or less constitutes a civil violation for which a fine of not more than \$50 may be adjudged.

B. Providing inaccurate information on a notification form for a harvesting operation of 50 cords or less is a civil violation for which a fine of not more than \$50 may be adjudged.

C. Failure to notify the bureau of a commercial harvest operation of more than 50 cords constitutes a civil violation for which a fine not to exceed \$1,000 for each occurrence may be adjudged and for which immediate cessation of the operation may be ordered by the court. Continued operation after receiving an order to cease operation constitutes a civil violation for which a fine not to exceed \$1,000 for each day the operation continues may be adjudged.

D. Providing inaccurate information on a notification form for a commercial harvesting operation of more than 50 cords is a civil violation for which a fine of not more than \$1,000 for each occurrence may be adjudged.

Sec. F-45. 12 MRSA §8884, sub-§4 is enacted to read:

4. Failure to submit report; penalty. Failure to submit reports pursuant to this section constitutes a civil violation for which a fine not to exceed \$1,000 for each failure may be adjudged.

Sec. F-46. 12 MRSA §8885, sub-§1-A, as enacted by PL 1997, c. 720, §15, is amended to read:

1-A. Alternate harvest report. The director may develop alternate forms for or methods of collecting harvest information from landowners who do not harvest timber on a regular basis. The director shall define landowners subject to the provisions of this subsection and provide report forms pursuant to section ~~8883~~ 8883-B, subsection 2 3.

Sec. F-47. 12 MRSA §8885, sub-§3, as amended by PL 1997, c. 720, §17, is further amended to read:

3. Reports. Reports required under subsections 1 and 2 are due during the month of January. If the period of cutting under subsection 1 or 2 extends beyond December 31st of any calendar year, a report ~~shall~~ must be submitted during the month of January for the preceding year. A person filing a harvest notification form pursuant to section ~~8883~~ 8883-B must complete and return to the bureau a harvest report whether or not the landowner has harvested that year.

Sec. F-48. 12 MRSA §8885, sub-§6 is enacted to read:

6. Failure to submit report; penalty. Failure to submit reports pursuant to this section constitutes a civil violation for which a fine not to exceed \$1,000 for each failure may be adjudged.

Sec. F-49. 12 MRSA §8887, as amended by PL 2001, c. 603, §3, is repealed.

Sec. F-50. 12 MRSA §9702, as enacted by PL 1979, c. 545, §3, is repealed and the following enacted in its place:

§9702. Hindering state forest ranger or town forest fire warden

1. Hinder performance of duties or access. A person may not:

A. Prevent or obstruct a state forest ranger or town forest fire warden in the performance of the ranger's or warden's duties or the exercise of the rights of entry, access or examination by any state forest ranger or town forest fire warden. Violation of this paragraph is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A; or

B. Attempt to prevent or obstruct a state forest ranger or town forest fire warden in the performance of the ranger's or warden's duties or the exercise of the rights of entry, access or examination by any state forest ranger or town forest fire warden.

2. Penalty. A person who violates subsection 1 commits a Class E crime.

PART G

Sec. G-1. 13 MRSA §1778 is repealed and the following enacted in its place:

§1778. Inducing breach of contract; spreading false reports; penalty

1. Violation. A person may not:

A. Knowingly induce a member or stockholder of an association to violate the member's or stockholder's marketing contract with the association;

B. Knowingly attempt to induce a member or stockholder of an association to violate the member's or stockholder's marketing contract with the association; or

C. Intentionally or knowingly spread false reports about the finances or management of the association.

2. Penalties. A person or corporation whose employees or officers violate this section commits a civil violation for which a fine of not less than \$100 and not more than \$1,000 may be adjudged for each such offense. In addition, the person or corporation is subject to a civil penalty of \$500 for each such offense, to be recovered in a civil action by the aggrieved association.

PART H

Sec. H-1. 15 MRSA §455, as amended by PL 1993, c. 185, §1, is repealed and the following enacted in its place:

§455. Record of sales of firearms

1. Forms. A dealer may not:

A. Sell, let or loan a firearm to a person without making a copy of the form a dealer must keep as prescribed by 18 United States Code, Section 923. The copy must be made and marked as "STATE COPY" before the firearm is delivered; or

B. Refuse to show or refuse to allow inspection of a copy of the form described in paragraph A to a sheriff, deputy sheriff, police officer, constable, game warden or prosecuting attorney.

A person who violates this subsection commits a civil violation for which a fine of \$50 may be adjudged.

2. False or fictitious name. A person may not give a false or fictitious name to a dealer. A person who violates this subsection commits a civil violation for which a fine of \$50 may be adjudged.

3. Exception. This section does not apply to a wholesaler who sells only to other dealers or to a manufacturer who sells only at wholesale.

Sec. H-2. 15 MRSA §1091, as amended by PL 1995, c. 356, §16, is repealed and the following enacted in its place:

§1091. Failure to appear; penalty

1. Failure to appear. A defendant who has been admitted to either preconviction or postconviction bail and who, in fact, fails to appear as required is guilty of:

A. A Class E crime if the underlying crime was punishable by a maximum period of imprisonment of less than one year; or

B. A Class C crime if the underlying crime was punishable by a maximum period of imprisonment of one year or more.

2. Affirmative defense. It is an affirmative defense to prosecution under subsection 1 that the failure to appear resulted from just cause.

3. Strict liability. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. H-3. 15 MRSA §1092, as amended by PL 1995, c. 356, §17, is repealed and the following enacted in its place:

§1092. Violation of condition of release

1. Violation of condition of release. A defendant who has been granted preconviction or postconviction bail and who, in fact, violates a condition of release is guilty of:

A. A Class E crime; or

B. A Class C crime if the underlying crime was punishable by a maximum period of imprisonment of one year or more and the condition of release violated is one specified in section 1026, subsection 3, paragraph A, subparagraph (5), (8) or (13).

2. Affirmative defense. It is an affirmative defense to prosecution under subsection 1 that the violation resulted from just cause.

3. Strict liability. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

PART I

Sec. I-1. 15 MRSA §5821, sub-§4-A, as enacted by PL 1989, c. 820, §1, is amended to read:

4-A. Conveyances used in violation of litter laws. All conveyances, including aircraft, watercraft,

vehicles, vessels, containers or cranes that are used, or attempted to be used, to dump more than 500 pounds or more than 100 cubic feet of litter in violation of Title 17, section ~~2264~~ 2264-A;

Sec. I-2. 17 MRSA §312, as amended by PL 1991, c. 426, §2, is repealed and the following enacted in its place:

§312. License required; restricted hours

1. License required. A person, firm, association or corporation may not hold, conduct or operate the amusement commonly known as "beano" or "bingo" for the entertainment of the public within the State unless that person, firm, association or corporation has obtained a license from the Chief of the State Police.

2. Aiding and abetting. A person, firm, association or corporation may not aid or abet in violation of subsection 1.

3. Restricted hours. A person, firm, association or corporation may not conduct "beano" or "bingo" on Christmas or between the hours of 12 midnight and 7 a.m. A person, firm, association or corporation may not conduct "beano" or "bingo" on Sunday, except after the hour of 11 a.m. The prevailing time for the State is used to determine these hours.

4. Penalty. A person who violates this section commits a civil violation for which a fine of not more than \$1,000 may be adjudged.

5. Application. This chapter may not be construed to apply to any other amusement or game.

Sec. I-3. 17 MRSA §314-A, sub-§1, as amended by PL 1991, c. 426, §3 and affected by §9, is further amended to read:

1. Eligible organizations. The Chief of the State Police may issue licenses to operate high-stakes beano or high-stakes bingo to ~~any~~ a federally recognized Indian tribe.

A. The Chief of the State Police may also issue, to ~~any~~ a federally recognized tribe, licenses to sell lucky seven or other similar sealed tickets in accordance with section ~~324~~ 324-A.

B. In conjunction with the operation of high-stakes beano, federally recognized Indian tribes holding a license under this section may advertise and offer prizes for attendance with a value of up to \$25,000 under the terms prescribed for raffles in section 331, subsection 6. Any prize awarded under this paragraph must be awarded only on the basis of a ticket of admission to the high-stakes beano game and may only be

awarded to a person who holds an admission ticket.

The Chief of the State Police may not issue more than one license under this section to a federally recognized Indian tribe for the same period.

Sec. I-4. 17 MRSA §314-A, sub-§§1-A and 2-A are enacted to read:

1-A. Sealed tickets. The Chief of the State Police may also issue to any federally recognized Indian tribe licenses to sell lucky seven or other similar sealed tickets in accordance with section 324-A.

2-A. Attendance prizes. In conjunction with the operation of high-stakes beano, a federally recognized Indian tribe holding a license under this section may advertise and offer prizes for attendance with a value of up to \$25,000 under the terms prescribed for raffles in section 331, subsection 6. A prize awarded under this subsection may be awarded only on the basis of a ticket of admission to the high-stakes beano game and may be awarded only to a person who holds an admission ticket.

Sec. I-5. 17 MRSA §314-A, sub-§3-A is enacted to read:

3-A. Exception. Notwithstanding subsection 3, an organization licensed under this section may operate high-stakes beano or high-stakes bingo games on New Year's Eve and New Year's Day.

Sec. I-6. 17 MRSA §314-A, sub-§5, as amended by PL 1991, c. 426, §5, is repealed and the following enacted in its place:

5. Restrictions; penalty. A licensee may not:

A. Transfer or assign a license issued under this section;

B. Operate or conduct a beano game or high-stakes beano game on the same premises on the same date as another licensee; or

C. Conduct a game outside the Indian Territory of the licensed organization.

A licensee who violates this subsection commits a civil violation for which a fine of not more than \$1,000 may be adjudged.

Sec. I-7. 17 MRSA §314-A, sub-§9, as enacted by PL 2001, c. 295, §1, is repealed.

Sec. I-8. 17 MRSA §320, as amended by PL 1987, c. 197, §5, is repealed and the following enacted in its place:

§320. Conduct of beano

1. Liquor prohibited. A licensee may not conduct "beano" or "bingo" in the same room where liquor is sold, served or consumed during the period of one hour before the conduct of the games.

2. Disorderly persons prohibited. A licensee may not permit a disorderly person to enter or remain within the room or area where "beano" or "bingo" games are being conducted.

3. Penalty. A person who violates this section commits a civil violation for which a fine of not more than \$1,000 may be adjudged.

Sec. I-9. 17 MRSA §324, as amended by PL 1997, c. 373, §8, is repealed.

Sec. I-10. 17 MRSA §324-A is enacted to read:

§324-A. Games of chance prohibited at "beano" locations

1. Games of chance where "beano" located. A person may not conduct a "beano" game at any location where a lottery or other game of chance is conducted.

2. Games of chance before "beano." A person may not conduct a lottery or other game of chance during the period of one hour before the conduct of any "beano" game at the specific location of the "beano" game, except that the following lotteries may be conducted during the period of one hour before the conduct of "beano" games.

A. Lottery tickets issued by the State Liquor and Lottery Commission may be sold when a valid license certificate issued by the commission is properly displayed.

B. Raffle tickets may be sold in accordance with chapter 14.

C. Lucky seven or similar sealed tickets may be sold when that game of chance is licensed by the Chief of the State Police and when a valid license certificate is properly displayed. Notwithstanding the other provisions of this section and section 312, lucky seven games may be conducted during the period beginning 2 hours before and ending 2 hours after a "beano" game.

Notwithstanding any other rule, lucky seven or other similar sealed tickets may be sold that have a sale value of \$1 or less.

3. Location defined. For purposes of this section, "location" means the location specified in the location permit.

4. Penalty. A person who violates this section commits a civil violation for which a fine of not more than \$1,000 may be adjudged.

Sec. I-11. 17 MRSA §325, as amended by PL 1999, c. 74, §6, is repealed and the following enacted in its place:

§325. Penalties

1. Violation of chapter or rules; general penalty. Except as otherwise specifically provided, a person, firm, association or corporation that violates a provision of this chapter or a rule of the Chief of the State Police prescribed by authority of this chapter commits a civil violation for which a fine of not more than \$1,000 may be adjudged.

2. Commercial beano hall violations. A person, corporation, partnership or unincorporated association that rents or leases a building or facilities to hold, conduct or operate "beano" or "bingo" commits a Class E crime if that person, corporation, partnership or unincorporated association:

A. Rents or leases a building or facilities to hold, conduct or operate a "beano" or "bingo" game without a commercial beano hall permit issued by the Chief of the State Police; or

B. Violates a provision of this chapter or a rule adopted by the Chief of the State Police pursuant to this chapter.

Violation of this subsection is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. I-12. 17 MRSA §401 is repealed and the following enacted in its place:

§401. Violations; penalty

1. Preventing employment. An employer, employee or other person, by threats of injury, intimidation or force, alone or in combination with others, may not prevent a person from entering into, continuing in or leaving the employment of any person, firm or corporation.

2. Maintaining blacklist. An employer, agent of an employer or other person, alone or in combination with others, may not attempt to prevent a wage earner in any industry from obtaining employment at that wage earner's trade by maintaining or being a party to the maintaining of a blacklist.

3. Penalty. A person who violates this section commits a Class D crime. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. I-13. 17 MRSA §1031, sub-§1, as amended by PL 2003, c. 414, Pt. B, §30, is further amended to read:

1. Cruelty to animals. Except as provided in subsection 1-A subsections 1-D and 1-E, a person, including an owner or the owner's agent, is guilty of cruelty to animals if that person intentionally, knowingly or recklessly:

A. Kills or attempts to kill any animal belonging to another person without the consent of the owner or without legal privilege. Violation of this paragraph is a Class D crime;

A-1. Violates paragraph A and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;

B. Except for a licensed veterinarian or a person certified under section 1042, kills or attempts to kill an animal by a method that does not cause instantaneous death. Violation of this paragraph is a Class D crime;

B-1. Violates paragraph B and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;

C. If that person is a licensed veterinarian or a person certified under section 1042, kills or attempts to kill an animal by a method that does not conform to standards adopted by a national association of licensed veterinarians. Violation of this paragraph is a Class D crime;

C-1. Violates paragraph C and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;

D. Injures, overworks, tortures, torments, abandons or cruelly beats or intentionally mutilates an animal; gives drugs to an animal with an intent to harm the animal; gives poison or alcohol to an animal; or exposes a poison with intent that it be taken by an animal. The owner or occupant of property is privileged to use reasonable force to eject a trespassing animal. Violation of this paragraph is a Class D crime;

D-1. Violates paragraph D and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;

E. Deprives an animal that the person owns or possesses of necessary sustenance, necessary medical attention, proper shelter, protection from the weather or humanely clean conditions. Violation of this paragraph is a Class D crime;

E-1. Violates paragraph E and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;

F. Keeps or leaves a domestic animal on an uninhabited or barren island lying off the coast of the State during the month of December, January, February or March without providing necessary sustenance and proper shelter. Violation of this paragraph is a Class D crime;

F-1. Violates paragraph F and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;

G. Hunts, traps or sells for the purpose of hunting any animal, except as permitted pursuant to Title 7, chapter 202-A and Title 12, Part 13. Violation of this paragraph is a Class D crime;

G-1. Violates paragraph G and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;

H. Injects, inserts or causes ingestion of any substance used solely to enhance the performance of an animal by altering the animal's metabolism to that animal's detriment, including but not limited to excessive levels of sodium bicarbonate in equines used for competition. Violation of this paragraph is a Class D crime;

H-1. Violates paragraph H and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;

I. Commits bestiality on an animal. For purposes of this paragraph, "commits bestiality" means that a person:

- (1) Engages in a sexual act with an animal for the purpose of that person's sexual gratification;
- (2) Coerces anyone to engage in a sexual act with an animal;

(3) Engages in a sexual act with an animal in the presence of a minor;

(4) Uses any part of the person's body or an object to sexually stimulate an animal;

(5) Videotapes a person engaging in a sexual act with an animal; or

(6) For the purpose of that person's sexual gratification, kills or physically abuses an animal.

For purposes of this paragraph, "sexual act" means any act between a person and an animal involving direct physical contact between the genitals of one and the mouth or anus of the other, or direct physical contact between the genitals of one and the genitals of the other. A sexual act may be proved without allegation or proof of penetration.

This paragraph may not be construed to prohibit normal and accepted practices of animal husbandry.

Violation of this paragraph is a Class D crime;

I-1. Violates paragraph I and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;

J. Kills or tortures an animal to frighten or intimidate a person or forces a person to injure or kill an animal. Violation of this paragraph is a Class D crime; or

J-1. Violates paragraph J and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime.

Sec. I-14. 17 MRSA §1031, sub-§1-A, as amended by PL 1999, c. 481, §1, is repealed.

Sec. I-15. 17 MRSA §1031, sub-§1-B, as amended by PL 2003, c. 405, §24, is further amended to read:

1-B. Aggravated cruelty to animals. A person is guilty of aggravated cruelty to animals if that person, in a manner manifesting a depraved indifference to animal life or suffering, intentionally, knowingly or recklessly:

A. Causes extreme physical pain to an animal;

B. Causes the death of an animal; or

C. Physically tortures an animal.

Notwithstanding Title 17-A, section 1301, the court shall impose a fine of not less than \$1,000 and not more than \$10,000 for a first or subsequent violation of this subsection. The sentencing provisions in subsection 3-B also apply to a person convicted of aggravated cruelty to animals.

Sec. I-16. 17 MRSA §1031, sub-§§1-C, 1-D and 1-E are enacted to read:

1-C. Cat or dog; exceptions. Except as provided in subsections 1-D and 1-E, a person is guilty of cruelty to animals if that person intentionally, knowingly or recklessly:

A. Kills or attempts to kill a cat or dog. Violation of this paragraph is a Class D crime; or

B. Violates paragraph A and, at the time of the offense, has 2 or more convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime.

1-D. Licensed veterinarian. A licensed veterinarian or a person certified under section 1042 may kill a cat or dog according to the methods of euthanasia under subchapter 4.

1-E. Owner or owner's agent. A person who owns a cat or dog, or the owner's agent, may kill that owner's cat or dog by shooting it with a firearm if the following conditions are met:

A. The shooting is performed by a person 18 years of age or older using a weapon and ammunition of suitable caliber and other characteristics to produce instantaneous death by a single shot;

B. Death is instantaneous;

C. Maximum precaution is taken to protect the general public, employees and other animals; and

D. Any restraint of the cat or dog during the shooting does not cause undue suffering.

Sec. I-17. 17 MRSA §1031, sub-§2, ¶B, as enacted by PL 1987, c. 383, §4, is amended to read:

B. The defendant's conduct or that of his the defendant's agent was designed to control or eliminate rodents, ants or other common pests on his the defendant's own property; or

Sec. I-18. 17 MRSA §1031, sub-§3, as repealed and replaced by PL 2001, c. 425, §9, is repealed.

Sec. I-19. 17 MRSA §1031, sub-§3-A, as enacted by PL 2001, c. 425, §10, is repealed.

Sec. I-20. 17 MRSA §1031, sub-§3-B is enacted to read:

3-B. Penalties. The following apply to violations of this section.

A. In addition to any other penalty authorized by law, the court shall impose a fine of not less than \$250 for each violation of this section. The court may order the defendant to pay the costs of the care, housing and veterinary medical treatment for the animal.

B. The court, as part of the sentence for a violation of this section, may prohibit the defendant from owning, possessing or having on the defendant's premises an animal or animals as determined by the court for a period of time, up to and including permanent relinquishment, as determined by the court. A person placed on probation for a violation of this section with a condition that prohibits owning, possessing or having an animal or animals on the probationer's premises is subject to revocation of probation and removal of the animal or animals at the probationer's expense if this condition is violated. The court as part of the sentence may order, as a condition of probation, that the defendant be evaluated to determine the need for psychiatric or psychological counseling and, if it is determined appropriate by the court, to receive psychiatric or psychological counseling at the defendant's expense.

C. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence.

Sec. I-21. 17 MRSA §1032, sub-§1, as amended by PL 1999, c. 481, §2, is further amended to read:

1. Cruelty to birds. A person is guilty of cruelty to birds who if that person intentionally, knowingly or recklessly:

A. Keeps or uses any live pigeon, fowl or other bird for a target or to be shot at, either for amusement or as a test of skill in marksmanship. Violation of this paragraph is a Class D crime;

A-1. Violates paragraph A and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1031 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;

B. Shoots at any bird or is present as a party, umpire or judge at such shooting. Violation of this paragraph is a Class D crime; or

B-1. Violates paragraph B and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1031 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;

C. Rents any building, shed, room, yard, field or premises or knowingly suffers the use of the building, shed, room, yard, field or premises for ~~these~~ any of the purposes described in paragraphs A and B. Violation of this paragraph is a Class D crime; or

C-1. Violates paragraph C and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1031 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime.

Sec. I-22. 17 MRSA §1032, sub-§2, as amended by PL 1999, c. 481, §2, is repealed and the following enacted in its place:

2. Penalty. The following apply to violations of this section.

A. In addition to any other penalty authorized by law, the court shall impose a fine of not less than \$100 for each violation of this section.

B. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence.

Sec. I-23. 17 MRSA §1033, sub-§1, as amended by PL 1997, c. 690, §72, is further amended to read:

1. Animal fighting. A person is guilty of animal fighting ~~who~~ if that person knowingly:

A. Owns, possesses, keeps or trains any animal with the intent that the animal engage in an exhibition of fighting with another animal;

B. For amusement or gain, causes any animal to fight with another animal or causes any animals to injure each other; or

C. Permits any act in violation of paragraph A or B to be done on any premises under that person's charge or control.

~~Animal fighting is a Class C crime. In addition to any other penalty authorized by law, the court shall impose a fine of not less than \$500 for each violation of this section.~~

Sec. I-24. 17 MRSA §1033, sub-§1-A is enacted to read:

1-A. Penalty. A person who violates subsection 1 commits a Class C crime. In addition to any other penalty authorized by law, the court shall impose a fine of not less than \$500 for each violation of subsection 1.

Sec. I-25. 17 MRSA §1033, sub-§2, as enacted by PL 1987, c. 383, §4, is amended to read:

2. Viewing animal fighting. ~~Any A person who~~ is guilty of viewing animal fighting if that person knowingly is present at any place or building where preparations are being made for an exhibition of the fighting of animals or is present at such an exhibition ~~is guilty of a Class D crime.~~

Sec. I-26. 17 MRSA §1033, sub-§2-A is enacted to read:

2-A. Penalty. A person who violates subsection 2 commits a Class D crime.

Sec. I-27. 17 MRSA §1314, as amended by PL 1981, c. 584, §2, is repealed and the following enacted in its place:

§1314. Penalties

1. Public facilities; other rights. A person, firm or corporation or the agent of a person, firm or corporation may not:

A. Deny or interfere with admittance to or enjoyment of the public facilities described in section 1312; or

B. Otherwise interfere with the rights of a person who is totally or partially blind or a person with other disabilities under section 1312.

2. Penalty. Violation of this section is a Class E crime. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. I-28. 17 MRSA §1314-A is enacted to read:

§1314-A. Misrepresentation of guide dog

A person who fits a dog with a harness of the type commonly used by blind persons in order to represent that the dog is a guide dog, when training of the type that guide dogs normally receive has not been provided, commits a civil violation for which a fine of not more than \$100 may be adjudged.

Sec. I-29. 17 MRSA §1603, as amended by PL 1991, c. 797, §2, is repealed and the following enacted in its place:

§1603. Uttering fraudulent receipts

1. Fraudulent receipt for delivery or deposit of goods. A person who fraudulently makes or utters a receipt or other written evidence of the delivery or deposit of any grain, flour, pork, wool or other goods, wares or merchandise in any warehouse, mill, store or other building, when the quantity specified therein had not, in fact, been delivered or deposited in such building, commits a Class B crime.

2. Fraudulent receipt for delivery and deposit of bonds or securities. A person who fraudulently makes or utters a receipt or other written evidence of the delivery or deposit with that person of any bonds or other securities or evidences of debt, when the same have not, in fact, been so delivered and deposited, commits a Class B crime.

Sec. I-30. 17 MRSA §1608-A, as enacted by PL 1965, c. 71, is repealed and the following enacted in its place:

§1608-A. Sale of finger alphabet cards as inducement in sale of merchandise

1. Sale of finger alphabet cards. A person may not engage in the business of peddling finger alphabet cards or printed matter stating that the person is deaf or use finger alphabet cards or such printed matter in any way as a means of inducement in the sale of merchandise.

2. Issuance of license prohibited. A person may not issue to another person a state or local license for the purpose of peddling finger alphabet cards or printed matter stating that the other person is deaf.

3. Penalty. A person who violates this section commits a Class E crime. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. I-31. 17 MRSA §1610, as repealed and replaced by PL 1965, c. 15, is repealed and the following enacted in its place:

§1610. Misrepresenting livestock

1. Obtaining or transferring certificate of registration. A person may not make a false or fraudulent representation for the purpose of:

A. Obtaining a certificate of registration of an animal in a herd register or other register of a club, association, society, company or corporation; or

B. Transferring a certificate of registration.

2. Misrepresentation of registration. A person may not represent that an animal is a registered animal, or has been registered, with the intent that the representation be relied upon by another unless the animal is registered.

3. Penalty. A person who violates this section commits a civil violation for which a fine of not more than \$300 may be adjudged.

4. Definition. For purposes of this section, "registered animal" means an animal duly recorded in the official herd book or similar register of any recognized purebred registry association organized for the purpose of registering a particular breed of animals whose lineage has been established by records.

Sec. I-32. 17 MRSA §2263-A is enacted to read:

§2263-A. Littering

1. Prohibited acts. A person may not throw, drop, deposit, discard, dump or otherwise dispose of litter in any manner or amount:

A. In or on public highway, road, street, alley, public right-of-way or other public lands, except in a container or receptacle or on property that is designated for disposal of garbage and refuse by the State or its agencies or political subdivisions;

B. In freshwater lake, river, stream, tidal or coastal water or on ice over the water. When any litter is thrown or discarded from a watercraft, a person is in violation of this section if that person is:

(1) The operator of the watercraft, unless it is a watercraft being used for the carriage of passengers for hire; or

(2) The person actually disposing of the litter.

This paragraph does not prohibit persons who fish, lobster or otherwise harvest from the water from returning to the water harvested products, bait and similar materials that naturally originate in the water;

C. In or on any private property, unless:

(1) Prior consent of the owner has been given; and

(2) The litter is not a public nuisance or in violation of any state law or local rule;

D. From a trailer or vehicle that is constructed, loaded or uncovered in such a way that the load may drop, sift, leak or otherwise escape. This paragraph applies to vehicles or trailers carrying trash, rubbish or other materials that may be construed as "litter"; or

E. From a vehicle. When any litter is thrown or discarded from a vehicle, a person is in violation of this section if that person is:

(1) The operator of the vehicle, unless it is a vehicle being used for the carriage of passengers for hire; or

(2) The person actually disposing of the litter.

In addition to any penalty under section 2264-A, violation of this subsection is a traffic infraction under Title 29-A, chapter 23, subchapter VI.

A record of a violation of this subsection must be forwarded to the Secretary of State who, in accordance with Title 29-A, section 2607, shall add the violation to the department's point system. The violation is counted in determining an individual's total points under the point system of the Department of the Secretary of State, Bureau of Motor Vehicles.

2. Commercial purpose presumed. For the purposes of this chapter, if a person dumps litter from a commercial vehicle, that person is presumed to have dumped the litter for a commercial purpose.

Sec. I-33. 17 MRSA §2264, as amended by PL 1995, c. 65, Pt. A, §51 and affected by Pt. A, §153 and Pt. C, §15, is repealed.

Sec. I-34. 17 MRSA §2264-A, sub-§1, as amended by PL 1993, c. 140, §1, is further amended to read:

1. Disposal of 15 pounds or less or 27 cubic feet or less of litter. A person who disposes of ~~less than 15 pounds or less than or 27 cubic feet or less~~ of litter is ~~subject to~~ commits a civil violation for which a ~~forfeiture fine~~ of not ~~more than \$500 nor~~ less than \$100 for the first violation and a ~~forfeiture of~~ ~~and~~ not more than \$500 ~~nor less than \$200 for a subsequent violation~~ may be adjudged.

Sec. I-35. 17 MRSA §2264-A, sub-§1-A is enacted to read:

1-A. Disposal of 15 pounds or less or 27 cubic feet or less of litter; subsequent offenses. A person who violates subsection 1 after having previously violated subsection 1 commits a civil violation for which a fine of not less than \$200 and not more than \$500 may be adjudged.

Sec. I-36. 17 MRSA §2264-A, sub-§2, as amended by PL 1993, c. 140, §1, is further amended to read:

2. Disposal of more than 15 pounds or more than 27 cubic feet of litter. A person who disposes of more than 15 pounds or more than 27 cubic feet of litter is ~~subject to~~ commits a civil violation for which a ~~forfeiture fine~~ of not ~~more than \$500 nor~~ less than \$200 for the first violation and a ~~forfeiture of~~ ~~and~~ not more than \$1,000 ~~nor less than \$500 for a subsequent violation~~ may be adjudged.

Sec. I-37. 17 MRSA §2264-A, sub-§2-A is enacted to read:

2-A. Disposal of more than 15 pounds or more than 27 cubic feet of litter; subsequent offenses. A person who violates subsection 2 after having previously violated subsection 2 commits a civil violation for which a fine of not less than \$500 and not more than \$1,000 may be adjudged.

Sec. I-38. 17 MRSA §2264-B, first paragraph, as enacted by PL 1989, c. 820, §5, is amended to read:

In addition to the ~~forfeitures~~ ~~fin~~es imposed in section 2264-A, the court may order a person adjudicated to have violated section ~~2264~~ 2264-A to:

Sec. I-39. 17 MRSA §2264-B, sub-§§1, 4 and 5, as enacted by PL 1989, c. 820, §5, are amended to read:

1. Removal of litter. Remove the litter dumped in violation of section ~~2264~~ 2264-A;

4. Public service. Perform public service relating to the removal of litter, or to the restoration of an area polluted by litter, dumped in violation of section ~~2264~~ 2264-A; and

5. License suspension. Surrender motor vehicle operator's license for a period not exceeding 30 days. The court may suspend an operator's license for any violation of section ~~2264~~ ~~which~~ 2264-A that involves the use of a motor vehicle.

Sec. I-40. 17 MRSA §2264-C, as enacted by PL 1989, c. 820, §5, is amended to read:

§2264-C. Forfeiture

All conveyances, including aircraft, watercraft, vehicles, vessels, containers or cranes that are used, or attempted to be used, to dump more than 1,000 pounds or more than 100 cubic feet of litter in violation of section ~~2264~~ 2264-A are subject to forfeiture as provided in Title 15, chapter 517.

Sec. I-41. 17 MRSA §2269, as amended by PL 1989, c. 878, Pt. H, §4, is repealed.

Sec. I-42. 17 MRSA §2269-A is enacted to read:

§2269-A. Litter receptacles; selection and placement

1. Procure, place and maintain litter receptacles. A person who owns or operates an establishment or public place in which litter receptacles are required by this chapter shall procure, place and maintain receptacles at the person's own expense in accordance with this chapter.

2. Required placement. Litter receptacles as defined in section 2263 must be placed at all public places or establishments that serve the public, including, but not limited to: campgrounds, trailer parks, drive-in restaurants, gasoline service stations, parking lots, shopping centers, grocery store parking lots, parking lots of major industrial firms, marinas, boat launching areas, boat moorage and fueling stations, beaches and bathing areas, school grounds and business district sidewalks. The number of receptacles required is as follows:

A. For a campground or trailer park for transient habitation, one receptacle at each public rest room facility;

B. For a drive-in restaurant, parking lot, shopping center, grocery store parking lot or parking lot of a major industrial firm, one receptacle, plus one additional receptacle for each 200 parking spaces in excess of 50 spaces;

C. For a gasoline service station, one receptacle per gasoline pump island;

D. For a marina, boat launching area or boat moorage and fueling station, one receptacle at each location;

E. For a beach or bathing area, one receptacle at each public rest room facility;

F. For school grounds, one receptacle at each playground area and one at each school bus loading zone; and

G. For business district sidewalks, one receptacle per 1,000 feet of sidewalk curbing.

3. Exception; remote forest campsites. Remote forest campsites operated by the Department of Conservation pursuant to Title 12, chapter 220, subchapter 2, are not considered public places or establishments that serve the public if they are designated as "carry-in and carry-out" sites from

which users are expected to remove litter and other material upon their departure.

4. Penalties. A person who operates a business of a type described in this section commits a civil violation for which a fine of \$10 for each violation may be adjudged if that person:

A. Fails to place the litter receptacles on the premises in the numbers required; or

B. Fails to comply within 10 days of being notified by registered letter by the Department of Conservation that that person is in violation.

Each day a violation continues is a separate offense.

Sec. I-43. 17 MRSA §2272, last paragraph, as enacted by PL 1975, c. 739, §15, is amended to read:

Persons violating the provisions of this section shall be are liable for the same penalties as provided for violation of section ~~2264~~ 2264-A.

Sec. I-44. 17 MRSA §2497 is repealed and the following enacted in its place:

§2497. Mooring watercraft to buoys or beacons; destruction of same

1. Mooring to buoy or beacon prohibited. A person may not moor or make fast a vessel, boat, scow or raft to a buoy or beacon placed by the United States or this State in any of the navigable waters of this State. A person who violates this subsection commits a civil violation for which a fine of \$50 may be adjudged.

2. Destruction of buoy or beacon. A person may not intentionally or knowingly destroy a buoy or beacon placed by the United States or this State in any of the navigable waters of this State. A person who violates this subsection commits a Class E crime.

Sec. I-45. 17 MRSA §2741, as amended by PL 1995, c. 66, §2, is repealed and the following enacted in its place:

§2741. Common nuisances; jurisdiction to abate

1. Common nuisances. The following are common nuisances.

A. All places used as houses of ill fame or for the illegal sale or keeping of intoxicating liquors or scheduled drugs or resorted to for lewdness or gambling;

B. All houses, shops or places where intoxicating liquors are sold for tipping purposes; and

C. All places of resort where intoxicating liquors are kept, sold, given away, drunk or dispensed in any manner not provided for by law.

2. Superior Court jurisdiction. The Superior Court has jurisdiction, upon information filed by the Attorney General or the district attorney or upon complaint filed by not fewer than 7 legal voters of that county setting forth any of the facts contained in this section, to restrain, enjoin or abate a common nuisance as set out in subsection 1 and an injunction for those purposes may be issued by the court. A dismissal of an information or complaint does not prevent action upon any information or complaint subsequently filed covering the same subject matter.

3. Injunction or order. The injunction or order to restrain, enjoin or abate the common nuisance forever runs against the building or other place or structure, except that, upon motion of an owner filed not sooner than 6 months from the date of the injunction or order, the Superior Court may remove or modify the injunction or order upon a showing by the owner, by a preponderance of evidence, that the nuisance has abated.

4. Trafficking or furnishing scheduled drugs. For purposes of this subchapter, proof by a preponderance of evidence that an owner or occupant of a building or other place or structure, or any part thereof, has trafficked in or furnished at the building, place or structure, or any part thereof, any scheduled drug as defined by Title 17-A, chapter 45 on 2 or more occasions within a 3-year period is sufficient to prove that the building, place or structure is a common nuisance.

5. Keeping, allowing or maintaining common nuisance. A person who keeps, allows or maintains a building, place or structure declared by the Superior Court to be a common nuisance upon the filing of information commits a Class E crime.

6. Default in payment of fine. A person who defaults in payment of a fine imposed under this section commits a separate Class E crime.

7. Strict liability. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. I-46. 17 MRSA §2742, as amended by PL 1995, c. 66, §3, is repealed.

Sec. I-47. 17 MRSA §2922, sub-§1, as amended by PL 1985, c. 495, §3, is further amended to read:

1. Offense. A person is guilty of sexual exploitation of a minor if:

A. Knowing or intending that the conduct will be photographed, ~~he~~ the person intentionally or knowingly employs, solicits, entices, persuades, uses or compels another person, not ~~his~~ that person's spouse, who is in fact a minor, to engage in sexually explicit conduct; or

A-1. The person violates paragraph A and, at the time of the offense, has one or more prior convictions for violating this section;

B. Being a parent, legal guardian or other person having care or custody of another person, who is in fact a minor, ~~he~~ that person knowingly or intentionally permits that minor to engage in sexually explicit conduct, knowing or intending that the conduct will be photographed; or

C. The person violates paragraph B and, at the time of the offense, has one or more prior convictions for violating this section.

Sec. I-48. 17 MRSA §2922, sub-§2, as enacted by PL 1977, c. 628, §1, is repealed and the following enacted in its place:

2. Penalty. The following penalties apply to sexual exploitation of a minor.

A. A person who violates subsection 1, paragraph A-1 or subsection 1, paragraph C commits a Class A crime. The court shall impose a sentencing alternative involving a term of imprisonment of at least 10 years.

B. A person who violates subsection 1, paragraph A or subsection 1, paragraph B, commits a Class B crime. The court shall impose a sentencing alternative involving a term of imprisonment of at least 5 years.

The court may not suspend a minimum term of imprisonment imposed under paragraph A or B unless it sets forth in detail, in writing, the reasons for suspending the sentence. The court shall consider the nature and circumstances of the crime, the physical and mental well-being of the minor and the history and character of the defendant and may only suspend the minimum term if it is of the opinion that the exceptional features of the case justify the imposition of another sentence. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence.

Sec. I-49. 17 MRSA §2923, sub-§1, as amended by PL 1999, c. 444, §3, is repealed and the following enacted in its place:

1. Offense. A person is guilty of dissemination of sexually explicit material if:

A. The person intentionally or knowingly disseminates or possesses with intent to disseminate any book, magazine, print, negative, slide, motion picture, videotape, computer data file or other mechanically, electronically or chemically reproduced visual image or material that depicts any minor, who the person knows or has reason to know is a minor, engaging in sexually explicit conduct; or

B. The person violates paragraph A and, at the time of the offense, has one or more prior convictions for violating this section.

Sec. I-50. 17 MRSA §2923, sub-§3, as amended by PL 1993, c. 727, §1, is repealed and the following enacted in its place:

3. Penalty. The following penalties for dissemination of sexually explicit materials apply.

A. Violation of subsection 1, paragraph B is a Class B crime.

B. Violation of subsection 1, paragraph A is a Class C crime.

Title 17-A, section 9-A governs the use of prior convictions when determining a sentence.

Sec. I-51. 17 MRSA §2924, sub-§2, as amended by PL 2001, c. 412, §2, is repealed.

Sec. I-52. 17 MRSA §2924, sub-§2-A is enacted to read:

2-A. Offense. A person is guilty of possession of sexually explicit material if that person:

A. Intentionally or knowingly transports, exhibits, purchases or possesses any book, magazine, print, negative, slide, motion picture, computer data file, videotape or other mechanically, electronically or chemically reproduced visual image or material that the person knows or should know depicts another person engaging in sexually explicit conduct, and:

(1) The other person has not in fact attained the age of 14 years; or

(2) The person knows or has reason to know that the other person has not attained the age of 14 years; or

B. Violates paragraph A and, at the time of the offense, has one or more prior convictions for violating this section.

Sec. I-53. 17 MRSA §2924, sub-§5, as enacted by PL 1993, c. 727, §2, is repealed and the following enacted in its place:

5. Penalty. The following penalties for possession of sexually explicit material apply.

A. Violation of subsection 2-A, paragraph B is a Class C crime.

B. Violation of subsection 2-A, paragraph A is a Class D crime.

Title 17-A, section 9-A governs the use of prior convictions when determining a sentence.

Sec. I-54. 17 MRSA §3203, as repealed and replaced by PL 1995, c. 625, Pt. B, §3, is repealed and the following enacted in its place:

§3203. Sales of motor vehicles prohibited

1. Sales of motor vehicles on Sunday prohibited. Except as provided in section 3203-A, on Sunday a person may not:

A. Carry on or engage in the business of buying, selling, exchanging, dealing or trading in new or used motor vehicles;

B. Open any place of business or lot in which that person attempts to or does engage in the business of buying, selling, exchanging, dealing or trading in new or used motor vehicles; or

C. Buy, sell, exchange, deal or trade in new or used motor vehicles.

2. Penalty. A person who violates this section commits a Class E crime. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. If the person is the holder of dealer or transporter registration plates under Title 29-A, chapter 9, the person is subject to the suspension or revocation of those plates, as provided for in Title 29-A, section 903, for the violation of this section.

Sec. I-55. 17 MRSA §3204, as amended by PL 2001, c. 44, §11 and affected by §14, is repealed and the following enacted in its place:

§3204. Business, traveling or recreation on Sunday

1. Restriction. A person may not keep a place of business open to the public:

A. On Sunday, except:

(1) For works of necessity, emergency or charity; or

(2) Between the hours of noon and 5:00 p.m. on Sundays falling between Thanksgiving Day and Christmas Day; or

B. On the following holidays:

(1) On Memorial Day, the last Monday in May, but if the Federal Government designates May 30th as the date for observance of Memorial Day, the 30th of May;

(2) On July 4th;

(3) On Labor Day, the first Monday of September;

(4) On Veterans' Day, November 11th;

(5) On Christmas Day; and

(6) On Thanksgiving Day.

2. Exceptions. This section does not apply to:

A. Common, contract and private carriers;

B. Taxicabs;

C. Airplanes;

D. Newspapers;

E. Radio and television stations;

F. Hotels, motels, rooming houses, tourist and trailer camps;

G. Restaurants;

H. Garages and motor vehicle service stations;

I. Retail monument dealers;

J. Automatic laundries;

K. Machines that vend anything of value, including, but not limited to, a product, money or service;

L. A satellite facility approved by the Superintendent of Financial Institutions under Title 9-B; or comparable facility approved by the appropriate federal authority;

M. Pharmacies;

N. Greenhouses;

O. Seasonal stands engaged in sale of farm produce, dairy products, seafood or Christmas trees;

P. Public utilities;

Q. Industries normally kept in continuous operation, including, but not limited to, electric generation plants, pulp and paper plants and textile plants;

R. Processing plants handling agricultural produce or products of the sea;

S. Ship chandleries;

T. Marinas;

U. Establishments primarily selling boats, boating equipment, sporting equipment, souvenirs and novelties;

V. Motion picture theaters;

W. Public dancing;

X. Sports and athletic events;

Y. Bowling alleys;

Z. Displaying or exploding fireworks, under Title 8, chapter 9-A;

AA. Musical concerts;

BB. Religious, educational, scientific or philosophical lectures;

CC. Scenic, historic, recreational and amusement facilities;

DD. Real estate brokers and real estate sales representatives;

EE. Mobile home brokers and mobile home sales representatives;

FF. Stores in which no more than 5 persons, including the proprietor, are employed in the usual and regular conduct of business;

GG. Stores that have no more than 5,000 square feet of interior customer selling space, excluding back room storage, office and processing space; and

HH. Stores with more than 5,000 square feet of interior customer selling space that engage in retail sales and that do not require, as a condition of employment, that their employees work on Sundays. If an employer decreases the average weekly work hours of an employee who has declined to work on Sundays, it is prima facie evidence that the employer has required Sunday work as a condition of employment in violation of this section, unless the employer and employee agreed that the employee would work on Sundays when the employee was initially hired. In no event, however, may any store having more than 5,000 square feet of interior customer selling space be open on Easter Day, Thanksgiving Day and Christmas Day.

This subsection does not exempt the businesses or facilities specified in sections 3205 and 3207 from closing in any municipality until the requirements of those sections have been met.

3. Scope. For the purpose of determining qualification, a "store" is an operation conducted within one building advertising as, and representing itself to the public to be, one business enterprise regardless of internal departmentalization. All subleased departments of any store for the purpose of this section are considered to be operated by the store in which they are located. Contiguous stores owned by the same proprietor or operated by the same management for the purpose of this section are considered to be a single store.

4. Penalty. A person who violates this section commits a Class E crime. A violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. A complaint charging violation of this section may not issue later than 5 days after its alleged commission.

5. Injunctive relief. In addition to any criminal penalties provided in this section, the Attorney General, a district attorney or any resident of a municipality in which a violation is claimed to have occurred may file a complaint with the Superior Court to enjoin any violation of this section. The Superior Court has original jurisdiction of these complaints and authority to enjoin these violations.

6. Application. This section does not apply to isolated or occasional sales by persons not engaged in the sale, transfer or exchange of property as a business.

Sec. I-56. 17 MRSA §3321, as amended by PL 1999, c. 347, §§1 and 2, is repealed.

Sec. I-57. 17 MRSA §3321-A is enacted to read:

§3321-A. Store security

1. Definition. For purposes of this section, "convenience store" means a retail store that specializes in the sale of a limited quantity and variety of consumable items in their original containers.

2. Restrictions. A person may not keep open a convenience store 24 hours a day unless the store has:

A. A drop safe that is bolted to the floor, installed in the floor or weighs at least 500 pounds;

B. A conspicuous sign in the store entrance that states that between the hours of 9 p.m. and 5 a.m. the cash register contains \$50 or less, that there is

a safe in the store and that the safe is not accessible to the employees;

C. During the hours of 9 p.m. to 5 a.m., no more than \$50 cash available and readily accessible to employees; and

D. An alarm or telephone within the store that is accessible to the employees. The alarm must be connected to a public or private safety agency.

3. Penalty. A person who violates this section commits a Class E crime. A violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. A complaint charging violation of this section may not issue later than 5 days after its alleged commission. Each day that a violation of this section occurs is considered a separate offense.

4. Injunctive relief. In addition to any criminal penalties provided in this section, the Attorney General, a district attorney or a resident of a municipality in which a violation is claimed to have occurred may file a complaint with the Superior Court to enjoin a violation of this section. The Superior Court has original jurisdiction of the complaints and authority to enjoin the violations.

PART J

Sec. J-1. 18-A MRSA §1-510, as amended by PL 1981, c. 470, Pt. A, §42, is repealed and the following enacted in its place:

§1-510. Register or Probate Court employee; prohibited activities

1. Prohibited activities. A register may not:

A. Be an attorney or counselor in or out of court in an action or matter pending in the court of which the register is register or in an appeal in such action or matter;

B. Be administrator, guardian, commissioner of insolvency, appraiser or divider of an estate, in a case within the jurisdiction of the court of which the register is register, except as provided in Title 4, section 307, or be in any manner interested in the fees and emoluments arising from such an estate in that capacity; or

C. Commence or conduct, either personally or by agent or clerk, any matter, petition, process or proceeding in the court of which the register is register, in violation of this section.

2. Assistance in drafting. Except as otherwise provided in this section, a register may not draft or aid in drafting documents or paper that the register is by law required to record in full or in part. A register

may aid in drafting applications in informal proceedings, petitions or sworn statements relating to the closing of decedents' estates that have not been contested prior to closing, applications for change of name and petitions for guardians of minors. A register or an employee of the Probate Court may not charge fees or accept anything of value for assisting in the drafting of documents to be used or filed in the court of which the person is the register or an employee.

3. Penalties. The following penalties apply to violations of this section.

A. A register who violates subsection 1 commits a Class E crime. Violation of subsection 1 is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

B. A register or employee of the Probate Court who violates subsection 2 is subject to a civil penalty of not more than \$100, to be recovered by a complainant in a civil action for the complainant's benefit or by indictment for the benefit of the county.

PART K

Sec. K-1. 22 MRSA §47, as amended by PL 1991, c. 797, §6, is repealed and the following enacted in its place:

§47. Penalties and jurisdiction

1. Hinder, obstruct or interfere with agent. A person who hinders, obstructs or interferes with an officer, inspector or duly authorized agent of the department while in the performance of the officer's, inspector's or agent's duties commits a Class E crime.

2. Violation of order, rule or regulation. A person who violates an order, rule or regulation of the department made for the protection of life or health under law commits a Class E crime unless otherwise provided in this Title.

3. Violation of Title. Unless another penalty has been expressly provided, a person who violates a provision of this Title or intentionally or knowingly fails, neglects or refuses to perform any of the duties imposed upon that person by this Title commits a Class E crime.

4. Strict liability. Except as otherwise specifically provided, violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. K-2. 22 MRSA §49 is enacted to read:

§49. Certificate of commissioner as evidence

A certificate of the commissioner in regard to the records of the department is admissible in evidence in all prosecutions under this Title.

Sec. K-3. 22 MRSA §690, sub-§1, as enacted by PL 1983, c. 345, §§13 and 14, is repealed and the following enacted in its place:

1. Criminal penalties. A person who intentionally or knowingly:

A. Violates a provision of this Act, or a rule or order of the department in effect pursuant to this Act, commits a Class D crime; or

B. Violates a term, condition or limitation of a license or registration certificate issued under this Act, or commits a violation for which a license or registration certificate may be revoked under rules issued pursuant to this Act, commits a Class D crime.

Sec. K-4. 22 MRSA §1554, as enacted by PL 1995, c. 470, §9 and affected by §19, is repealed.

Sec. K-5. 22 MRSA §1554-A, as amended by PL 1997, c. 305, §3, is repealed and the following enacted in its place:

§1554-A. Sale of unpackaged cigarettes

1. Prohibition. A person may not:

A. Sell cigarettes except in the original sealed package in which they were placed by the manufacturer, which may not be smaller than 20 cigarettes per package; or

B. Sell cigarettes in smaller quantities than placed in the package by the manufacturer.

2. Penalty; employee. A person who violates this section commits a civil violation for which a fine of not less than \$10 and not more than \$100 may be adjudged. In all cases of violations, the court shall impose a fine that may not be suspended, except pursuant to Title 15, section 3314.

3. Penalty; employer. The employer of a person who violates this section commits a civil violation for which a fine of not less than \$100 and not more than \$1,000 may be adjudged. In all cases of violations, the court shall impose a fine that may not be suspended.

Sec. K-6. 22 MRSA §1554-B is enacted to read:

§1554-B. Sale without valid license; multiple violations; penalties

1. License required. A person may not engage in retail tobacco sales or in free distribution of tobacco products in the ordinary course of trade in this State without a valid license issued under subchapter 1.

2. Penalties. The following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a Class E crime for which the court shall impose a sentencing alternative involving a fine of not less than \$300 plus court costs and not more than \$500 plus court costs. The fine and costs may not be suspended. The court also may impose a sentencing alternative involving a term of imprisonment of not more than 30 days.

B. A person who violates subsection 1 and, at the time of the violation, has one prior conviction for violating this section commits a Class E crime for which the court shall impose a sentencing alternative involving a fine of not less than \$500 plus court costs and not more than \$1,000 plus court costs. The fine and costs may not be suspended. The court also may impose a sentencing alternative involving a term of imprisonment of not more than 60 days.

C. A person who violates subsection 1 and, at the time of the violation, has 2 or more prior convictions for violating this section commits a Class E crime for which the court shall impose a sentencing alternative involving a fine of not less than \$1,000 plus court costs and a term of imprisonment of 60 days. The fine, court costs and term of imprisonment may not be suspended. The court also may impose as a sentencing alternative an additional term of imprisonment of not more than 4 months.

3. Strict liability. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

4. Prior convictions. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence.

Sec. K-7. 22 MRSA §1555-B, sub-§5, as amended by PL 1997, c. 578, §1, is repealed.

Sec. K-8. 22 MRSA §1555-B, sub-§§5-A to 5-C are enacted to read:

5-A. Possession and use of cigarettes, cigarette papers or tobacco products by minors prohibited. Except as provided in subsection 5-B, a person under 18 years of age may not:

A. Purchase, possess or use cigarettes, cigarette papers or any tobacco product;

B. Violate paragraph A after having previously violated this subsection; or

C. Violate paragraph A after having previously violated this subsection 2 or more times.

5-B. Exception to possession by minor. A person under 18 years of age may transport or permit to be transported in a motor vehicle cigarettes, cigarette papers or tobacco products in the original sealed package in which they were placed by the manufacturer if the transportation is in the scope of that person's employment.

5-C. Use of false identification by minors prohibited. A person under 18 years of age may not:

A. Offer false identification in an attempt to purchase a tobacco product or to purchase, possess or use cigarettes, cigarette papers or any other tobacco product;

B. Violate paragraph A after having previously violated this subsection; or

C. Violate paragraph A after having previously violated this subsection 2 or more times.

Sec. K-9. 22 MRSA §1555-B, sub-§8, as amended by PL 1997, c. 393, Pt. D, §1, is further amended to read:

8. Fines. Violations of this section are subject to fines and forfeitures according to this subsection.

A. A person who violates subsection 1, 2, 3 or 4 commits a civil violation for which a fine of not less than \$50 ~~nor~~ and not more than \$1,500, plus court costs, ~~may~~ must be adjudged for any one offense. ~~An employer of a person who violates subsection 1, 2, 3 or 4 commits a civil violation for which a fine of not less than \$50 nor more than \$1,500, plus court costs, may be adjudged. For a violation, the court shall impose a fine that may not be suspended, except~~ Except pursuant to Title 15, section 3314, the fine may not be suspended.

A-1. An employer of a person who violates subsection 1, 2, 3 or 4 commits a civil violation for which a fine of not less than \$50 and not more than \$1,500, plus court costs, must be adjudged. The fine may not be suspended.

B. A person who violates subsection ~~§~~ 5-A or 5-C commits a civil violation for which the following ~~forfeitures~~ fines may be adjudged.

(1) For a first offense, a ~~forfeiture fine~~ fine of not less than \$100 and not more than \$300 may be imposed. The judge, as an alternative to or in addition to the ~~forfeiture fine~~ fine permitted by this subparagraph, may assign the violator to perform specified work for the benefit of the State, the municipality or other public entity or a charitable institution.

(2) For a 2nd offense, a ~~forfeiture fine~~ fine of not less than \$200 and not more than \$500 may be imposed. The judge, as an alternative to or in addition to the ~~forfeiture fine~~ fine permitted by this subparagraph, may assign the violator to perform specified work for the benefit of the State, the municipality or other public entity or a charitable institution.

(3) For all subsequent offenses, a ~~forfeiture fine~~ fine of \$500 must be imposed and that ~~forfeiture fine~~ fine may not be suspended. The judge, in addition to the ~~forfeiture fine~~ fine permitted by this subparagraph, may assign the violator to perform specified work for the benefit of the State, the municipality or other public entity or a charitable institution.

C. A person who violates subsection 6 commits a civil violation for which a ~~forfeiture fine~~ fine of not less than \$50 ~~nor and not~~ more than \$200 may be adjudged for any one offense.

Sec. K-10. 22 MRSA §1593, as enacted by PL 1977, c. 696, §186, is repealed and the following enacted in its place:

§1593. Sale and use of fetuses

1. Prohibition. A person may not use, transfer, distribute or give away a live human fetus, whether intrauterine or extrauterine, or any product of conception considered live born, for scientific experimentation or for any form of experimentation.

2. Consenting, aiding or assisting. A person may not consent to violating subsection 1 or aid or assist another in violating subsection 1.

3. Penalty. A person who violates this section commits a Class C crime. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. K-11. 22 MRSA §1597-A, sub-§8, as enacted by PL 1989, c. 573, §2, is repealed and the following enacted in its place:

8. Violations; penalties. The following penalties apply to violations of this section.

A. A person may not knowingly perform or aid in the performance of an abortion in violation of this section. A person who violates this paragraph commits a Class D crime.

B. An attending physician or counselor may not knowingly fail to perform any action required by this section. A person who violates this paragraph commits a civil violation for which a fine of not more than \$1,000 may be adjudged for each violation.

Sec. K-12. 22 MRSA §2155, as amended by PL 1995, c. 276, §2, is repealed.

Sec. K-13. 22 MRSA §2155-A is enacted to read:

§2155-A. Prohibitions and penalties

1. Prohibitions. A person may not:

A. Manufacture, sell or deliver, hold or offer for sale any food that is adulterated or misbranded;

B. Violate paragraph A after having previously violated this subsection;

C. Adulterate or misbrand any food;

D. Violate paragraph C after having previously violated this subsection;

E. Receive in commerce any food that is adulterated or misbranded, or deliver or proffer delivery of adulterated or misbranded food for pay or otherwise;

F. Violate paragraph E after having previously violated this subsection;

G. Disseminate any false advertisement;

H. Violate paragraph G after having previously violated this subsection;

I. Refuse to permit entry or inspection, or to permit the taking of a sample as authorized in section 2164;

J. Violate paragraph I after having previously violated this subsection;

K. Give a guaranty or undertaking that is false, except if the person relied on a guaranty or undertaking to the same effect signed by and containing the name and address of the person residing in the United States from whom the food was received in good faith;

L. Violate paragraph K after having previously violated this subsection;

M. Remove or dispose of a detained or embargoed article in violation of section 2159;

N. Violate paragraph M after having previously violated this subsection;

O. Alter, mutilate, destroy, obliterate or remove all or any part of the labeling of or do any other act with respect to a food if the act is done while the article is held for sale and results in the article being misbranded;

P. Violate paragraph O after having previously violated this subsection;

Q. Forge, counterfeit, simulate or falsely represent or without proper authority use any mark, stamp, tag, label or other identification device authorized or required by rules adopted under this subchapter; or

R. Violate paragraph Q after having previously violated this subsection.

2. Penalties. The penalties for violating subsection 1 are as follows.

A. Except as otherwise provided in this subsection, a person who violates subsection 1, paragraph A, C, E, G, I, K, M, O or Q commits a civil violation for which a fine of not more than \$1,000 may be adjudged.

B. Except as otherwise provided in this subsection, a person who violates subsection 1, paragraph B, D, F, H, J, L, N, P or R commits a civil violation for which a fine of not more than \$2,000 may be adjudged.

C. A person who intentionally violates subsection 1, paragraph A, C, E, K, M or O, involving adulterated food, except as adulterated according to section 2156, subsection 2, commits a civil violation for which a fine of not more than \$10,000 may be adjudged.

D. A person who intentionally violates subsection 1, paragraph B, D, F, L, N or P, involving adulterated food, except as adulterated according to section 2156, subsection 2, commits a civil violation for which a fine of not more than \$20,000 may be adjudged.

E. A person who violates subsection 1, paragraph B involving monosodium glutamate pursuant to section 2157, subsection 13 commits a civil violation for which a fine of not more than \$100 may be adjudged.

F. A person who violates subsection 1, paragraph A involving monosodium glutamate pursuant to section 2157, subsection 13 must be issued a warning only.

3. Exceptions. The following paragraphs are exceptions to the application of this section.

A. Carriers subject to the jurisdiction of the Public Utilities Commission or the Interstate Commerce Commission are not subject to subsection 1, paragraph E or F by reason of their receipt, carriage, holding or delivery of foods in the usual course of business as carriers.

B. A person is not subject to the penalties prescribed under subsection 2 for having violated subsection 1, paragraph A, B, E or F if the person establishes a guaranty or undertaking signed by, and containing the name and address of, another person residing in this State from whom the person received in good faith the article, to the effect that the article is not adulterated or misbranded within the meaning of this subchapter, citing this subchapter.

C. A person who is a publisher, radio-broadcast licensee or agency or medium for the dissemination of an advertisement, except the manufacturer, packer, distributor or seller of the article to which a false advertisement relates, is not liable under this section by reason of the dissemination by the person of the false advertisement, unless the person has refused or neglected on the request of the Commissioner of Agriculture, Food and Rural Resources to furnish the commissioner the name and post office address of the manufacturer, packer, distributor, seller or advertising agency residing in this State who caused the person to disseminate the advertisement.

Sec. K-14. 22 MRSA §2166, as amended by PL 1991, c. 230, §2, is repealed.

Sec. K-15. 22 MRSA §2167, as amended by PL 1991, c. 837, Pt. A, §47, is further amended to read:

§2167. License required

No A person, firm or corporation or copartnership may not operate a food establishment, food salvage establishment or act as a salvage broker unless licensed for that purpose by the commissioner. In the case of retail food establishments, licenses issued shall must be displayed in a place visible to customers or other persons using a licensed establishment.

In addition to the sanctions authorized in section 2172, ~~any~~ a person, firm or corporation ~~who~~ or copartnership that violates this licensing requirement

or any condition placed on ~~any such~~ a license commits a civil violation for which a ~~forfeiture fine~~ of not more than \$500 may be adjudged for each offense and, in addition, the commissioner may suspend, revoke or refuse to renew any such license in accordance with Title 5, chapter 375, subchapter ~~V~~ 5.

Sec. K-16. 22 MRSA §2172, sub-§1, ¶C, as enacted by PL 1991, c. 837, Pt. A, §49, is amended to read:

C. ~~Any~~ A person, corporation, firm or copartnership ~~that operates any~~ may not operate a food establishment or food salvage establishment without first obtaining a license as required by this chapter ~~must be punished, upon conviction, by a fine of not less than \$10 nor more than \$100, and upon 2nd or subsequent conviction, must be punished by a fine of not less than \$100. Each day any person, corporation, firm or copartnership operates without obtaining a license constitutes a separate offense. Violation of this paragraph is a civil violation for which a fine of not less than \$10 and not more than \$100 may be adjudged. Each day of operation without a license constitutes a separate offense.~~

Sec. K-17. 22 MRSA §2172, sub-§1, ¶C-1 is enacted to read:

C-1. A person, corporation, firm or copartnership may not operate a food establishment or food salvage establishment without first obtaining a license as required by this chapter after having previously violated paragraph C. Violation of this paragraph is a civil violation for which a fine of not less than \$100 may be adjudged. Each day of operation without a license constitutes a separate offense.

Sec. K-18. 22 MRSA §2383, as amended by IB 1999, c. 1, §6, is further amended to read:

§2383. Possession

1. Marijuana. Except as provided in section 2383-B, subsection 5, ~~possession of a usable amount of marijuana is a civil violation for which a forfeiture of not less than \$200 nor more than \$400 must be adjudged for the first offense a person may not possess marijuana. A forfeiture of \$400 must be adjudged for the 2nd and subsequent offenses within a 6 year period.~~

A. A person who possesses a usable amount of marijuana commits a civil violation for which a fine of not less than \$200 and not more than \$400 must be adjudged.

B. A person who possesses a usable amount of marijuana after having previously violated this

subsection within a 6-year period commits a civil violation for which a fine of \$400 must be adjudged.

2. Butyl nitrite and isobutyl nitrite. ~~Possession of~~ A person who possesses a usable amount of butyl nitrite or isobutyl nitrite ~~is~~ commits a civil violation for which a ~~forfeiture fine~~ of not more than \$200 may be adjudged.

Sec. K-19. 22 MRSA §2389, sub-§2, as enacted by PL 1997, c. 382, §1, is amended to read:

2. Minor may not transport drugs. ~~A Unless possession of the drug is expressly authorized by this Title or Title 32, a minor may not knowingly transport or knowingly permit to be transported a drug in a motor vehicle under the minor's control unless possession of the drug is expressly authorized by this Title or Title 32.:~~

A. Knowingly transport or knowingly permit to be transported a drug in a motor vehicle under the minor's control;

B. Violate paragraph A after having previously violated this subsection; or

C. Violate paragraph A after having previously violated this subsection 2 or more times.

Sec. K-20. 22 MRSA §2492, as amended by PL 1983, c. 553, §19, is repealed and the following enacted in its place:

§2492. License required

1. License required. A person, corporation, firm or copartnership may not conduct, control, manage or operate the following establishments for compensation, directly or indirectly, without a license issued by the department:

A. An eating establishment;

B. An eating and lodging place;

C. A lodging place;

D. A recreational camp; or

E. A camping area.

Licenses issued must be displayed in a place readily visible to customers or other persons using a licensed establishment.

2. Violation. A person, corporation, firm or copartnership may not:

A. Violate subsection 1; or

B. Violate subsection 1 after having previously violated subsection 1.

3. Camping area; presumption. If a camping area consists of 5 or more tents or recreational vehicles on a commercial lot, it is presumed that the owner or renter of the lot is receiving compensation for the use of a camping area. The owner or renter may rebut the presumption if the owner or renter presents a preponderance of evidence to the contrary.

Sec. K-21. 22 MRSA §2708, sub-§1 is amended to read:

1. Intentional or knowing falsification. Any A person who willfully intentionally or knowingly falsifies, willfully provides false information, makes or alters any certificate or certified copy except as provided for in this Title, or who knowingly possesses and uses any such false or altered certified copy, or knowingly possesses and uses as his own, any certificate or certified copy pertaining to another person, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$100 and not more than \$1,000 or by imprisonment for not more than one year, or by both commits a Class E crime.

Sec. K-22. 22 MRSA §2708, sub-§1-A is enacted to read:

1-A. Knowing possession, use. A person who knowingly possesses and uses a false or altered certificate or certified copy or knowingly possesses and uses as that person's own a certificate or certified copy pertaining to another person commits a Class E crime.

Sec. K-23. 22 MRSA §2708, sub-§2, as amended by PL 1987, c. 382, is repealed and the following enacted in its place:

2. General. A person may not:

A. Refuse to provide information required by this Title, violate a provision of this Title having to do with the registration of vital statistics or neglect or refuse to perform a duty imposed upon that person by this Title having to do with the registration of vital statistics. Violation of this paragraph is a Class E crime; or

B. Violate paragraph A after having been previously convicted of violating this subsection. Violation of this paragraph is a Class D crime. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence.

Violation of this subsection is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. K-24. 22 MRSA §2708, sub-§3 is enacted to read:

3. Disposition of dead body without permit. A person may not:

A. Knowingly transport or accept for transportation, interment or other disposition a dead body without an accompanying permit issued in accordance with this Title. Violation of this paragraph is a Class E crime; or

B. Violate paragraph A after having been previously convicted of violating this subsection. Violation of this paragraph is a Class D crime. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence.

Sec. K-25. 22 MRSA §4314, sub-§6, as enacted by PL 1983, c. 577, §1, is amended to read:

6. Refusal; penalty. Any A person who refuses upon request to provide such information under this section without just cause commits a civil violation for which a forfeiture fine of not less than \$25 nor and not more than \$100 may be adjudged to be recovered in a civil action in any court of competent jurisdiction. Any person who willfully renders false information to an administrator is guilty of a Class E crime.

Sec. K-26. 22 MRSA §4314, sub-§7 is enacted to read:

7. False information; penalty. A person who intentionally or knowingly renders false information under this section to an administrator commits a Class E crime.

Sec. K-27. 22 MRSA §7702-A, sub-§2, as enacted by PL 1999, c. 363, §3, is repealed and the following enacted in its place:

2. Civil penalties. The following penalties apply to the following violations:

A. A person who violates section 7703 or 8603 or rules adopted pursuant to those sections commits a civil violation for which a fine of not more than \$500 may be adjudged.

B. A person who violates rules governing child-to-staff ratios adopted under section 8302-A, subsection 1, paragraph A or subsection 2, paragraph G commits a civil violation for which a fine of not more than \$500 per incident or \$500 per number of children above the limitation set by rule, or both, may be adjudged.

Sec. K-28. 22 MRSA §8705, sub-§1, as amended by PL 2001, c. 457, §11, is further amended to read:

1. Rulemaking. The board shall adopt rules setting a schedule of ~~forfeitures~~ finest for failure to file data as required and failure to pay assessments, and ~~willful~~ intentional, knowing or negligent failure to safeguard the identity of patients or providers. The rules may contain procedures for monitoring compliance with this chapter.

Sec. K-29. 22 MRSA §8705, sub-§2, as amended by PL 2001, c. 457, §12, is repealed and the following enacted in its place:

2. Fines. Except for circumstances beyond a person's or entity's control:

A. When a person or entity that is a health care facility, payor, 3rd-party administrator or carrier that provides only administrative services for a plan sponsor violates the requirements of this chapter, that person or entity commits a civil violation for which a fine of not more than \$1,000 per day may be adjudged. A fine imposed under this paragraph may not exceed \$25,000 for any one occurrence; or

B. A person or entity not covered by paragraph A that violates the requirements of this chapter commits a civil violation for which a fine of not more than \$100 per day may be adjudged. A fine imposed under this paragraph may not exceed \$2,500 for any one occurrence.

PART L

Sec. L-1. 23 MRSA §1153, as amended by PL 1971, c. 593, §22, is repealed and the following enacted in its place:

§1153. Advertising on highways; jurisdiction; removal

1. Erecting advertisement on highway. A person may not post, erect, display or maintain or cause to be posted, erected, displayed or maintained a sign, billboard, panel, placard, poster, notice or other advertising device in, upon or above any highway or so situated with respect to any highway as to obstruct clear vision of an intersecting highway or highways or otherwise so situated as to prevent the safe use or obstruct the maintenance of the highway. The highway is deemed the full width of the road as laid out by the State, county or the town and in any case is deemed to extend 33 feet from each side of the center line of the traveled or built-up portion of the way.

2. Application. This section does not apply to the State or to a political subdivision of the State or to signs erected or maintained with the approval of the department solely for the purpose of safeguarding, facilitating or protecting travel along the highway.

A. The department may authorize the placing of directional signs of such design as it determines, not exceeding 48 inches in length and 9 inches in width to designate places of interest, to be posted without expense to the State at the junction of roads.

B. A person, firm or corporation, while working on, under, over or immediately adjacent to a highway, may erect temporary warning or directional signs or signals for the purpose of safeguarding or protecting its workers and facilitating and protecting travel along the highway by the traveling public.

3. Penalties. The following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not less than \$5 and not more than \$500 may be adjudged.

B. After having been adjudicated as having violated paragraph A, a person who unlawfully maintains any sign, billboard, panel, placard, poster, notice or other advertising device for 10 days after the adjudication is subject to an additional fine of not more than \$50 for each day upon which such sign, billboard, panel, placard, poster, notice or other advertising device is maintained.

4. Removal. The State Police shall remove all signs, billboards, panels, placards, posters, notices or other advertising devices existing within the limits of the highway in violation of this section.

Sec. L-2. 23 MRSA §1401, as amended by PL 1985, c. 20, is repealed.

Sec. L-3. 23 MRSA §1401-A is enacted to read:

§1401-A. Installations restricted

1. Installing of buildings or fixtures. A person may not install, erect or construct, or cause to be installed, erected or constructed, installations such as buildings, gasoline pumps or other fixtures, in, upon or near any state or state aid highway, located as follows:

A. Within the full width of the right-of-way of any state or state aid highway as laid out by the State, the county or the town;

B. Within 33 feet of the center line of any state or state aid highway. This paragraph does not apply to installations or other property in existence on August 6, 1949. The commissioner has discretion to waive the application of this paragraph to the reconstruction of a building in the

general location of the previously existing building if the commissioner determines that highway safety and the public welfare will not be adversely affected; or

C. Within 20 feet from the outside edge of any of the paved portion of any state or state aid highway having more than 2 travel lanes and having a total paved portion in excess of 24 feet in width. This paragraph does not apply to installations or other property in existence on September 1, 1955.

2. Penalties. The following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not less than \$5 and not more than \$500 may be adjudged.

B. After having been adjudicated as having violated paragraph A, a person who unlawfully maintains any installations such as buildings, gasoline pumps or other fixtures for 30 days after the adjudication is subject to an additional fine of not more than \$50 for each day such installations are maintained.

3. Application. This section does not apply to the installations or other property devoted to the public use of any public utility or district and underground pipelines.

Sec. L-4. 23 MRSA §1980, sub-§1, as enacted by PL 1981, c. 595, §3, is amended to read:

1. Traffic infraction. Any Except as provided in subsection 1-A, a violation of published rules relating to the turnpike or its use or services shall be deemed is a traffic infraction and shall be is punishable by a fine of not more than \$250 \$500, except that any person who operates a motor vehicle at a speed which exceeds, by 30 miles an hour or more, the speed fixed by the authority shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$50 nor more than \$500 or by imprisonment for not more than 30 days, or by both. Any failure or neglect to pay tolls, fares or charges for use of the turnpike shall be deemed a misdemeanor and shall be punishable by a fine of not more than \$500 or by imprisonment for not more than 30 days, or by both. Nothing contained in this section may prevent the authority from collecting payment for use of the turnpike or any other service in connection with the turnpike by action at law or in equity.

Sec. L-5. 23 MRSA §1980, sub-§1-A is enacted to read:

1-A. Criminal violations. The following violations of published rules relating to the turnpike or its use or services are crimes.

A. A person who operates a motor vehicle at a speed that exceeds, by 30 miles per hour or more, the speed fixed by the authority commits a Class E crime.

B. A person who fails or neglects to pay tolls, fares or charges for use of the turnpike commits a Class E crime.

These crimes are strict liability crimes as defined in Title 17-A, section 34, subsection 4-A.

Sec. L-6. 23 MRSA §1980, sub-§4 is enacted to read:

4. Other collection procedures. Nothing in this section prevents the authority from collecting payment for use of the turnpike or any other service in connection with the turnpike by action at law or in equity.

Sec. L-7. 23 MRSA §3252 is repealed and the following enacted in its place:

§3252. Drainage or obstruction of public ways

1. Change in drainage; obstruction. A person, personally or through the person's agents or servants, may not do any of the following acts in a manner that changes the drainage of a public way or obstructs a public way:

A. Cultivate, in connection with the improvement of lands adjacent to a public way, any portion of the wrought portion of a public way;

B. Turn teams, tractors, farm machinery or other equipment upon the wrought portion of a public way; or

C. Deposit within or along any ditch or drain in a public way any material that will obstruct the flow of water in the ditch or drain or otherwise obstruct the way. With the written consent and in accordance with specifications of the legal authorities having supervision of the ditch or drain, a person may, to provide egress and regress to and from lands occupied by that person, lawfully construct and maintain a bridge across the ditch or drain.

2. Penalties. The following penalties apply to violations of this section.

A. A person who intentionally or knowingly violates subsection 1 commits a civil violation for which a fine of not more than \$50 plus costs may be adjudged.

B. A person who intentionally or knowingly violates subsection 1 after having previously violated this section commits a civil violation for which a fine of not more than \$100 plus costs may be adjudged.

All fines recovered under this section, except in cases where the way involved was maintained by the State, must be paid to the treasurer of the municipality, or, for an unorganized place, to the treasurer of the county, where such offense is committed and must be expended in the construction and maintenance of public ways or drains therein.

3. Damages. In addition to the fines under subsection 2, a person who intentionally or knowingly violates subsection 1 is liable for double the amount of the actual damage, to be recovered in a civil action by the municipality, or, in behalf of any unorganized place, by the county where the offense is committed.

4. Jurisdiction. In all prosecutions under this section, the District Court has, upon complaint, jurisdiction concurrent with the Superior Court.

5. Application. This section does not apply to a person having legal supervision of a public way.

Sec. L-8. 23 MRSA §3253 is repealed.

Sec. L-9. 23 MRSA §3254 is repealed and the following enacted in its place:

§3254. Complaints

When the attention of a municipal officer, or, for an unorganized place, a county commissioner, is directed to a violation of section 3252 within the municipal officer's or county commissioner's jurisdiction, the municipal officer or county commissioner shall enter a complaint against the offender and prosecute the violation to final judgment.

Sec. L-10. 23 MRSA §6019, as enacted by PL 1987, c. 141, Pt. A, §4, is repealed and the following enacted in its place:

§6019. Loitering; soliciting passengers

1. Loitering prohibited. A person may not loiter or remain, without right, within any car or station house of a railroad corporation or upon the platform or grounds adjoining that station after being requested to leave by a railroad officer.

2. Soliciting passengers prohibited. A person may not solicit passengers, in competition with a railroad corporation, in a station or on the station grounds or wharves of the railroad corporation without a written permit signed by an officer of the corporation authorized to issue the permit.

3. Penalties. A person who violates this section commits a civil violation for which a fine of not more than \$100 may be adjudged.

Sec. L-11. 23 MRSA §6023, as amended by PL 1991, c. 797, §7, is repealed and the following enacted in its place:

§6023. Injuring fences; turning animals into railroad enclosure

1. Injuring fence. A person may not take down or intentionally injure a fence erected to protect the line of a railroad.

2. Turning animals into railroad enclosure. A person may not turn a horse, cattle or other animal upon or within the enclosure of a railroad.

3. Penalty. A person who violates this section commits a Class E crime. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. L-12. 23 MRSA §7007, as amended by PL 1999, c. 318, §1, is repealed and the following enacted in its place:

§7007. Penalty for being on track or bridge or entering track with team or vehicle

1. Walking or standing on track or bridge. A person may not, without right, stand or walk on a railroad track or railroad bridge or pass over a railroad bridge except by railroad conveyance.

2. Entering track. A person may not, without right, enter upon a railroad track with a team or a vehicle however propelled or drive any team or propel a vehicle upon a railroad track.

3. Penalties. The following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a civil violation for which a fine of not less than \$5 and not more than \$100 may be adjudged.

B. A person who violates subsection 1 after having previously violated subsection 1 commits a civil violation for which a fine of not less than \$100 and not more than \$500 may be adjudged.

C. A person who violates subsection 1 after having previously violated subsection 1 2 or more times commits a civil violation for which a fine of not less than \$500 and not more than \$1000 may be adjudged.

D. A person who violates subsection 2 commits a Class E crime. Violation of subsection 2 is a

strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

PART M

Sec. M-1. 24-A MRSA §4143, as amended by PL 1991, c. 797, §11, is repealed and the following enacted in its place:

§4143. Penalties

1. False or fraudulent statement in application. A person who intentionally or knowingly makes a false or fraudulent statement in or relating to an application for membership or for the purpose of obtaining money from or a benefit in any society commits a Class E crime.

2. Perjury. A person who intentionally or knowingly makes a false or fraudulent statement in any verified report or declaration under oath required or authorized by this chapter or of any material fact contained in a sworn statement concerning the death or disability of a member for the purpose of procuring payment of a benefit named in the certificate commits the crime of perjury and is subject to the penalties prescribed by law.

3. Soliciting membership in society not licensed to do business. A person who solicits membership for or in any manner assists in procuring membership in a society not licensed to do business in this State commits a civil violation for which a fine of not less than \$50 and not more than \$200 may be adjudged.

4. General penalty. A person who intentionally or knowingly violates or neglects or refuses to comply with the provisions of this chapter for which a penalty is not otherwise prescribed is subject to the penalties under section 12-A.

PART N

Sec. N-1. 25 MRSA §2001, as amended by PL 2003, c. 414, Pt. B, §36, is repealed.

Sec. N-2. 25 MRSA §2001-A is enacted to read:

§2001-A. Threatening display of or carrying concealed weapon

1. Display or carrying prohibited. A person may not, unless excepted by a provision of law:

A. Display in a threatening manner a firearm, slungshot, knuckles, bowie knife, dirk, stiletto or other dangerous or deadly weapon usually employed in the attack on or defense of a person; or

B. Wear under the person's clothes or conceal about the person's person a firearm, slungshot, knuckles, bowie knife, dirk, stiletto or other dangerous or deadly weapon usually employed in the attack on or defense of a person.

2. Exceptions. The provisions of this section concerning the carrying of concealed weapons do not apply to:

A. Firearms carried by a person to whom a valid permit to carry a concealed firearm has been issued as provided in this chapter;

B. Disabling chemicals as described in Title 17-A, section 1002;

C. Knives used to hunt, fish or trap as defined in Title 12, section 10001;

D. Law enforcement officers and corrections officers as permitted in writing by their employer;

E. Firearms carried by a person engaged in conduct for which a state-issued hunting or trapping license is required and possessing the required license, or firearms carried by a resident person engaged in conduct expressly authorized by Title 12, section 11108 and section 12202, subsection 1. This paragraph does not authorize or permit the carrying of a concealed or loaded firearm in a motor vehicle; and

F. A firearm carried by a person to whom a valid permit to carry a concealed firearm has been issued by another state if a permit to carry a concealed firearm issued from that state has been granted reciprocity. The Chief of the State Police may enter into reciprocity agreements with 2 other states. Reciprocity may be granted to a permit to carry a concealed firearm issued from another state if:

(1) The other state that issued the permit to carry a concealed firearm has substantially equivalent or stricter requirements for the issuance of a permit to carry a concealed firearm; and

(2) The other state that issued the permit to carry a concealed firearm observes the same rules of reciprocity in regards to a person issued a permit to carry a concealed firearm under this chapter.

Sec. N-3. 25 MRSA §2004, as enacted by PL 1985, c. 478, §2, is repealed and the following enacted in its place:

§2004. Penalty

1. False statements. A person who intentionally or knowingly makes a false statement in the written application for a permit to carry a concealed firearm or any documents made a part of the application commits a Class D crime.

2. Carries or conceals dangerous weapon. A person who violates section 2001-A commits a Class D crime.

3. Failure to possess permit. A person who fails to comply with section 2003, subsection 11 commits a civil violation for which a fine of not more than \$100 may be adjudged.

4. Violation of confidentiality. A person who intentionally or knowingly violates the confidentiality provisions of section 2006 commits a Class E crime.

Sec. N-4. 25 MRSA §2005, sub-§1, ¶B, as amended by PL 1989, c. 917, §13, is further amended to read:

B. The permit holder has been convicted of a violation of section ~~2004~~ 2001-A;

Sec. N-5. 25 MRSA §2055, as enacted by PL 1973, c. 237, is repealed and the following enacted in its place:

§2055. Penalty

A person who violates this chapter commits a Class E crime. Except as otherwise specifically provided, violation of this chapter is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. N-6. 25 MRSA §2465, sub-§6, as amended by PL 1991, c. 714, §8, is repealed and the following enacted in its place:

6. Penalty. The following penalties apply.

A. A person who, for compensation, constructs or installs vents or solid fuel burning appliances in violation of the standards and then permits such violation to remain uncorrected after 30 days' notice from an official empowered to enforce this section commits a civil violation for which a fine of not more than \$500 for each violation may be adjudged. The court may waive any penalty or cost against a violator upon satisfactory proof that the violation was corrected within 30 days of the issuance of a complaint. Construction and installation of chimneys and fireplaces are governed by Title 32, chapter 33.

B. A person who fails to provide a purchaser with an instruction manual or the authorized

publication of the Department of Economic and Community Development, as described in subsection 5-A, commits a civil violation for which a fine of not less than \$200 and not more than \$500 may be adjudged.

C. A person who violates paragraph B after having previously violated paragraph B commits a civil violation for which a fine of not less than \$500 and not more than \$800 for each offense may be adjudged.

In addition to the penalties provided in this subsection, a violation of this chapter constitutes a violation of Title 5, chapter 10.

Sec. N-7. 25 MRSA §2931, sub-§1, ¶¶A and B, as enacted by PL 1999, c. 80, §1, are amended to read:

A. Makes repeated telephone calls to a public safety answering point by dialing 9-1-1 to make nonemergency reports or inquiries; ~~or~~

B. Causes telephone calls to be made to a public safety answering point using an alarm or other alerting device that automatically dials 9-1-1 and transmits a prerecorded signal or message; ~~or~~

Sec. N-8. 25 MRSA §2931, sub-§1, ¶C is enacted to read:

C. Violates paragraph B after having previously violated paragraph B.

Sec. N-9. 25 MRSA §2931, sub-§2, as repealed and replaced by PL 1999, c. 80, §1, is repealed.

Sec. N-10. 25 MRSA §2931, sub-§2-A is enacted to read:

2-A. Penalty. The following penalties apply to violations of this section.

A. Violation of subsection 1, paragraph A or C is a Class E crime. Violation of subsection 1, paragraph A or C is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

B. Violation of subsection 1, paragraph B is a civil violation for which a fine of not more than \$500 may be adjudged.

PART O

Sec. O-1. 26 MRSA §593 is repealed and the following enacted in its place:

§593. Textile piecework

1. Posting of specifications. The occupiers or managers of every textile factory shall post in every

room where employees work by piece rate, in legible writing or printing, and in sufficient numbers to be easily accessible to such employees, specifications of the character of each kind of work to be done by them and the rate of compensation, whether paid by the pound or by the pick as registered by the pick clock on each loom. Such specifications in the case of weaving rooms must state the intended and maximum length of a cut or piece, the count per inch of reed and the number of picks per inch, width of loom and width of cloth woven in the loom, and each warp must bear a designating ticket or mark of identification.

2. Pick clocks. In mills operating looms engaged in the weaving of cloth or other textiles where weavers are not paid on a per hour or day basis, pick clocks must be placed on each loom in operation, and each weaver must be paid according to the number of picks registered on the pick clock.

3. Penalties. The following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not more than \$50 may be adjudged.

B. A person who violates this section after having previously violated this section commits a civil violation for which a fine of not more than \$100 may be adjudged.

C. A person who violates this section after having previously violated this section 2 or more times commits a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

4. Application. This section does not apply to so-called gang looms or the weaving of carpets or elastic webbing.

Sec. O-2. 26 MRSA §782 is repealed and the following enacted in its place:

§782. Parent, guardian or custodian

1. Permitting or allowing child to work. A person who has control over a child as parent, guardian, custodian or otherwise may not permit or allow the child to be employed or to work in violation of this subchapter.

2. Work permit containing false information. A person may not present, or permit or allow a child over which the person has control to present, to an employer, owner or superintendent or an overseer or agent as required under section 775 a work permit containing a false statement as to the date of birth or age of the child, knowing it to be false.

3. Penalties. A person who violates this section commits a civil violation for which a fine of not less than \$10 and not more than \$50 for each offense may be adjudged.

Sec. O-3. 26 MRSA §1082, sub-§2, as repealed and replaced by PL 1983, c. 351, §9, is amended to read:

2. Powers and duties. In addition to other powers and duties provided in this chapter, the commission, by majority vote and with the advice of the commissioner, may adopt or rescind rules with respect to unemployment insurance in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375. The commission may require reports, make investigations and undertake other activities necessary to carry out the duties of the commission. Each member of the commission ~~shall have~~ is entitled to access to any information, memoranda, reports or statistical data ~~which that~~ is in the possession of or ~~which that~~ has been prepared by ~~any~~ a division of the Department of Labor and ~~which that~~ relates to the administration of this chapter.

Sec. O-4. 26 MRSA §1082, sub-§7, as amended by PL 1997, c. 687, §1, is further amended to read:

7. Records and reports. Each employing unit shall keep true and accurate work records, containing such information as the commissioner may prescribe. These records must be open to inspection and be subject to being copied by the commissioner or the commissioner's authorized representatives at any reasonable time and as often as may be necessary. The commissioner may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, that the commissioner considers necessary for the effective administration of this chapter. Information thus obtained or obtained from any individual pursuant to the administration of this chapter, except to the extent necessary for proper presentation of a claim, must be held confidential and may not be published or opened to public inspection, other than to public employees in the performance of their public duties or to any agent of an agency that is under contract with a state or local child-support agency, or to any agent of an agency that is under contract or subcontract with the state employment and job training agency, pursuant to safeguards established by the commissioner, in any manner revealing the individual's or employing unit's identity, but the department shall, upon request, provide to any party to an adjudicatory proceeding information from the records relating to the proceeding. Final decisions of adjudicatory proceedings are available to the public ~~provided that~~ after the names and addresses of claimants and employers are deleted from the decisions. Records, with any necessary authentication

~~thereof of those records~~, required in the prosecution of any criminal action brought by another state for misrepresentation to obtain benefits under the law of this State must be made available to the agency administering the employment security law of any such state for the purpose of such prosecution. ~~Any person who violates any provision of this subsection is guilty of a Class E crime. Any agent of an agency that is under contract with a state or local child support agency, or any agent of an agency that is under contract or subcontract with the state employment and job training agency who discloses any information that is confidential pursuant to this subsection, other than disclosure authorized by this subsection, is guilty of a Class E crime.~~

A. A person who violates this subsection commits a Class E crime.

B. An agent of an agency that is under contract with a state or local child-support agency, or an agent of an agency that is under contract or subcontract with the state employment and job training agency who discloses any information that is confidential pursuant to this subsection, other than disclosure authorized by this subsection, commits a Class E crime.

Violation of this subsection is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. O-5. 26 MRSA §1082, sub-§9-A, as amended by PL 1987, c. 641, §5, is further amended to read:

9-A. Refusal to appear. ~~Any~~ A person who without just cause fails or refuses to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda and other records, if it is in that person's power to do so, in obedience to a subpoena of the commissioner, the commission, the Division of Administrative Hearings or the duly authorized ~~representative~~ representative of any of them ~~shall be guilty of~~ commits a Class E crime. This crime is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. ~~Whenever~~ If a person refuses to obey a subpoena duly issued by the commissioner, the commission, the Division of Administrative Hearings or the duly authorized representative of any of them, any court of this State within the jurisdiction of which the person resides or transacts business, ~~shall have~~ has jurisdiction to issue to that person an order requiring the person to appear and produce evidence or testimony, and any failure to obey that order may be punished by the court as contempt of court.

Sec. O-6. 26 MRSA §1420-C, as enacted by PL 1995, c. 560, Pt. F, §13, is repealed and the following enacted in its place:

§1420-C. Penalty

1. Interference with admittance or enjoyment; rights. A person or the person's agent may not:

A. Deny or interfere with admittance to or enjoyment of the public facilities described in section 1420-A; or

B. Otherwise interfere with the rights of a deaf or hard-of-hearing person under section 1420-A.

2. Penalty. Violation of this section is a Class E crime. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. O-7. 26 MRSA §1420-D is enacted to read:

§1420-D. Misrepresentation of hearing dog

A person who fits a dog with a collar and leash of the type required by section 1420-A, subsection 3 in order to represent that the dog is a hearing dog when training of the type that a hearing dog normally receives has not in fact been provided commits a civil violation for which a fine of not more than \$100 may be adjudged.

PART P

Sec. P-1. 28-A MRSA §161, as amended by PL 1997, c. 373, §§33 to 35, is further amended to read:

§161. Bottle clubs

1. Registration. Each bottle club, as defined in section 2, subsection 3, shall register annually with the bureau on forms provided by the bureau. Registration consists of submission of the information required in paragraph A and payment of the registration fee established in paragraph B.

A. The information each bottle club is required to submit consists of only the following:

- (1) The name and address of each owner of the bottle club;
- (2) The name and address of each operator of the bottle club; and
- (3) The regular hours of operation.

B. The annual fee for registration of a bottle club is \$50.

~~C. Any bottle club that does not register with the bureau commits a Class E crime.~~

A bottle club that does not register with the bureau commits a Class E crime. Violation of this subsection is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

1-A. Eligibility qualifications. The bureau may not register a bottle club unless each owner or operator of the bottle club meets the eligibility qualifications under section 601, subsection 1.

1-B. Disqualification. The bureau may not register a bottle club if the bureau determines that:

A. An owner or operator of the bottle club is disqualified from receiving a liquor license under section 601, subsection 2; or

C. The purpose of the application is to circumvent the eligibility or disqualification provisions of section 601.

The bureau shall notify each owner or operator of the bottle club in writing of its decision to approve or deny registration of the bottle club under this subsection. The decision of the bureau to approve or deny registration of a bottle club is final agency action.

1-C. Penalty for operation after denial. Notwithstanding subsection 1, paragraph C, a person who operates a bottle club after receipt of notice of denial of registration under subsection 1-B commits a Class D crime. Violation of this subsection is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

2. Charges and fees. Charges paid by the bottle club's members or the general public for membership, admission, food, mixers or other supplies used with liquor or storage or handling of liquor belonging to members or the general public are not sales, as defined in this Title, or gifts.

~~**3. Minors on the premises.** The bottle club may not allow any minor not employed by the bottle club nor accompanied by his parent, legal guardian or custodian, as defined in Title 22, section 4002, to remain on the bottle club premises, except on occasions when liquor is prohibited on the bottle club premises.~~

~~A. A bottle club may employ minors only if an employee of legal drinking age or older is present in a supervisory capacity.~~

3-A. Minors on premises. A bottle club may not allow a minor not employed by the bottle club or not accompanied by the minor's parent, guardian or custodian, as defined in Title 22, section 4002, to remain on the bottle club premises, except on occasions when liquor is prohibited on the bottle club

premises. The following penalties apply to violations of this subsection.

A. A bottle club that violates this subsection commits a civil violation for which a fine of not less than \$100 and not more than \$300 may be adjudged.

B. A bottle club that violates this subsection after having previously violated this section commits a civil violation for which a fine of not less than \$200 and not more than \$500 may be adjudged.

C. A bottle club that violates this subsection after having previously violated this section 2 or more times commits a civil violation for which a fine of \$500 may be adjudged.

3-B. Employment of minors. A bottle club may employ minors only if an employee of legal drinking age or older is present in a supervisory capacity.

4. Consumption or possession on premises. A bottle club may not permit consumption or possession of imitation liquor on the bottle club premises by minors. A bottle club may not permit consumption of liquor on the bottle club premises by minors or visibly intoxicated persons. The following penalties apply to violations of this subsection.

A. A bottle club that violates this subsection commits a civil violation for which a fine of not less than \$100 and not more than \$300 may be adjudged.

B. A bottle club that violates this subsection after having previously violated this section commits a civil violation for which a fine of not less than \$200 and not more than \$500 may be adjudged.

C. A bottle club that violates this subsection after having previously violated this section 2 or more times commits a civil violation for which a fine of \$500 may be adjudged.

5. Violation of state law. ~~No~~ A bottle club may not knowingly allow any violation of any state law on the bottle club premises to occur or continue. The following penalties apply to violations of this subsection.

A. A bottle club that violates this subsection commits a civil violation for which a fine of not less than \$100 and not more than \$300 may be adjudged.

B. A bottle club that violates this subsection after having previously violated this section com-

mits a civil violation for which a fine of not less than \$200 and not more than \$500 may be adjudged.

C. A bottle club that violates this subsection after having previously violated this section 2 or more times commits a civil violation for which a fine of \$500 may be adjudged.

6. Jurisdiction. A bottle club that violates subsection 3, 4, 5 or 7 commits a civil violation for which a forfeiture may be adjudged of not less than \$100 nor more than \$300 for the first offense; not less than \$200 nor more than \$500 for the 2nd offense; and \$500 for the 3rd and subsequent offenses. The District Court has jurisdiction over the civil violations, defined in this section, under Title 17-A, section 9.

7. Right of access. Every bottle club shall allow liquor enforcement officers and other law enforcement officers to enter the premises at reasonable times for the purpose of investigating compliance with this Title.

A. Entry into the premises under this subsection must be conducted in a reasonable manner so as not to disrupt the operation of the bottle club.

B. The investigation must be limited to those areas involved in the actual operation of the bottle club, including storage areas.

C. The following penalties apply to violations of this subsection.

(1) A bottle club that violates this subsection commits a civil violation for which a fine of not less than \$100 and not more than \$300 may be adjudged.

(2) A bottle club that violates this subsection after having previously violated this section commits a civil violation for which a fine of not less than \$200 and not more than \$500 may be adjudged.

(3) A bottle club that violates this subsection after having previously violated this section 2 or more times commits a civil violation for which a fine of \$500 may be adjudged.

Sec. P-2. 28-A MRSA §163, sub-§9, as enacted by PL 1993, c. 266, §5, is repealed and the following enacted in its place:

9. Violations. The following penalties apply to violations of this section.

A. A B.Y.O.B. sponsor that violates this section commits a civil violation for which a fine of not

less than \$100 and not more than \$300 may be adjudged.

B. A B.Y.O.B. sponsor that violates this section after having previously violated this section commits a civil violation for which a fine of not less than \$200 and not more than \$500 may be adjudged.

C. A B.Y.O.B. sponsor that violates this section after having previously violated this section 2 or more times commits a civil violation for which a fine of \$500 may be adjudged.

Sec. P-3. 28-A MRSA §704, as amended by PL 1997, c. 373, §67, is repealed and the following enacted in its place:

§704. Employment of minors

1. Employees under 17 years of age. A licensee for the sale of liquor to be consumed on licensed premises may not employ a person under 17 years of age in the serving or selling of liquor on the premises where the liquor is sold. A licensee who violates this subsection is subject to the penalties in section 803.

2. Employees between 17 and 21 years of age. An employee who is at least 17 years of age but less than 21 years of age may serve or sell liquor only in the presence of an employee who is at least 21 years of age and is in a supervisory capacity.

A. A licensee whose employee violates this subsection is subject to the penalties in section 803.

B. An employee who violates this subsection is subject to the penalties in section 803.

Sec. P-4. 28-A MRSA §2051, as amended by PL 2001, c. 160, §1, is further amended to read:

§2051. Prohibited acts by minors

1. Prohibited acts. A minor may not:

A. Purchase any liquor or imitation liquor. The following penalties apply to violations of this paragraph.

(1) A minor who violates this paragraph commits a civil violation for which a fine of not less than \$200 and not more than \$400 must be adjudged.

(2) A minor who violates this paragraph after having previously violated this section commits a civil violation for which a fine of not less than \$300 and not more than \$600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B.

(3) A minor who violates this paragraph after having previously violated this section 2 or more times commits a civil violation for which a fine of \$600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B;

B. Consume ~~any~~ liquor or imitation liquor, except in a home in the presence of the minor's parent, legal guardian or custodian, as defined in Title 22, section 4002;. The following penalties apply to violations of this paragraph.

(1) A minor who violates this paragraph commits a civil violation for which a fine of not less than \$200 and not more than \$400 must be adjudged.

(2) A minor who violates this paragraph after having previously violated this section commits a civil violation for which a fine of not less than \$300 and not more than \$600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B.

(3) A minor who violates this paragraph after having previously violated this section 2 or more times commits a civil violation for which a fine of \$600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B;

C. Have on the minor's person ~~any~~ liquor or imitation liquor in any premises licensed for the sale of liquor to be consumed on the premises;. The following penalties apply to violations of this paragraph.

(1) A minor who violates this paragraph commits a civil violation for which a fine of not less than \$200 and not more than \$400 must be adjudged.

(2) A minor who violates this paragraph after having previously violated this section commits a civil violation for which a fine of not less than \$300 and not more than \$600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B.

(3) A minor who violates this paragraph after having previously violated this section 2 or more times commits a civil violation for which a fine of \$600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B;

D. Present or offer to ~~any~~ a licensee, the licensee's agent or employee any written or oral evi-

dence of age that is false, fraudulent or not actually the minor's own, for the purpose of:

(1) Ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any liquor or imitation liquor; or. The following penalties apply to violations of this subparagraph.

(a) A minor who violates this subparagraph commits a civil violation for which a fine of not less than \$200 and not more than \$400 must be adjudged.

(b) A minor who violates this subparagraph after having previously violated this section commits a civil violation for which a fine of not less than \$300 and not more than \$600 must be adjudged, none of which must be suspended except as provided in subsection 2, paragraph B.

(c) A minor who violates this subparagraph after having previously violated this section 2 or more times commits a civil violation for which a fine of \$600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B; or

(2) Gaining access to a licensed premise when minors are not allowed;. The following penalties apply to violations of this subparagraph.

(a) A minor who violates this subparagraph commits a civil violation for which a fine of not less than \$200 and not more than \$400 must be adjudged.

(b) A minor who violates this subparagraph after having previously violated this section commits a civil violation for which a fine of not less than \$300 and not more than \$600 must be adjudged, none of which must be suspended except as provided in subsection 2, paragraph B.

(c) A minor who violates this subparagraph after having previously violated this section 2 or more times commits a civil violation for which a fine of \$600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B;

D-1. Have in the minor's possession a false identification card; The following penalties apply to violations of this paragraph.

(1) A minor who violates this paragraph commits a civil violation for which a fine of not less than \$200 and not more than \$400 must be adjudged.

(2) A minor who violates this paragraph after having previously violated this section commits a civil violation for which a fine of not less than \$300 and not more than \$600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B.

(3) A minor who violates this paragraph after having previously violated this section 2 or more times commits a civil violation for which a fine of \$600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B;

D-2. Sell, furnish or give a false identification card to a minor; The following penalties apply to violations of this paragraph.

(1) A minor who violates this paragraph commits a civil violation for which a fine of not less than \$200 and not more than \$400 must be adjudged.

(2) A minor who violates this paragraph after having previously violated this section commits a civil violation for which a fine of not less than \$300 and not more than \$600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B.

(3) A minor who violates this paragraph after having previously violated this section 2 or more times commits a civil violation for which a fine of \$600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B;

~~E. Have any liquor or imitation liquor in the minor's possession except:~~

~~(1) In the scope of the minor's employment; or~~

~~(2) In a home in the presence of the minor's parent, legal guardian or custodian, as defined in Title 22, section 4002; or~~

E-1. Except as provided in subsection 5, have any liquor or imitation liquor in the minor's pos-

session. The following penalties apply to violations of this paragraph.

(1) A minor who violates this paragraph commits a civil violation for which a fine of not less than \$200 and not more than \$400 must be adjudged.

(2) A minor who violates this paragraph after having previously violated this section commits a civil violation for which a fine of not less than \$300 and not more than \$600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B.

(3) A minor who violates this paragraph after having previously violated this section 2 or more times commits a civil violation for which a fine of \$600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B; or

~~F. Have in the minor's possession equipment specifically constructed, manufactured or marketed for the purpose of brewing malt liquor or fermenting or making wine except:~~

~~(1) In the scope of the minor's employment; or~~

~~(2) In the minor's own home under the supervision of the minor's parent, legal guardian or custodian, as defined in Title 22, section 4002.~~

F-1. Except as provided in subsection 5, have in the minor's possession equipment specifically constructed, manufactured or marketed for the purpose of brewing malt liquor or fermenting or making wine. The following penalties apply to violations of this paragraph.

(1) A minor who violates this paragraph commits a civil violation for which a fine of not less than \$200 and not more than \$400 must be adjudged.

(2) A minor who violates this paragraph after having previously violated this section commits a civil violation for which a fine of not less than \$300 and not more than \$600 must be adjudged, none of which may be suspended except as provided in subsection 2, paragraph B.

(3) A minor who violates this paragraph after having previously violated this section 2 or more times commits a civil violation for which a fine of \$600 must be adjudged.

none of which may be suspended except as provided in subsection 2, paragraph B.

2. Penalties. ~~A minor who violates this section commits a civil violation for which a forfeiture must be adjudged of not less than \$200 nor more than \$400 for the first offense; not less than \$300 nor more than \$600 for the 2nd offense, none of which may be suspended, except as provided in paragraph B; and \$600 for the 3rd and subsequent offenses, none of which may be suspended, except as provided in paragraph B. The following apply to the penalties imposed for violations of this section.~~

A. When a person is adjudged to have committed a first offense under this section, the judge shall inform that person that the ~~forfeitures~~ finer for the 2nd and subsequent offenses are mandatory and cannot be suspended; except as provided in paragraph B. Failure to inform the first offender that subsequent ~~forfeitures~~ finer are mandatory is not a ground for suspension of any subsequent ~~forfeiture~~ fine.

B. The judge, as an alternative to or in addition to the civil ~~forfeitures~~ finer required by this subsection, may assign the minor to perform specified work for the benefit of the State, the municipality or other public entity or charitable institution.

3. Minor can not be charged with more than one offense. ~~No~~ A minor may not be charged with more than one offense under this section in any given instance in which the same set of facts is involved.

4. Illegal possession and illegal transportation. If a minor is charged with illegal possession under this section, the minor may not be charged with illegal transportation under section 2052.

5. Exceptions. A minor is not in violation of subsection 1, paragraph E-1 or F-1 if the minor possesses:

A. Liquor or imitation liquor or equipment described in subsection 1, paragraph F-1 in the scope of the minor's employment;

B. Liquor or imitation liquor in a home in the presence of the minor's parent, guardian or custodian, as defined in Title 22, section 4002; or

C. Equipment described in subsection 1, paragraph F-1 in the minor's own home under the supervision of the minor's parent, guardian or custodian, as defined in Title 22, section 4002.

Sec. P-5. 28-A MRSA §2052, as amended by PL 1997, c. 373, §§148 and 149, is further amended to read:

§2052. Illegal transportation by minors

1. Minor may not transport liquor; exception.

~~Except as provided in paragraph A, no minor may knowingly transport or knowingly permit to be transported any liquor in a motor vehicle under his control.~~

A. A minor may transport liquor or permit liquor to be transported in a motor vehicle if in the scope of the minor's employment, or at the request of the minor's parent, legal guardian or custodian, as defined in Title 22, section 4002.

1-A. Minor may not transport liquor. Except as provided in subsection 1-B, a minor may not knowingly transport or knowingly permit to be transported liquor in a motor vehicle under the minor's control. The following penalties apply to violations of this subsection.

A. A minor who violates this subsection commits a civil violation for which a fine of not more than \$500 may be adjudged.

B. A minor who violates this subsection after having previously violated this section commits a civil violation for which a fine of not less than \$200 and not more than \$500 must be adjudged, none of which may be suspended.

C. A minor who violates this subsection after having previously violated this section 2 or more times commits a civil violation for which a fine of not less than \$400 and not more than \$500 must be adjudged, none of which may be suspended.

1-B. Permitted transportation. A minor may transport liquor or permit liquor to be transported in a motor vehicle if in the scope of the minor's employment or at the request of the minor's parent, guardian or custodian, as defined in Title 22, section 4002.

2. No conviction if liquor not within minor's section. ~~No~~ A minor may not be found in violation of any offense under this section if liquor is found outside the ~~passenger~~ passenger's or driver's section of a motor vehicle under the minor's control, unless the minor has actual knowledge of the presence of the liquor. The trunk or locked glove compartment of any vehicle may not be construed under this section to be within the ~~passenger~~ passenger's or driver's section of the motor vehicle.

3. Violation. ~~Any minor who violates this section commits a civil violation for which a forfeiture may be adjudged of not more than \$500. A forfeiture must be adjudged of not less than \$200 for a 2nd offense and not less than \$400 for a 3rd or subsequent offense, none of which may be suspended.~~

4. Minor can not be charged with both illegal transportation and illegal possession. A minor charged with illegal transportation under this section may not be charged with illegal possession under section 2051. A minor who possesses or consumes liquor in a motor vehicle under the terms of this section must be charged under this section, rather than under section 2051. This subsection does not preclude charges under Title 15, section 3103, subsection 1, paragraph F, when appropriate.

Sec. P-6. 28-A MRSA §2075, as amended by PL 1997, c. 373, §155, is further amended to read:

§2075. Importation and transportation of spirits

~~1. Only the commission may import spirits; exception. Except as provided in this section, no person other than the alcohol bureau may import spirits into the State.~~

~~A. An individual may transport into the State and may transport from place to place within the State spirits for the individual's personal use in a quantity not greater than 4 quarts.~~

1-A. Only alcohol bureau may import spirits. Except as provided in subsection 1-B, a person other than the alcohol bureau may not import spirits into the State.

A. A person who illegally imports or causes to be shipped into the State spirits in a quantity of less than 10 gallons commits a civil violation for which a fine of not more than \$500 must be adjudged.

B. A person who illegally imports or causes to be shipped into the State spirits in a quantity of 10 or more gallons commits a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

1-B. Permitted importation. An individual may transport into the State and may transport from place to place within the State spirits for the individual's personal use in a quantity not greater than 4 quarts.

2. Transportation of spirits within State. No A person may not transport or cause to be transported any spirits within the State in a quantity greater than 4 quarts unless the spirits were purchased from a state or agency liquor store.

2-A. Evidence. The possession of more than 8 quarts of spirits in one or more containers that are not labeled in accordance with Title 32, section 1865; is prima facie evidence of a violation of this section.

3. Importation and transportation of spirits for special purposes. The bureau may, in writing, permit and authorize the importation of spirits into the State and the transportation of spirits from place to place within the State to the following destinations for the specified purposes:

A. To industrial establishments for use as an ingredient in the manufacture of food products, or for use as an ingredient in the manufacture of commodities that by reason of their nature can not be used for beverage purposes, or for use in the manufacture of commodities unfit for beverage purposes;

B. To licensed distillers and manufacturers of spirits in the State for use as an ingredient in distilling or manufacturing spirits and other spirituous products that are authorized by 27 Code of Federal Regulations; and

C. To churches or to the pastor of any church for sacramental purposes or similar religious rites.

~~4. Penalties. A person who illegally imports less than 10 gallons of spirits or causes less than 10 gallons of spirits to be shipped into the State commits a civil violation for which a forfeiture not to exceed \$500 must be adjudged. A person who illegally imports 10 or more gallons of spirits or causes 10 or more gallons of spirits to be shipped into the State commits a Class E crime.~~

5. Forfeiture of spirits. Notwithstanding section 2221-A, if a person fails to appear in court on the date and time specified in response to a Uniform Summons and Complaint issued for a violation of this section, either in person or by counsel, the court shall order the spirits imported or transported in excess of that allowed by subsection ~~1-A~~ or 2 to be forfeited to the State. As part of every adjudication and forfeiture imposed under this section the court shall order the spirits imported or transported in excess of that allowed by subsection ~~1-A~~ or 2 to be forfeited to the State. Spirits forfeited under this subsection must be disposed of as prescribed in section 2229.

Sec. P-7. 28-A MRSA §2077, as amended by PL 1993, c. 730, §§49 and 50, is further amended to read:

§2077. Importation and transportation of malt liquor and wine

~~1. Importation of malt liquor or wine into State. No person other than a wholesale licensee, small brewery licensee or farm winery licensee may transport or cause to be transported malt liquor or wine into the State in a quantity greater than 3 gallons for malt liquor or 4 quarts for wine, unless it was legally purchased in the State.~~

~~A. All shipments of malt liquor or wine transported or caused to be transported by wholesale licensees, small brewery licensees or farm winery licensees into the State must be accompanied by an invoice, including the wholesale licensee's, small brewery licensee's or farm winery licensee's name and purchase number.~~

1-A. Importation of malt liquor or wine into State. A person other than a wholesale licensee, small brewery licensee or farm winery licensee may not transport or cause to be transported malt liquor or wine into the State in a quantity greater than 3 gallons for malt liquor or 4 quarts for wine, unless it was legally purchased in the State. The following penalties apply to violations of this subsection.

A. A person who illegally transports into the State wine or malt liquor in a quantity of less than 10 gallons commits a civil violation for which a fine of not more than \$500 must be adjudged.

B. A person who illegally transports into the State wine or malt liquor in a quantity of 10 or more gallons commits a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

1-B. Invoice required. Each shipment of malt liquor or wine transported or caused to be transported by a wholesale licensee, small brewery licensee or farm winery licensee into the State must be accompanied by an invoice that includes the wholesale licensee's, small brewery licensee's or farm winery licensee's name and purchase number.

2. Transportation of malt liquor and wine within State. ~~No~~ A person other than a licensee may not transport malt liquor, in a quantity greater than 3 gallons, or wine, in a quantity greater than 4 quarts, within the State unless it was purchased from an off-premise retail licensee.

A. A person who illegally transports within the State wine or malt liquor in a quantity of less than 10 gallons commits a civil violation for which a fine of not more than \$500 must be adjudged.

B. A person who illegally transports within the State wine or malt liquor in a quantity of 10 or more gallons commits a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

2-A. Evidence. The possession of more than 6 gallons of malt liquor or 8 quarts of wine in one or more containers that are not labeled in accordance with Title 32, section 1865, is prima facie evidence of a violation of this section.

3. For-hire carriers and contract carriers may import and transport within State. For-hire carriers and contract carriers, authorized by the Department of Public Safety, may transport malt liquor or wine into and within the State to licensees, to purchasers of malt liquor or wine from licensees and to the state line for transportation outside the State.

~~**4. Penalties.** Any person who illegally transports less than 10 gallons of wine or less than 10 gallons of malt liquor into or within the State commits a civil violation for which a forfeiture not to exceed \$500 must be adjudged. Any person who illegally transports 10 or more gallons of wine or 10 or more gallons of malt liquor into or within the State commits a Class E crime.~~

5. Forfeiture of malt liquor or wine. Notwithstanding section 2221-A, if a person fails to appear in court on the date and time specified in response to a Uniform Summons and Complaint issued for a violation of this section, either in person or by counsel, the court shall order the malt liquor or wine imported or transported in excess of that allowed by subsection ~~1-A~~ or 2 to be forfeited to the State. As part of every adjudication and ~~forfeiture~~ fine imposed under this section, the court shall order the malt liquor or wine imported or transported in excess of that allowed by subsection ~~1-A~~ or 2 to be forfeited to the State. Malt liquor or wine forfeited under this subsection must be disposed of as prescribed in section 2229.

Sec. P-8. 28-A MRS §2077-B, sub-§2, as enacted by PL 1997, c. 501, §6, is amended to read:

2. Penalty. A person who violates this section is subject to penalties listed in section 2075, subsection ~~1-A~~.

Sec. P-9. 28-A MRS §2081, as amended by PL 2001, c. 395, §§1 and 2, is further amended to read:

§2081. Furnishing or allowing consumption of liquor by certain persons prohibited

1. Offense. Except as provided in subsection 2, ~~no~~ a person may not knowingly:

A. Procure, or in any way aid or assist in procuring, furnish, give, sell or deliver liquor for or to a minor; The following penalties apply to violations of this paragraph.

(1) A person who violates this paragraph commits a Class D crime.

(2) A person who violates this paragraph commits a Class D crime for which the fine may not be less than \$500 and may not be

suspended if the violation involves a minor who is less than 14 years of age.

(3) A person who violates this paragraph after having been previously convicted of violating this paragraph or paragraph B within a 6-year period commits a Class D crime for which the fine may not be less than \$500 and may not be suspended.

(4) A person who violates this paragraph after having been previously convicted of violating this paragraph or paragraph B 2 or more times within a 6-year period commits a Class D crime for which the fine may not be less than \$1,000 and may not be suspended.

(5) A person who violates this paragraph commits a Class C crime if the consumption of liquor by the minor in fact causes serious bodily injury to or death of the minor or any other individual. For purposes of this subsection, "serious bodily injury" has the same meaning as set out in Title 17-A, section 2, subsection 23;

B. Allow any a minor under that person's control; or in any a place under that person's control; to possess or consume liquor;. The following penalties apply to violations of this paragraph.

(1) A person who violates this paragraph commits a Class D crime.

(2) A person who violates this paragraph commits a Class D crime for which the fine may not be less than \$500 and may not be suspended if the violation involves a minor who is less than 14 years of age.

(3) A person who violates this paragraph after having been previously convicted of violating this paragraph or paragraph A within a 6-year period commits a Class D crime for which the fine may not be less than \$500 and may not be suspended.

(4) A person who violates this paragraph after having been previously convicted of violating this paragraph or paragraph A 2 or more times within a 6-year period commits a Class D crime for which the fine may not be less than \$1,000 and may not be suspended.

(5) A person who violates this paragraph commits a Class C crime if the consumption of liquor by the minor in fact causes serious bodily injury to or death of the minor or any other individual. For purposes of

this subsection, "serious bodily injury" has the same meaning as set out in Title 17-A, section 2, subsection 23;

C. Procure, or in any way aid or assist in procuring, furnish, give, sell or deliver liquor to a visibly intoxicated person. Violation of this paragraph is a Class E crime, except notwithstanding Title 17-A, section 1301, the fine may not be more than \$500; or

D. Procure, or in any way assist in procuring, furnish, give, sell or deliver imitation liquor for or to a minor, or allow a minor under that person's control or in a place under that person's control to possess or consume imitation liquor. Violation of this paragraph is a Class E crime, except notwithstanding Title 17-A, section 1301, the fine may not be more than \$500.

2. Exceptions. This section does not apply to a person who serves liquor or imitation liquor to a minor in a home in the presence of the minor's parent, legal guardian or custodian, as defined in Title 22, section 4002.

3. Penalties. ~~Except as provided in subsection 5, any person who violates subsection 1, paragraph A or B commits a Class D crime. Any person who violates subsection 1, paragraph C or D commits a Class E crime, for which a forfeiture of not more than \$500 may be adjudged. In the case of a person who has one previous conviction of a violation of subsection 1, paragraph A or B within a 6 year period, the fine may not be less than \$500, which penalty may not be suspended. In the case of a person who has 2 or more previous convictions of a violation of subsection 1, paragraph A or B within a 6 year period, the fine may not be less than \$1,000. In the case of a person who has no previous conviction of subsection 1, paragraph A or B within a 6 year period, the fine may not be less than \$500, which penalty may not be suspended if that person is convicted of a violation of subsection 1, paragraph A or B involving a minor less than 14 years old.~~

4. Application. This section does not apply to licensees or agents of licensees in the scope of their employment.

5. Aggravated offense. ~~A person who violates subsection 1, paragraph A or B commits a Class C crime if the consumption of the liquor by the minor in fact causes serious bodily injury to or death of any individual, including the minor. For purposes of this subsection, "serious bodily injury" has the same meaning as set out in Title 17-A, section 2, subsection 23.~~

PART Q

Sec. Q-1. 29-A MRSA §254, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

§254. Rented vehicles; records

1. Owner of vehicle to keep record. A person engaged in the business of renting motor vehicles with or without a driver, other than as a transaction involving the sale of the vehicle, shall maintain a record of the identity of the person to whom the vehicle is rented, including a record of the driver's license of the person to whom the vehicle is rented and the exact time the vehicle is subject to that rental or in the person's possession. A person who violates this subsection commits a Class E crime. Violation of this subsection is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

2. Records open to inspection. ~~Records kept pursuant to subsection 1 must be open to~~ A person required to maintain records pursuant to subsection 1 shall allow inspection of those records by any law enforcement officer. A person who violates this subsection commits a Class E crime. Violation of this subsection is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

3. Offense. ~~A person commits a Class E crime if that person fails to maintain, possess or permit an inspection of the record required by subsection 1.~~

4. Form. If the Secretary of State prescribes a form for the keeping of the record required in subsection 1, the owner ~~must~~ shall use that form. The form must be carried in the vehicle during the period of lease or hire.

Sec. Q-2. 29-A MRSA §452, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

3. Proper display. Registration plates must always be properly displayed. ~~The plates, including the numbers, letters and words, must always be plainly visible and legible.~~

Sec. Q-3. 29-A MRSA §452, sub-§4 is enacted to read:

4. Plainly visible and legible. Registration plates, including the numbers, letters and words, must always be plainly visible and legible.

Sec. Q-4. 29-A MRSA §462, sub-§10, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the following enacted in its place:

10. Prohibition. A person issued temporary registration plates may not:

A. Attach a plate to a vehicle that the person did not sell, lease or transfer; or

B. Provide the plates to another person other than by attachment to a vehicle as authorized by this section.

A person who violates this subsection commits a traffic infraction.

Sec. Q-5. 29-A MRSA §462, sub-§11 is enacted to read:

11. Records. A person issued temporary registration plates by the Secretary of State shall maintain a written record of the use or disposal of every plate. The record must be available for inspection by the Secretary of State at the person's place of business. A person who violates this subsection commits a traffic infraction.

Sec. Q-6. 29-A MRSA §505, sub-§5, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

5. Violation. ~~A person fraudulently obtaining or using a farm truck registration for a purpose other than authorized by this section commits a traffic infraction with a penalty of not less than \$100 nor more than \$500; if that person:~~

A. Fraudulently obtains a farm truck registration; or

B. Uses a farm truck registration for a purpose other than authorized by this section.

Sec. Q-7. 29-A MRSA §525, sub-§9, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the following enacted in its place:

9. Violation. The following penalties apply to violations of this section.

A. Except as provided in paragraph B, a person who violates this section commits a Class E crime.

B. A person who displays or causes or permits to be displayed a false decal or permit or a decal or permit issued to another person commits a Class D crime.

An owner or operator stopped for violating this section and against whom enforcement action has been taken does not commit a subsequent violation of this section involving the same vehicle until after the close of

business on the next business day following the date of the violation.

The court shall impose a fine of at least \$250, which may not be suspended.

Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. Q-8. 29-A MRSA §532, sub-§9, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the following enacted in its place:

9. Penalty. The following penalties apply to violations of this section.

A. Notwithstanding any other provisions of this Title, a person who fails to comply with the registration requirements of the plan commits a traffic infraction. The minimum fine for this violation is \$500. The Secretary of State shall notify the registrant's base jurisdiction of the violation.

B. A person who presents altered credentials commits a Class E crime. Violation of this paragraph is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. Q-9. 29-A MRSA §558, sub-§1, as repealed and replaced by PL 1995, c. 625, Pt. A, §32, is repealed.

Sec. Q-10. 29-A MRSA §558, sub-§1-B is enacted to read:

1-B. Violation. The following penalties apply to violations of this subchapter.

A. Except as provided in paragraph C, a person who violates this subchapter or a rule adopted pursuant to this subchapter commits a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

B. Except as provided in paragraph C, a person who knowingly permits a violation of this subchapter or a rule adopted pursuant to this subchapter commits a Class E crime.

C. A person commits a Class C crime if:

(1) The person acts knowingly or intentionally;

(2) The violation in fact causes either death or serious bodily injury, as defined in Title 17-A, section 2, to a person whose health or safety is protected by the provision violated; and

(3) The death or injury is a reasonably foreseeable consequence of the violation.

Sec. Q-11. 29-A MRSA §1002, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Limitations on use. A person using a dealer plate may not operate ~~or permit to be operated~~ a vehicle owned or controlled by a manufacturer or dealer except for:

A. Purposes directly connected with the business of buying, selling, testing, adjusting, servicing, demonstrating or exchanging the vehicle, including use of that vehicle by a full-time employee to attend schools and seminars designed to assist the employee in the testing, adjusting or servicing of vehicles;

B. Personal use by a manufacturer or dealer. There may be no more than one dealer plate for the personal use of the manufacturer or dealer and one dealer plate for the personal use of the immediate family of the dealer;

C. Use of the vehicle in a funeral or public parade when no charge is made for that use;

D. Use by a full-time sales representative, general manager, sales manager or service manager who is on the dealer's payroll but not in the dealer's immediate family or members of that person's household;

E. Use by customers for not more than 7 days to demonstrate the vehicle; or

F. Use by the manufacturer or dealer when the combined weight of the vehicle and the load does not exceed 10,000 pounds unless the vehicle, by design, exceeds 10,000 pounds without a load.

Sec. Q-12. 29-A MRSA §1002, sub-§1-A is enacted to read:

1-A. Limitation on use. A person using a dealer plate may not permit a vehicle owned or controlled by a manufacturer or dealer to be operated except for the purposes authorized under subsection 1.

Sec. Q-13. 29-A MRSA §1002, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

3. Penalty. A violation of subsection 1 or subsection 1-A is a traffic infraction for which a minimum penalty of \$200 must be adjudged for each infraction. That penalty may not be suspended.

Sec. Q-14. 29-A MRSA §1002, sub-§10, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

10. Loss of dealer plate. Upon the loss of a dealer plate, the dealer immediately shall notify the Secretary of State. ~~If a dealer has written authorization from the Secretary of State, a dealer may use a temporary number plate bearing the registration number issued to that dealer.~~

Sec. Q-15. 29-A MRSA §1002, sub-§11 is enacted to read:

11. Temporary dealer plate. If a dealer has written authorization from the Secretary of State, a dealer may use a temporary number plate bearing the registration number issued to that dealer.

Sec. Q-16. 29-A MRSA §1004, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the following enacted in its place:

§1004. Transit placard

1. Issuance of transit placard. The Secretary of State may issue a transit placard upon application by any person involved in the business of importing new motor vehicles. The transit placard is to be used to facilitate the movement over the highway of the motor vehicles from the port of entry to a storage yard within a 10-mile radius of the port.

2. Required use of transit placard. A transit placard must be displayed in or on any unregistered motor vehicle that is being operated or towed from the port to a storage yard.

3. Prohibited use of transit placard. A transit placard may not be used:

A. On a towing vehicle; or

B. For any purpose other than that permitted under this section.

4. Expiration. Transit placards expire at the end of the month one year from the month of issue.

5. Fee. The fee for a transit license is \$100 annually and the fee for each placard is \$10. Government and quasi-government agencies may not be assessed a fee.

Sec. Q-17. 29-A MRSA §1251, sub-§1, as amended by PL 2001, c. 687, §13, is repealed and the following enacted in its place:

1. Violation. Except as provided in section 510, subsection 1, a person commits an offense of operating a motor vehicle without a license if that person

operates a motor vehicle on a public way or parking area:

A. Without being licensed. Violation of this paragraph is a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A;

B. In violation of a condition or restriction on the license. Violation of this paragraph is a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A;

C. Without a license issued by this State if a resident of this State for more than 30 days but fewer than 90 days. Violation of this paragraph is a traffic infraction; or

D. Without a license issued by this State if a resident of this State for more than 90 days. Violation of this paragraph is a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. Q-18. 29-A MRSA §1251, sub-§2, as amended by PL 1995, c. 584, Pt. B, §6, is repealed.

Sec. Q-19. 29-A MRSA §1903, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the following enacted in its place:

§1903. Adequate signaling device; use

1. Signaling device required. A person may not operate a motor vehicle without a suitable and adequate horn or other device for signaling.

2. Unnecessarily sounded. A person may not unnecessarily sound a signaling device or horn.

Sec. Q-20. 29-A MRSA §1904, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the following enacted in its place:

1. General rules; headlights. A person may not operate a motor vehicle that does not meet the following requirements concerning headlights.

A. A motor vehicle must be equipped with headlights.

B. Headlights must be of sufficient power and so adjusted and operated as to enable the operator to proceed with safety under all ordinary conditions of highway and weather.

Sec. Q-21. 29-A MRSA §1904, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the following enacted in its place:

4. Number of headlights. The following rules apply regarding the mounting of headlights.

A. A motor vehicle must have mounted on the front at least 2 headlights, one on each side.

B. A motorcycle or motor-driven cycle must have one mounted headlight.

Sec. Q-22. 29-A MRSA §1906, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the following enacted in its place:

§1906. Clearance lights

1. Requirements for vehicle 7 feet or more in width. A vehicle 7 feet or more in width must have a green or amber light attached to the extreme left of the front, adjusted to indicate the extreme left lateral extension of the vehicle or load and at least one red light on the extreme left lateral extension of the vehicle or load on the rear.

2. Requirements for closed body vehicle 8 feet or more in height. A vehicle with a closed body 8 feet or more in height must display 2 green or amber lights attached to the extreme left of the front of its body, one at the top and the other at the bottom. The vehicle must also display at least one red light on the extreme upper left lateral extension of its body.

3. Visibility. Body width lights and height lights must be visible not less than 200 feet in the direction towards which the vehicle is proceeding or facing.

4. Reflector alternative. In place of body width lights and height lights, a vehicle may be equipped with an adequate reflector conforming as to color and location to the requirements for the light.

5. Application. This section does not apply to unregistered farm tractors.

Sec. Q-23. 29-A MRSA §1912, sub-§5, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the following enacted in its place:

5. Exception; racing meets. Notwithstanding subsection 2, an owner or operator of a motor vehicle used occasionally in racing meets may obtain a permit from the Secretary of State for installing a cutout, bypass or similar device on the exhaust system of that motor vehicle pursuant to this subsection.

A. The cutout, bypass or similar modification must be kept closed and inoperative while the vehicle is on a public way.

B. The permit must be in the vehicle at all times while on a public way.

C. The Secretary of State shall determine the eligibility of all applicants for a permit.

D. The permit fee is \$1 for the registration year.

Sec. Q-24. 29-A MRSA §1919, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the following enacted in its place:

§1919. Studded tires

1. Prohibited May 1st to October 1st. Except as provided in subsections 2 and 3, from the first day of May to the first day of October, a person may not operate a vehicle with tires having metal studs, wires, spikes or other metal protruding from the tire tread.

2. Extension of use period and issuance of permit. Extended use of studded tires may be permitted according to this subsection.

A. A person may use studded tires for periods other than those specified in subsection 1, if the Commissioner of Transportation extends the use period or, in a special case, issues a permit covering stated periods of time for the use of studded tires. The fee for a permit may not be less than \$3 and not more than \$15, as determined by the commissioner.

B. A person issued a permit under paragraph A must carry the permit in an easily accessible place in or about the vehicle.

3. Application. Subsection 1 does not apply to fire department vehicles or school buses during the months school is in regular session.

Sec. Q-25. 29-A MRSA §1952, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Carry flares. ~~A~~ Except as provided in subsection 1-A, a truck or truck tractor with a registration for operation with gross vehicle weight in excess of 10,000 pounds must be equipped with 2 red flags, 3 flares and 3 red lanterns or red emergency reflectors. A vehicle transporting inflammable liquids or gas in bulk may not carry flares.

Sec. Q-26. 29-A MRSA §1952, sub-§1-A is enacted to read:

1-A. Flares prohibited. A vehicle transporting inflammable liquids or gas in bulk may not carry flares.

Sec. Q-27. 29-A MRSA §2051, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Single lane. A vehicle must be operated as nearly as practical entirely within a single lane. ~~A vehicle may not be moved from a lane until the operator has first ascertained that the movement can be made with safety.~~

Sec. Q-28. 29-A MRSA §2051, sub-§1-A is enacted to read:

1-A. Movement from lane. A vehicle may not be moved from a lane until the operator has first ascertained that the movement can be made with safety.

Sec. Q-29. 29-A MRSA §2052, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

3. Crossing. An operator may not drive a vehicle over, across or within a divider, or an opening or crossover of a divider. ~~An operator may not disobey the restrictions on official signs at an opening or crossover of a divider.~~

Sec. Q-30. 29-A MRSA §2052, sub-§3-A is enacted to read:

3-A. Divider sign restrictions. An operator may not disobey the restrictions on official signs at an opening or crossover of a divider.

Sec. Q-31. 29-A MRSA §2052, sub-§5, as amended by PL 2001, c. 360, §4, is repealed and the following enacted in its place:

5. Limiting use. The Department of Transportation or a municipality, with respect to a way under that authority's jurisdiction, may prohibit the use of a way by:

A. Pedestrians; or

B. Bicycles or other nonmotorized traffic, scooters, motorized bicycles or tricycles, or motor-driven cycles.

Sec. Q-32. 29-A MRSA §2052, sub-§5-A is enacted to read:

5-A. Limiting use sign restrictions. On limiting the use of a way, the authority shall erect and maintain official signs stating the prohibition. A person may not disobey the restrictions stated on those signs.

Sec. Q-33. 29-A MRSA §2053, sub-§6, as amended by PL 1999, c. 183, §8, is repealed and the following enacted in its place:

6. Traffic circles or rotary intersections. The operator of a vehicle:

A. Approaching a traffic circle or rotary intersection shall yield the right-of-way to a vehicle already within the traffic circle or rotary intersection unless otherwise regulated by a law enforcement officer or by traffic control devices;

B. Entering and passing around a rotary or traffic circle may drive only to the right of the rotary or traffic circle and shall yield the right-of-way to a vehicle on the operator's left; and

C. May not drive on or across the center part of a rotary or traffic circle, except that the wheels of a semitrailer or trailer may cross the center part as long as the wheels of the towing vehicle do not cross the center part.

Sec. Q-34. 29-A MRSA §2055, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

3. Frightened animals. When a person riding, driving or leading an animal that appears to be frightened signals by putting up a hand or by other visible sign, an operator approaching from the opposite direction must stop as soon as possible and remain stationary as long as necessary and reasonable to allow the animal to pass. ~~When traveling in the same direction, the operator must use reasonable caution in passing an animal.~~

Sec. Q-35. 29-A MRSA §2055, sub-§3-A is enacted to read:

3-A. Passing animals. When traveling in the same direction as an animal on a way, an operator must use reasonable caution in passing the animal.

Sec. Q-36. 29-A MRSA §2057, sub-§1, ¶C, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the following enacted in its place:

C. A red light, if steady and circular, means:

(1) The operator must stop and remain stationary until an indication to proceed is shown; or

(2) The operator may cautiously enter the intersection to make a right turn after stopping if:

(a) Not prohibited by an appropriate sign such as "NO RIGHT TURN ON RED"; and

(b) The operator executing a turn yields the right-of-way to pedestrians on a crosswalk and to a vehicle having a green signal at the intersection.

Sec. Q-37. 29-A MRSA §2057, sub-§1, ¶¶C-1 and C-2 are enacted to read:

C-1. A red light, if a steady arrow, means the operator may not enter the intersection to make the movement indicated by that arrow.

C-2. A red light, if showing rapid intermittent flashes, means the operator must stop and then proceed as if at a stop sign.

Sec. Q-38. 29-A MRSA §2058, sub-§5, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the following enacted in its place:

5. Yield. The Department of Transportation or municipal officers may erect standard signs requiring operators to yield the right-of-way at certain intersections.

A. Yield signs may be designated where it is expedient to allow traffic to move through or into the intersection at a reasonable speed for existing conditions of traffic and visibility, yielding the right-of-way to vehicles or pedestrians approaching from either direction on the intersecting street.

B. A vehicle approaching on a through way so as to arrive at an intersection at approximately the same instant as a vehicle approaching on another way has the right-of-way.

Sec. Q-39. 29-A MRSA §2060, last ¶, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. Q-40. 29-A MRSA §2060, sub-§4 is enacted to read:

4. Markers, buttons or signs for different course. A municipality may cause markers, buttons or signs to be placed within or adjacent to an intersection requiring a different course to be traveled by a vehicle turning at an intersection. When markers, buttons or signs are so placed, an operator shall obey them.

Sec. Q-41. 29-A MRSA §2062, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the following enacted in its place:

4. Lane use; motorcycles and mopeds. Lane use by motorcycles and mopeds is restricted as follows.

A. An operator of a motorcycle other than a moped may fully use a lane.

B. More than 2 motorcycles may not be operated abreast within the same lane.

C. A motor vehicle may not be driven in such a manner as to deprive a motorcycle of the full use of a lane.

D. A moped may be operated only in single file and as far as practicable to the right side of the way at all times, except when making a left turn.

Sec. Q-42. 29-A MRSA §2063, sub-§3, as repealed and replaced by PL 2001, c. 667, Pt. C, §17, is amended to read:

3. Seating. A person operating a bicycle may not ride other than astride a regular and permanently attached seat. ~~A bicycle may not be used to carry more persons than the number for which it is designed and equipped.~~

Sec. Q-43. 29-A MRSA §2063, sub-§3-A is enacted to read:

3-A. Number of persons. A bicycle may not be used to carry more persons than the number for which it is designed and equipped.

Sec. Q-44. 29-A MRSA §2068, sub-§1, ¶C, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

C. The Department of Transportation may place signs prohibiting or restricting the stopping, standing or parking of vehicles on a public way or within 10 feet of the traveled portion of a way or on property under its jurisdiction, where stopping, standing or parking is dangerous to those using the way or would unduly interfere with the free movement of traffic.

~~An operator may not stop, stand or park a vehicle in violation of the restriction on such a sign.~~

Sec. Q-45. 29-A MRSA §2068, sub-§1, ¶C-1 is enacted to read:

C-1. An operator may not stop, stand or park a vehicle in violation of the restriction on a sign under paragraph C.

Sec. Q-46. 29-A MRSA §2071, sub-§§2 and 4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are repealed and the following enacted in their place:

2. Turn signal. An operator must give a turn signal as follows.

A. An operator may not turn a vehicle without giving an appropriate signal if other traffic may be affected by that movement.

B. A turn signal must be given continuously during at least the last 100 feet traveled before turning.

4. Types of signals. A stop or turn signal must be given by the hand and arm, a signal light or mechanical signal device.

A. When a vehicle is constructed or loaded so that a hand and arm signal is not visible to the front and rear, then signals must be given by a light or device.

B. A light signal must emit a white or amber light to the front and a red or amber light to the rear for turn signals and red to the rear for stop signals.

Sec. Q-47. 29-A MRSA §2075, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the following enacted in its place:

1. Operation impeding movement of traffic.

A person may not operate a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation of the motor vehicle or in compliance with law.

Sec. Q-48. 29-A MRSA §2075, sub-§1-A is enacted to read:

1-A. Minimum speed limit. When the Department of Transportation determines, on the basis of an engineering and traffic investigation, that slow speeds on a public way consistently impede the normal and reasonable movement of traffic, the Commissioner of Transportation, with the approval of the Chief of the Maine State Police, may establish a minimum speed limit.

A person may not operate a vehicle below a posted minimum speed limit, except when necessary for safe operation.

Sec. Q-49. 29-A MRSA §2076, sub-§3, as enacted by PL 1995, c. 247, §5 and affected by Pt. B, §5, is amended to read:

3. Required stops. ~~The operator~~ A person operating any of the following vehicles may not cross a railroad track shall stop the vehicle at a grade crossing ~~unless the vehicle stops~~ between 50 feet and 15 feet from the nearest rail, ~~listens~~ listen, ~~looks~~ look in each direction along the tracks for an approaching train and ~~ascertains~~ ascertain that no train is approaching:

A. A bus transporting passengers;

B. A motor vehicle transporting any quantity of chlorine;

C. A motor vehicle that, in accordance with 49 Code of Federal Regulations, Part 172, Subpart F, is required to be marked or placarded;

D. A cargo tank vehicle, whether loaded or empty, used to transport:

(1) A hazardous material as defined in 49 Code of Federal Regulations, Parts 170 to 189; or

(2) A commodity under special permit in accordance with the provisions of the Code of Federal Regulations; or

E. A cargo tank vehicle transporting a commodity that at the time of loading has a temperature above its flash point as determined by 49 Code of Federal Regulations, Part 173.115.

Sec. Q-50. 29-A MRSA §2076, sub-§3-A is enacted to read:

3-A. Yield at grade crossing. The operator of any of the vehicles listed in subsection 3 shall yield at a grade crossing to an approaching train.

Sec. Q-51. 29-A MRSA §2076, sub-§5, as amended by PL 1999, c. 771, Pt. C, §14 and affected by Pt. D, §§1 and 2, is repealed and the following enacted in its place:

5. Penalty. The following penalties apply to violations of this section.

A. An operator failing to comply with the requirements of subsection 1 or 2 commits a traffic infraction.

B. An operator who fails to comply with subsection 3 commits a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

C. An operator commits a Class D crime if that operator is required to stop under subsection 3 and fails to stop for or yield the right-of-way to a train, engine or conveyance on the track. This crime is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. Q-52. 29-A MRSA §2101, as amended by PL 2001, c. 471, Pt. A, §§31 and 32 and affected by §33, is repealed.

Sec. Q-53. 29-A MRSA §2101-A is enacted to read:

§2101-A. Permitting unlawful use

1. Traffic infraction. A person who knowingly authorizes or permits a vehicle owned by or under

control of that person to be driven on a public way by a person not authorized under this Title or in violation of a provision of this Title commits a traffic infraction if the conduct of the driver is punishable as a traffic infraction.

2. Crime. A person who knowingly authorizes or permits a vehicle owned by or under control of that person to be driven on a public way by a person not authorized under this Title or in violation of a provision of this Title commits a Class E crime if the conduct of the driver is punishable as a crime.

Sec. Q-54. 29-A MRSA §2102, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Display. Displays ~~or possesses~~ a revoked, suspended, mutilated, fictitious or fraudulently altered driver's license or identification card issued or represented to be issued by this State or any other state or province;

Sec. Q-55. 29-A MRSA §2102, sub-§1-A is enacted to read:

1-A. Possess. Possesses a revoked, suspended, mutilated, fictitious or fraudulently altered driver's license or identification card issued or represented to be issued by this State or any other state or province;

Sec. Q-56. 29-A MRSA §2102, sub-§§3 and 4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

3. Representation. Displays or represents as one's own a driver's license or identification card issued to another by this State or any other state or province; ~~or~~

4. Use. Knowingly permits an unlawful use of a driver's license or identification card issued or represented to be issued by this State or any other state or province; ~~or~~

Sec. Q-57. 29-A MRSA §2102, as amended by PL 1997, c. 437, §43, is further amended by adding at the end a new paragraph to read:

Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. Q-58. 29-A MRSA §2104, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Attaching false plates. A person commits a Class E crime if that person attaches ~~or permits to be attached~~ to a vehicle a registration plate assigned to another vehicle or not currently assigned to that vehicle.

Sec. Q-59. 29-A MRSA §2104, sub-§1-A is enacted to read:

1-A. Permitting attachment of false plates. A person commits a Class E crime if that person permits to be attached to a vehicle a registration plate assigned to another vehicle or not currently assigned to that vehicle.

Sec. Q-60. 29-A MRSA §2104, sub-§5 is enacted to read:

5. Strict liability. Violation of subsection 1, 2 or 3 is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. Q-61. 29-A MRSA §2114, sub-§2, as amended by PL 1999, c. 356, §1, is repealed and the following enacted in its place:

2. Definitions. As used in this section, the following terms have the following meanings.

A. "Diesel-powered motor vehicle" refers only to a diesel-powered motor vehicle that has a gross vehicle weight rating of 18,000 or more pounds. "Diesel-powered motor vehicle" does not include a truck registered as a farm truck.

B. "Opacity" means the degree of light-obscuring capability of emissions of visible air contaminants expressed as a percentage. Complete obscuration must be expressed as 100% opacity.

Sec. Q-62. 29-A MRSA §2114, sub-§3, as amended by PL 1999, c. 356, §1, is further amended to read:

3. Testing and repair requirement. A person who causes operation of a diesel-powered motor vehicle shall comply with the requirements of the program, including emission opacity standards and testing and repair requirements. Owners or operators of diesel-powered motor vehicles that have failed opacity standards for the first time have 30 days from the date that the operator was notified of the failure of the test to certify to the department that repairs were made to bring the vehicle into compliance with the opacity standards established pursuant to this section. If certification is not made within 30 days, then owners or operators ~~are assessed a \$250 fine for the first violation; 2nd or subsequent violations are assessed a \$500 fine~~ commit a traffic infraction. A person may not be found in violation of this section until after January 1, 2000.

Only diesel-powered motor vehicles identified by certified inspectors as potential violators of the program's emission opacity standards are subject to testing under this section. Inspectors must be certified

pursuant to the procedures for certification specified in 40 Code of Federal Regulations, Part 60, Appendix A, Method 9.

Sec. Q-63. 29-A MRSA §2114, sub-§3-A is enacted to read:

3-A. Penalties. The following penalties apply to violations of this section.

A. A person who violates this section commits a traffic infraction for which a fine of \$250 may be adjudged.

B. A person who violates this section after previously having been adjudicated as violating this section commits a traffic infraction for which a fine of \$500 may be adjudged.

Sec. Q-64. 29-A MRSA §2114, sub-§7, as enacted by PL 1999, c. 356, §1, is repealed.

Sec. Q-65. 29-A MRSA §2358, sub-§7, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

7. Out-of-service sticker. If the weight exceeds the maximum allowable gross vehicle weight by 20% or more, the officer shall affix an out-of-service sticker to the windshield until the vehicle is brought into compliance.

The vehicle may not be moved until it is brought into compliance.

When a vehicle is brought into compliance, an officer may attest to compliance by signing the out-of-service sticker.

~~A person commits a Class E crime if that person moves a vehicle with an out-of-service sticker that has not been signed by an officer attesting to compliance.~~

~~An owner or operator who fails to have the out-of-service sticker attested or who fails to return the attested sticker or portion to the Bureau of State Police within 15 days of issuance commits a traffic infraction.~~

A. A person who moves a vehicle with an out-of-service sticker that has not been signed by an officer attesting to compliance commits a Class E crime. Violation of this paragraph is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

B. An owner or operator who fails to have the out-of-service sticker attested or who fails to return the attested sticker or portion to the Bureau of State Police within 15 days of issuance commits a traffic infraction.

Sec. Q-66. 29-A MRSA §2360, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Violation of weight provision. A person who operates or causes operation of a motor vehicle in violation of a weight provision for any axle or group of axles or gross vehicle weight commits a traffic infraction ~~if the vehicle is:~~

A. One percent to 10% over allowed basic weight;

B. Eleven percent to 20% over allowed basic weight;

C. Twenty-one percent to 30% over allowed basic weight;

D. Thirty-one percent to 40% over allowed basic weight;

E. Forty-one percent to 50% over allowed basic weight; or

F. More than 50% over allowed basic weight.

Sec. Q-67. 29-A MRSA §2364, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. General road limit. The general road limit for this vehicle is ~~54,000 pounds gross vehicle weight when the vehicle operates as a 3-axle single unit vehicle; 69,000 pounds when the vehicle operates as a 4-axle or 5-axle single unit vehicle; and 77,200 pounds gross vehicle weight when the vehicle operates as a 6-axle single unit vehicle;:~~

A. When the vehicle operates as a 3-axle single unit vehicle, 54,000 pounds gross vehicle weight;

B. When the vehicle operates as a 4-axle or 5-axle single unit vehicle, 69,000 pounds gross vehicle weight; and

C. When the vehicle operates as a 6-axle single unit vehicle, 77,200 pounds gross vehicle weight;

Sec. Q-68. 29-A MRSA §2380, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. Q-69. 29-A MRSA §2380, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the following enacted in its place:

2. Maximum height. The following height restrictions apply.

A. A vehicle with a permanent or temporary structural part more than 13 feet, 6 inches in height measured vertically from a level ground surface may not be operated on a public way or bridge.

B. A vehicle may not be operated on a public way or bridge if the load extends more than 6 inches above the maximum permissible structural height of the vehicle.

C. A vehicle may not be operated over a section of a way or bridge that does not provide adequate overhead clearance.

Sec. Q-70. 29-A MRSA §2380, sub-§3, as repealed and replaced by PL 1999, c. 78, §1, is amended to read:

3. Maximum width; exceptions. A vehicle that is wider than 102 inches over all may not be operated on a public way or bridge. A portion of a vehicle or load may not project beyond the side of that vehicle to make a total width greater than 102 inches, except as provided in this subsection and subsection 4. Reflecting mirrors and turn signal lamps are excluded from measurement of width. The following conditions and appurtenances attached to a commercial motor vehicle are excluded from the measurement of width provided that they do not extend more than 3 inches from the side of a vehicle:

- A. Corner caps;
- B. Rear and side door hinges and their protective hardware;
- C. Rain gutters;
- D. Side lamp markers;
- E. Lift pads for piggyback trailers;
- F. Hazardous materials placards;
- G. Tarps and tarp hardware;
- H. Tiedown assemblies on platform trailers;
- I. Weevil pins and sockets on lowbed trailers;
- J. Steps and handholds for entry and egress;
- K. Flexible fender extensions;
- L. Mud flaps and splash and spray suppressant devices;
- M. Refrigeration units or air compressors;
- N. Load-induced tire bulge; and
- O. Wall variation from true flat.

Sec. Q-71. 29-A MRSA §2380, sub-§7, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

7. Penalty. ~~The penalty for the violation of A person who violates this section is~~ commits a traffic infraction for which a fine of not less than \$100 ~~and not~~ may be adjudged, except that the minimum fine for a violation of a posted bridge height is \$250.

Sec. Q-72. 29-A MRSA §2381, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the following enacted in its place:

1. Prohibition. A person may not move a vehicle or other object over a public way or bridge without obtaining a permit under this section if that vehicle or object:

A. Exceeds the length, width, height or weight prescribed in this Title; or

B. Has attached to its wheels a flange, rib, clamp or other object likely to injure the surface of the public way or bridge.

Sec. Q-73. 29-A MRSA §2382, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

3. County and municipal permits. A county commissioner or municipal officer may grant a permit ~~may be granted~~, for a reasonable fee, ~~by county commissioners or municipal officers~~ for travel over a way or bridge maintained by that county or municipality.

Sec. Q-74. 29-A MRSA §2382, sub-§9, as amended by PL 1997, c. 144, §1, is repealed and the following enacted in its place:

9. Pilot vehicles. The following restrictions apply to pilot vehicles.

A. Pilot vehicles required by a permit must be equipped with warning lights and signs as required by the Secretary of State with the advice of the Department of Transportation.

B. Warning lights may be operated and lettering on the signs may be visible on a pilot vehicle only while it is escorting a vehicle with a permit on a public way.

With the advice of the Commissioner of Transportation and the Chief of the State Police, the Secretary of State shall establish rules for the operation of pilot vehicles.

Sec. Q-75. 29-A MRSA §2396, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Injurious substances. A person may not place on a way a tack, nail, wire, scrap metal, glass, crockery or other substance that may injure feet, tires or wheels. ~~If a person accidentally places such substance on a way, that person shall immediately make all reasonable efforts to clear the way of that substance.~~

Sec. Q-76. 29-A MRSA §2396, sub-§1-A is enacted to read:

1-A. Duty to clear way. If a person accidentally places an injurious substance on a way, that person shall immediately make all reasonable efforts to clear the way of that substance.

Sec. Q-77. 29-A MRSA §2411, sub-§1, as amended by PL 1995, c. 368, Pt. AAA, §7, is repealed.

Sec. Q-78. 29-A MRSA §2411, sub-§1-A is enacted to read:

1-A. Offense. A person commits OUI if that person:

A. Operates a motor vehicle:

(1) While under the influence of intoxicants; or

(2) While having a blood-alcohol level of 0.08% or more;

B. Violates paragraph A and:

(1) Has one previous OUI offense within a 10-year period;

(2) Has 2 previous OUI offenses within a 10-year period; or

(3) Has 3 or more previous OUI offenses within a 10-year period;

C. Violates paragraph A, failed to submit to a test at the request of a law enforcement officer and:

(1) Has no previous OUI offenses within a 10-year period;

(2) Has one previous OUI offense within a 10-year period;

(3) Has 2 previous OUI offenses within a 10-year period; or

(4) Has 3 previous OUI offenses within a 10-year period; or

D. Violates paragraph A, B or C and:

(1) In fact causes serious bodily injury as defined in Title 17-A, section 2, subsection 23 to another person or in fact causes the death of another person; or

(2) Has either a prior conviction for a Class C crime under this section or a prior criminal homicide conviction involving or resulting from the operation of a motor vehicle while under the influence of intoxicating liquor or drugs or with a blood-alcohol level of 0.08% or greater.

Sec. Q-79. 29-A MRSA §2411, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Pleading and proof. The alternatives outlined in subsection ~~1~~ 1-A, ~~paragraphs paragraph A and B~~ may be pleaded in the alternative. The State is not required to elect between the alternatives prior to submission to the fact finder. In a prosecution under subsection 1-A, paragraph D, the State need not prove that the defendant's condition of being under the influence of intoxicants or having a blood-alcohol level of 0.08% or more caused the serious bodily injury or death alleged. The State must prove only that the defendant's operation caused the serious bodily injury or death. The court shall apply Title 17-A, section 33 in assessing any causation under this section.

Sec. Q-80. 29-A MRSA §2411, sub-§5, as amended by PL 2001, c. 511, §3, is further amended by amending the first paragraph to read:

5. Penalties. Except as otherwise provided, violation of this section is a Class D crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. The following minimum penalties apply and may not be suspended:

Sec. Q-81. 29-A MRSA §2411, sub-§5, ¶D-1 is enacted to read:

D-1. A violation of subsection 1-A, paragraph D is a Class C crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. The sentence must include a period of incarceration of not less than 6 months, a fine of not less than \$2,000 and a court-ordered suspension of a driver's license for a period of 6 years. These penalties may not be suspended;

Sec. Q-82. 29-A MRSA §2411, sub-§5, ¶G, as enacted by PL 1997, c. 737, §11, is amended to read:

G. The court shall order an additional period of license suspension of 275 days for a person sentenced under paragraph A, B, C ~~or~~, D ~~or~~ D-1 if the person was operating the motor vehicle at the time of the offense with a passenger under 21 years of age.

Sec. Q-83. 29-A MRSA §2411, sub-§6, as amended by PL 2001, c. 332, §1, is repealed.

Sec. Q-84. 29-A MRSA §2412-A, sub-§1, as amended by PL 1999, c. 743, §5, is repealed.

Sec. Q-85. 29-A MRSA §2412-A, sub-§1-A is enacted to read:

1-A. Offense; penalty. A person commits operating while license suspended or revoked if that person:

A. Operates a motor vehicle on a public way or in a parking area when that person's license has been suspended or revoked, and that person:

(1) Has received written notice of a suspension or revocation from the Secretary of State or a court;

(2) Has been orally informed of the suspension or revocation by a law enforcement officer or a court;

(3) Has actual knowledge of the suspension or revocation;

(4) Has been sent written notice in accordance with section 2482 or former Title 29, section 2241, subsection 4; or

(5) Has failed to answer or to appear in court pursuant to a notice or order specified in section 2605 or 2608;

B. Violates paragraph A and the suspension was for OUI or an OUI offense;

C. Violates paragraph A and the suspension was for OUI or an OUI offense, the person was subject to the mandatory minimum sentence and the person:

(1) Has one prior conviction for violating this section;

(2) Has 2 prior convictions for violating this section; or

(3) Has 3 or more prior convictions for violating this section; or

D. Violates paragraph A, the suspension was not for OUI or an OUI offense and the person has

one or more prior convictions for violating this section.

Except as otherwise provided, operating while license suspended or revoked is a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. Q-86. 29-A MRSA §2414, sub-§6, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

6. Aggravating factor; eluding an officer. A person commits a Class B crime if that person attempts to elude a law enforcement officer ~~or passes or attempts to pass a roadblock~~ and another person suffers serious bodily injury, as defined in Title 17-A, section 2, subsection 23, as a result.

Sec. Q-87. 29-A MRSA §2414, sub-§7 is enacted to read:

7. Aggravating factor; passing roadblock. A person commits a Class B crime if that person passes or attempts to pass a roadblock and another person suffers serious bodily injury, as defined in Title 17-A, section 2, subsection 23, as a result.

Sec. Q-88. 29-A MRSA §2434, sub-§10, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

10. Failure to sign acknowledgment of notice or surrender license. A person commits a Class E crime if that person ~~refuses to sign the acknowledgment of notice or, without good cause, fails to surrender a license within the period of suspension.:~~

A. Refuses to sign the acknowledgment of notice; or

B. Without good cause, fails to surrender a license within the period of suspension.

Violation of this subsection is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. Q-89. 29-A MRSA §2458, sub-§5, as amended by PL 1997, c. 111, §1, is further amended to read:

5. Penalty. A person commits a Class E crime if that person ~~recklessly or with criminal negligence fails upon request to disclose to the Secretary of State information required under subsection 6 or, after notice of suspension, revocation, or cancellation fails to obey an order of the Secretary of State under this section or fails to surrender to the Secretary of State on demand a license, certificate of title, certificate of registration or fuel use decal that has been suspended, revoked or cancelled by proper authority.:~~

A. Recklessly or with criminal negligence fails upon request to disclose to the Secretary of State information required under subsection 6;

B. After notice of suspension, revocation or cancellation fails to obey an order of the Secretary of State under this section. Violation of this paragraph is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A; or

C. Fails to surrender to the Secretary of State on demand a license, certificate of title, certificate of registration or fuel use decal that has been suspended, revoked or cancelled by proper authority. Violation of this paragraph is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. Q-90. 29-A MRSA §2557, sub-§1, as amended by PL 1997, c. 776, §51, is further amended to read:

1. Crime. A person ~~commits a crime as defined in subsection 2 if that person operates~~ may not operate a motor vehicle on a public way, as defined in Title 17-A, section 505, subsection 2, when that person's license to operate a motor vehicle has been revoked under this subchapter or former Title 29, chapter 18-A and that person:

- A. Has received written notice of the revocation from the Secretary of State;
- B. Has been orally informed of the revocation by a law enforcement officer;
- C. Has actual knowledge of the revocation; or
- D. Is a person to whom written notice was sent in accordance with section 2482 or former Title 29, section 2241, subsection 4.

Sec. Q-91. 29-A MRSA §2557, sub-§2, as amended by PL 1997, c. 476, §1, is further amended to read:

2. Offense; penalty. Violation of this section is:

A. A Class D crime if the person violates subsection 1 and:

- (1) The person has no conviction for operating after revocation under this section or under former Title 29, section 2298 within the previous 10 years; and
- (2) The person has no conviction for violating section 2411 or former Title 29, section 1312-B within the previous 10 years; and

B. A Class C crime if the person violates subsection 1 and:

- (1) The person has one or more convictions for operating after revocation under this section or under former Title 29, section 2298 within the previous 10 years; or
- (2) The person has one or more convictions for violating section 2411 or former Title 29, section 1312-B within the previous 10 years.

~~The Secretary of State may not grant relief from habitual offender status under section 2554 until at least 3 years after the original date scheduled for eligibility to apply for relief of that status.~~

Sec. Q-92. 29-A MRSA §2557, sub-§§2-A and 2-B are enacted to read:

2-A. Strict liability. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

2-B. Relief from habitual offender status. The Secretary of State may not grant relief from habitual offender status under section 2554 until at least 3 years have passed after the original date scheduled for eligibility to apply for relief of that status.

PART R

Sec. R-1. 32 MRSA §1092, as amended by PL 1993, c. 600, Pt. A, §73, is repealed and the following enacted in its place:

§1092. Unlawful practice

1. Unlawful practice. A person may not:

- A. Practice dentistry without obtaining a license;
- B. Practice dentistry under a false or assumed name;
- C. Practice dentistry under the license of another person of the same name;
- D. Practice dentistry under the name of a corporation, company, association, parlor or trade name;
- E. While manager, proprietor, operator or conductor of a place for performing dental operations, employ a person who is not a lawful practitioner of dentistry in this State to perform dental practices as described in section 1081;
- F. While manager, proprietor, operator or conductor of a place for performing dental opera-

tions, permit a person to practice dentistry under a false name;

G. Assume a title or append or prefix to that person's name the letters that falsely represent the person as having a degree from a dental college;

H. Impersonate another at an examination held by the board;

I. Knowingly make a false application or false representation in connection with an examination held by the board;

J. Practice as a dental hygienist without having a license to do so; or

K. Employ a person as a dental hygienist who is not licensed to practice.

2. Penalty. A person who violates this section commits a Class E crime. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. R-2. 32 MRSA §1093, as amended by PL 1993, c. 600, Pt. A, §76, is repealed and the following enacted in its place:

§1093. Fraudulent sale or alteration of diplomas or licenses

1. Fraudulent or altered diploma or license; bribery. A person may not:

A. Sell or offer to sell a diploma conferring a dental degree or license granted pursuant to the laws of this State;

B. Procure a license or diploma with intent that it be used as evidence of the right to practice dentistry by a person other than the one upon whom the diploma or license was conferred;

C. With fraudulent intent alter a diploma or license to practice dentistry;

D. Use or attempt to use an altered diploma or license; or

E. Attempt to bribe a member of the board by the offer or use of money or other pecuniary reward or by other undue influence.

2. Penalty. A person who violates this section commits a Class E crime. Except as otherwise specifically provided, violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. R-3. 32 MRSA §1105, as amended by PL 1999, c. 386, Pt. F, §10 and c. 547, Pt. B, §78 and

affected by §80, is repealed and the following enacted in its place:

§1105. Violations; penalty

1. Violations. A person, firm or corporation may not:

A. Make electrical installations without being licensed as provided in this chapter;

B. While in the business of making electrical installations, employ an unlicensed person, firm or corporation to do that work, unless the unlicensed person, firm or corporation is an apprentice electrician or an electrician's helper as set forth in this chapter; or

C. Procure a license as provided in this chapter wrongfully or by fraud.

2. Penalty. A person, firm or corporation who violates subsection 1 commits a Class E crime. The State may bring an action in Superior Court to enjoin a person from violating this chapter, regardless of whether proceedings have been or may be instituted in the District Court or whether criminal proceedings have been or may be instituted.

3. Strict liability. Except as otherwise specifically provided, violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

4. Exception. Subsection 1 does not apply to a person, firm or corporation or work excepted under section 1102 or 1102-A.

5. Installations by resident; certification. Nothing in this chapter prevents a person from making electrical installations in a single-family residence occupied by that person or to be occupied by that person as the person's bona fide personal abode, as long as the installation conforms with the standards of the National Electric Code. An electrical installation made under the authority of this subsection, after July 1, 1987, in a newly constructed residence, requires certification by a state or local inspector, master electrician or limited electrician in house wiring prior to the activation of electricity by the utility company.

Sec. R-4. 32 MRSA §2276, as amended by PL 1999, c. 386, Pt. I, §2 and c. 547, Pt. B, §78 and affected by §80, is further amended to read:

§2276. License required

1-A. License required. A person may not practice, or profess to be authorized to practice occupational therapy, as an occupational therapist or certified occupational therapy assistant in this State or use the words "occupational therapist," "registered

occupational therapist," "occupational therapy assistant" or "certified occupational therapy assistant" or the letters "O.T.," "O.T.R.," "O.T.A.," "C.O.T.A." or other words or letters to indicate that the person using the words or letters is a licensed occupational therapist or certified occupational therapy assistant, or that may misrepresent to the public that the person has received formalized training in the field of occupational therapy, unless that person is licensed in accordance with this chapter.

This subsection is not intended to prohibit occupational therapy students and occupational therapy assistant students completing fieldwork from using the letters "O.T.S." and "O.T.A.S." respectively.

2. Individual license. Only an individual may be licensed under this chapter.

3. Penalty; injunction. A person who violates ~~the provisions of this section is guilty of~~ commits a Class E crime. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

The State may bring an action in Superior Court to enjoin any person from violating this chapter, regardless of whether proceedings have been or may be instituted in the District Court or whether criminal proceedings have been or may be instituted.

~~The State may bring an action in Superior Court to enjoin any person from violating this chapter, regardless of whether proceedings have been or may be instituted in the District Court or whether criminal proceedings have been or may be instituted.~~

Sec. R-5. 32 MRSA §2317, as amended by PL 1999, c. 386, Pt. J, §9 and c. 547, Pt. B, §78 and affected by §80, is repealed and the following enacted in its place:

§2317. Violations; penalties

1. Penalties. The following penalties apply to violations of this chapter.

A. A person, firm or corporation who makes an oil or solid fuel burner installation without being licensed as provided by this chapter commits a Class E crime.

B. A person, firm or corporation in the oil or solid fuel burner installation business that employs an unlicensed person, unless the work is exempted under this chapter, commits a Class E crime.

C. A person who procures a license as provided in this chapter wrongfully or by fraud commits a Class E crime.

2. Strict liability. Except as otherwise specifically provided, violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

3. Injunctive relief. The State may bring an action in Superior Court to enjoin a person from violating this chapter, regardless of whether proceedings have been or may be instituted in the District Court or whether civil proceedings to impose a fine have been or may be instituted.

Sec. R-6. 32 MRSA §4662, as amended by PL 1987, c. 202, §2, is repealed and the following enacted in its place:

§4662. Contents of contract

1. Contract required. When merchandise is sold or contracted to be sold, whether under a single contract or under multiple contracts, to a consumer as a result of or in connection with a seller's direct contact accomplished by means of and including, but not limited to, a personal visit or a telephone call upon the consumer, other than at the seller's place of business, without the consumer soliciting the initial contact, the contract must:

A. Be in writing;

B. Bear the signature of the seller and the consumer;

C. Contain the date of the transaction;

D. Contain the terms of the sale or offer;

E. Contain the name and the mailing address of the seller's permanent place of business;

F. Contain a statement of the consumer's right to avoid as provided in this subchapter; and

G. Contain a statement of the limitation contained in section 4664-A.

The seller shall furnish a completely executed copy of the contract or agreement to the consumer immediately after the consumer signs the agreement or contract.

2. Penalty. The following penalties apply to violations of this section.

A. A seller who violates this section commits a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

B. A seller who intentionally violates this section commits a Class D crime.

Sec. R-7. 32 MRSA §4664-A, as enacted by PL 1981, c. 187, §4, is repealed and the following enacted in its place:

§4664-A. Time of seller's performance

1. Performance after right to cancel. If the contract requires the seller to affix merchandise permanently to real estate or its appurtenances, then the seller may not begin performance as long as the consumer has the right to cancel.

2. Penalty. The following penalties apply to violations of this section.

A. A person who violates this section commits a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

B. A person who intentionally violates this section commits a Class D crime.

Sec. R-8. 32 MRSA §4666, as enacted by PL 1969, c. 395, is repealed and the following enacted in its place:

§4666. Seller's obligation

1. Return upon avoidance. If the seller is given written notice of avoidance by the consumer pursuant to this subchapter and any merchandise that has been delivered is returned or made available for return to the seller, the seller must return to the consumer within 15 days of the effective date of the notice of avoidance the full amount of any payment or down payment made or consideration given under the contract or sale for the merchandise.

2. Penalty. The following penalties apply to violations of this section.

A. A person who violates this section commits a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

B. A person who intentionally violates this section commits a Class D crime.

Sec. R-9. 32 MRSA §4667, as repealed and replaced by PL 1995, c. 681, §2, is repealed.

Sec. R-10. 32 MRSA §14058, sub-§2, as enacted by PL 1991, c. 468, §4, is repealed and the following enacted in its place:

2. Penalty. The following penalties apply to violations of this chapter.

A. A person or employee leasing company that violates this chapter is subject to a fine of \$100 per day for each violation.

B. A corporation, partnership, sole proprietorship or other form of business entity and an officer, director, general partner, agent, representative or employee of any of those types of business entities that knowingly uses or participates in any employee leasing agreement, arrangement or mechanism for the purpose of depriving one or more insurers of premiums or avoiding the calculation of the proper contribution rate for purposes of unemployment contributions commits a Class E crime.

Sec. R-11. 32 MRSA §14504, as amended by PL 2001, c. 324, §7, is repealed and the following enacted in its place:

§14504. Registration required

1. Registration required. A transient seller of home repair services must register with the department and acquire a door-to-door sales registration in the manner set forth in section 14505 before engaging in the door-to-door sales of home repair services. The registration requirement under this section is in addition to the licensing requirements applicable to the occupation, trade or profession for which a license is required. A transient seller who solicits sales during the course of a municipal or state repair contract is exempt from this requirement.

2. Penalty. The following penalties apply to violations of this section.

A. A person who violates this section commits a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

B. A person who intentionally violates this section commits a Class D crime.

3. Enforcement. This section is enforceable by either the Department of the Attorney General or a district attorney.

Sec. R-12. 32 MRSA §14506, as enacted by PL 1993, c. 444, §1, is repealed and the following enacted in its place:

§14506. Disclosure of registration number

1. Disclosure required. A contract for door-to-door sales of home repair services by a transient seller of home repair services must include the seller's door-to-door sales registration number in the following manner: State door-to-door sales registration #: (fill in number).

2. Penalty. The following penalties apply to violations of this section.

A. A person who violates this section commits a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

B. A person who intentionally violates this section commits a Class D crime.

3. Enforcement. This section is enforceable by either the Department of the Attorney General or a district attorney.

Sec. R-13. 32 MRSA §14512, sub-§1, as amended by PL 2001, c. 324, §11, is further amended to read:

§14512. Penalties

The penalties in this section are in addition to penalties provided for specific violations within this subchapter.

~~**1. Criminal penalty.** Violation of section 14504 or section 14506 is a Class E crime for which the State need not plead or prove a culpable state of mind, except that a violation of section 14504 or 14506 is a Class D crime if the State pleads and proves that the act or omission was intentional.~~

~~**2. Civil penalty.** A transient seller of home repair services or the seller's employee failing to register in violation of this subchapter commits a civil violation for which a civil penalty of up to \$2,000 may be adjudged against the seller and each employee. If the person violates this subchapter 2 or more times, or if the injured consumer is more than 60 years of age, the civil violation penalty may be up to \$5,000. Subsection 1 and this subsection are enforceable by either the Department of the Attorney General or the District Attorney. The following penalties apply to violations of this subchapter.~~

A. A transient seller of home repair services or the seller's employee who violates this subchapter commits a civil violation for which a fine of up to \$2,000 may be adjudged. This penalty may be assessed against each seller and each employee.

B. A transient seller of home repair services or the seller's employee who violates this subchapter after having previously violated this subchapter 2 or more times commits a civil violation for which a fine of not more than \$5,000 may be adjudged.

C. A transient seller of home repair services or the seller's employee who violates this subchapter in a way that injures a consumer who is more than 60 years of age commits a civil violation for which a fine of up to \$5,000 may be adjudged.

This subsection is enforceable by either the Department of the Attorney General or a district attorney.

3. Unfair trade practice. A transient seller of home repair services who fails to register in violation of this subchapter commits an unfair trade practice in violation of Title 5, section 207.

4. Revocation. In any action under this section the court may also revoke the seller's registration to engage in the door-to-door sale of home repair services.

Sec. R-14. 32 MRSA §14702, as enacted by PL 2001, c. 324, §12, is repealed and the following enacted in its place:

§14702. Registration

1. Registration required. A person who engages in the business of a transient seller of consumer merchandise, including a self-employed person or a person who employs one or more transient sellers of consumer merchandise, shall apply to the department and acquire a registration in the manner set forth in section 14706 before engaging in sales of consumer merchandise in this State.

2. Penalty. The following penalties apply to violations of this section.

A. A person who violates this section commits a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

B. A person who intentionally violates this section commits a Class D crime.

Sec. R-15. 32 MRSA §14703, sub-§3 is enacted to read:

3. Penalty. The following penalties apply to violations of this section.

A. A person who violates subsection 2 commits a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

B. A person who intentionally violates subsection 2 commits a Class D crime.

Sec. R-16. 32 MRSA §14704, sub-§3 is enacted to read:

3. Penalty. The following penalties apply to violations of this section.

A. A person who violates this section commits a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

B. A person who intentionally violates this section commits a Class D crime.

Sec. R-17. 32 MRSA §14713, as enacted by PL 2001, c. 324, §12, is amended to read:

§14713. Violations; unfair trade practice

~~1. **Criminal penalty.** Violation of section 14702, section 14703, subsection 2 or section 14704 is a Class E crime for which the State need not plead or prove a culpable state of mind, except that a violation of section 14702, section 14703, subsection 2 or section 14704 is a Class D crime if the State pleads and proves that the act or omission was intentional.~~

2. Unfair trade practice. A person who fails to comply with this subchapter commits a violation of Title 5, chapter 10.

Sec. R-18. 32 MRSA §14805, sub-§8, as enacted by PL 1999, c. 386, Pt. V, §6 and amended by c. 547, Pt. B, §78 and affected by §80, is repealed and the following enacted in its place:

8. Penalties. The following penalties apply to violations of this chapter.

A. A person, firm or corporation who makes a propane or natural gas installation without being licensed as provided by this chapter commits a Class E crime.

B. A person, firm or corporation in the propane or natural gas installation business who employs an unlicensed person, unless the work is exempted under this chapter, commits a Class E crime.

C. A person who procures any license as provided in this chapter wrongfully or by fraud commits a Class E crime.

Sec. R-19. 32 MRSA §14805, sub-§§9 and 10 are enacted to read:

9. Strict liability. Except as otherwise specifically provided, violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

10. Injunctive relief. The State may bring an action in Superior Court to enjoin a person from violating this chapter, regardless of whether proceedings have been or may be instituted in the District Court or whether civil proceedings to impose a fine have been or may be instituted.

PART S

Sec. S-1. 34-A MRSA §11227, as amended by PL 2001, c. 553, §9, is repealed and the following enacted in its place:

§11227. Violation

1. Failure to register or update information. A sex offender or sexually violent predator who fails to register or update the information required under this chapter commits a Class D crime.

2. Failure to register or update information; 2nd offense. A sex offender or sexually violent predator who has one prior conviction for failure to register or update the information required under this chapter commits a Class D crime.

3. Failure to register or update information; 3rd or subsequent offense. A sex offender or sexually violent predator who fails to register or update the information required under this chapter when the sex offender or sexually violent predator has 2 or more prior convictions in this State for violation of this chapter commits a Class C crime.

4. Strict liability. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

5. Prior conviction. Title 17-A, section 9-A governs the use of prior conviction when determining a sentence.

6. Affirmative defense. It is an affirmative defense that the failure to register or update information resulted from just cause, except that sex offenders and sexually violent predators convicted from June 30, 1992 to September 17, 1999 may not raise a defense under just cause that they were not aware of the registration requirement.

PART T

Sec. T-1. 35-A MRSA §7701, sub-§2, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

2. Offense. A person is guilty of unlawful interference with a party line if ~~he~~ that person:

A. ~~Willfully~~ Intentionally or knowingly refuses to surrender the use of a party line to another person in accordance with subsection 1; or

B. Requests the use of a party line on pretext that an emergency exists, knowing that an emergency does not exist.

PART U

Sec. U-1. 36 MRSA §184, as amended by PL 1989, c. 880, Pt. D, §1, is repealed and the following enacted in its place:

§184. Criminal offenses

1. Failure to collect, account for or pay over tax. A person who is required under this Title to collect, truthfully account for and pay over any tax imposed by this Title and who intentionally fails to collect or truthfully account for or pay over that tax at the time required by law or rule, in addition to any other penalties provided by law, commits a Class D crime.

2. Subsequent offense. A person who violates subsection 1 who has a prior conviction for violation of this section commits a Class C crime. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence.

3. "Person" defined. For purposes of this section, the word "person" includes, in addition to its defined meaning in section 111, subsection 3, an officer, director, member, agent or employee of another person who, in that capacity, is responsible for the control or management of the funds and finances of that person or is responsible for either the collection or payment of that retailer's taxes.

Sec. U-2. 36 MRSA §184-A, as enacted by PL 1997, c. 504, §3, is amended to read:

§184-A. Intentional evasion of tax

1. Tax amount of \$2,000 or less. ~~Any A~~ person who intentionally attempts in any manner to evade or defeat any tax in an amount of \$2,000 or less imposed by this Title or the payment of the assessed tax, in addition to any other penalties provided by law, is guilty of commits a Class D crime, except that violation of this subsection is a Class C crime if the person has a prior conviction for violation of this section, section 184 or 5332.

1-A. Tax amount of \$2000 or less, subsequent offense. A person who has a prior conviction for violation of this section or section 184 or 5332 who intentionally attempts in any manner to evade or defeat any tax in an amount of \$2,000 or less imposed by this Title or the payment of the assessed tax, in addition to any other penalties provided by law, commits a Class C crime. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence.

2. Tax amount over \$2,000. ~~Any A~~ person who intentionally attempts in any manner to evade or defeat any tax in an amount over \$2,000 imposed by

this Title or the payment of the assessed tax, in addition to any other penalties provided by law, is guilty of commits a Class C crime, except that violation of this subsection is a Class B crime if the person has a prior conviction for violation of this section, section 184 or 5332.

2-A. Tax amount over \$2,000, subsequent offense. A person who has a prior conviction for violation of this section or section 184 or 5332 who intentionally attempts in any manner to evade or defeat any tax in an amount over \$2,000 imposed by this Title or the payment of the assessed tax, in addition to any other penalties provided by law, commits a Class B crime. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence.

3. Date of prior conviction. ~~For purposes of this section, the date of prior conviction under this section must precede the commission of the offense being enhanced by 10 years or less. The date of conviction is deemed the date sentence is imposed.~~

Sec. U-3. 36 MRSA §1754-B, sub-§2-A is enacted to read:

2-A. Making sales after revocation. A person whose sales tax registration certificate has been revoked by the assessor pursuant to section 1757 who continues to make retail sales in this State commits a Class D crime. Violation of this subsection is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. U-4. 36 MRSA §1754-B, sub-§3, as enacted by PL 1995, c. 640, §3, is amended to read:

3. Failure to register. ~~A person that who~~ is required by this section to register as a retailer with the assessor and that who makes retail sales in this State without being so registered commits a Class E crime. When a person's sales tax registration certificate has been revoked by the assessor pursuant to section 1757, that person commits a Class D crime by continuing to make retail sales in this State. Violation of this subsection is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. U-5. 36 MRSA §2113, as repealed and replaced by PL 1997, c. 393, Pt. A, §42, is repealed and the following enacted in its place:

§2113. Criminal penalties

1. Violations; first offense. A person who violates this Part for which a penalty is not provided by any other provision of law commits a Class E crime. Except as otherwise specifically provided, violation of this subsection is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

2. Violations; subsequent offenses. A person who violates this Part for which a penalty is not provided by any other provision of law when the person has a prior conviction for violation of the same provision within the prior 3 years commits a Class D crime. Except as otherwise specifically provided, violation of this subsection is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence.

Sec. U-6. 36 MRSA §4315, sub-§1, as amended by PL 1999, c. 194, §1, is further amended to read:

1. Transportation of wild blueberries without permit. ~~It is unlawful for a~~ A person to ~~may not~~ transport wild blueberries in quantities exceeding 25 pounds without first obtaining a transportation permit on an official form to be furnished by the Wild Blueberry Commission of Maine. The Wild Blueberry Commission of Maine shall issue upon request official transportation permit forms to shippers and processors certified under section 4305. Shippers and processors may issue the transportation permits to owners or owner's transportation agents with written authorization from owners. Each permit issued must bear a different number and expire at the end of the calendar year. ~~When a shipper or processor issues a transportation permit, the shipper or processor shall immediately send a copy to the Wild Blueberry Commission of Maine. The commission shall keep a permanent record of all permits issued. The commission shall establish the form and content of transportation permits and establish the record-keeping requirements of the commission, shippers and processors. Notwithstanding any provision of Title 1, chapter 13, subchapter 1 to the contrary, records pertaining to transportation permits required to be kept by the Wild Blueberry Commission of Maine under this section are confidential to the extent necessary to preserve the identity of parties to individual business transactions. The confidential status does not apply when records kept by the Wild Blueberry Commission of Maine are needed as evidence in any proceeding to enforce any provision of section 4314 or this section, or in any prosecution for a violation of any other criminal law. This subsection does not apply to wild blueberries that have been received by a certified shipper or processor and have been weighed, logged into a permanent record-keeping system and reloaded onto a vehicle for shipping under a bill of lading.~~

Sec. U-7. 36 MRSA §4315, sub-§1-A is enacted to read:

1-A. Records of permits; confidentiality. When a shipper or processor issues a transportation permit, the shipper or processor shall immediately send a copy to the Wild Blueberry Commission of

Maine. The commission shall keep a permanent record of all transportation permits issued. The commission shall establish the form and content of transportation permits and establish the record-keeping requirements of the commission, shippers and processors. Notwithstanding any provision of Title 1, chapter 13, subchapter 1 to the contrary, records pertaining to transportation permits required to be kept by the Wild Blueberry Commission of Maine under this section are confidential to the extent necessary to preserve the identity of parties to individual business transactions. The confidential status does not apply when records kept by the Wild Blueberry Commission of Maine are needed as evidence in a proceeding to enforce a provision of section 4314 or this section or in a prosecution for a violation of any other criminal law.

Sec. U-8. 36 MRSA §4315, sub-§3, as amended by PL 1997, c. 511, §23, is repealed and the following enacted in its place:

3. Violation. The following penalties apply to violations of this section.

A. A person who transports wild blueberries in violation of this section commits a Class E crime. Violation of this paragraph is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

B. A person who violates any other provision of this section commits a civil violation for which a fine of not more than \$500 may be adjudged.

Sec. U-9. 36 MRSA §4362-A, sub-§4, as enacted by PL 1997, c. 458, §3, is repealed and the following enacted in its place:

4. Penalties. The following penalties apply to violations of this section.

A. A distributor who imports into this State any cigarettes without holding a distributor's license issued by the assessor pursuant to this section commits a civil violation for which a fine of not less than \$250 and not more than \$500 must be adjudged.

B. A distributor who violates paragraph A after having been previously adjudicated as violating paragraph A commits a civil violation for which a fine of not less than \$500 and not more than \$1,000 must be adjudged for each subsequent violation.

C. A distributor who sells at wholesale, offers for sale at wholesale or possesses with intent to sell at wholesale any cigarettes without holding a distributor's license issued by the assessor pursuant to this section commits a civil violation for

which a fine of not less than \$250 and not more than \$500 must be adjudged.

D. A distributor who violates paragraph C after having been previously adjudicated as violating paragraph C commits a civil violation for which a fine of not less than \$500 and not more than \$1,000 must be adjudged for each subsequent violation.

Sec. U-10. 36 MRSA §4366-A, sub-§1, as enacted by PL 1997, c. 458, §10, is repealed and the following enacted in its place:

1. Generally. A distributor may not:

A. Sell, offer for sale or display for sale any cigarettes within this State that do not bear stamps evidencing the payment of the tax imposed by this chapter; or

B. Violate paragraph A when the distributor has 2 prior convictions for violation of this chapter.

The face value of the stamps must be considered as part of the retail cost of the cigarettes.

Sec. U-11. 36 MRSA §4366-A, sub-§4, as enacted by PL 1997, c. 458, §10, is repealed and the following enacted in its place:

4. Resale and reuse of stamps prohibited. A distributor may not:

A. Sell, transfer or use more than once cigarette stamps issued by the assessor pursuant to this chapter; or

B. Violate paragraph A when the distributor has 2 prior convictions for violation of this chapter.

Sec. U-12. 36 MRSA §4366-A, sub-§4-A is enacted to read:

4-A. Redemption of stamps. The assessor shall redeem any unused, uncanceled stamps presented within one year of the date of purchase by a licensed distributor at a price equal to the amount paid for them. The assessor may also redeem, at face value, cigarette tax stamps affixed to packages of cigarettes that have become unsalable if application is made within 90 days of the return of the unsalable cigarettes to the manufacturer. The Treasurer of State shall provide out of money collected pursuant to this chapter, the funds necessary for the redemption.

Sec. U-13. 36 MRSA §4366-A, sub-§6, as enacted by PL 1997, c. 458, §10, is repealed and the following enacted in its place:

6. Penalties. The following penalties apply to violations of this section.

A. A person who sells, offers for sale, displays for sale or possesses with intent to sell unstamped cigarettes in violation of this section commits a Class D crime.

B. A person who violates paragraph A when the person has 2 or more prior convictions for violation of this chapter commits a Class C crime.

C. A person who sells or transfers cigarette stamps or uses stamps more than once in violation of this section commits a Class D crime.

D. A person who violates paragraph C when the person has one or more prior convictions for violation of this chapter commits a Class C crime.

Except as otherwise specifically provided, violation of this subsection is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Title 17-A, section 9-A governs the use of prior convictions when determining a sentence.

Sec. U-14. 36 MRSA §4366-B, sub-§4, as enacted by PL 1997, c. 458, §10, is repealed and the following enacted in its place:

4. Penalties. The following penalties apply to violations of this section.

A. A person who violates this section commits a Class E crime.

B. A person who violates this section when the person has one or more prior convictions for violation of this section commits a Class D crime. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence.

Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. U-15. 36 MRSA §4366-C, sub-§3, as enacted by PL 1999, c. 616, §3, is repealed and the following enacted in its place:

3. Penalties. The following penalties apply to violations of this section.

A. A dealer or distributor who violates this section commits a Class E crime.

B. A dealer or distributor who violates this section when the dealer or distributor has one or more prior convictions for violation of this section commits a Class D crime. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence.

Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. U-16. 36 MRSA §4641-K, as amended by PL 2001, c. 559, Pt. I, §13 and affected by §15, is repealed and the following enacted in its place:

§4641-K. Falsifying declaration of value

1. Prohibition. A person may not:

A. Knowingly falsify the declaration of value prescribed by section 4641-D;

B. Refuse to permit the State Tax Assessor or any of the State Tax Assessor's agents or representatives to inspect property in question or any relevant books, papers, records or memoranda within 3 years after recording or transfer of a controlling interest subject to tax under this chapter;

C. Knowingly alter, cancel or obliterate a part of any relevant books, papers, records or memoranda; or

D. Knowingly make a false entry in any relevant books, papers, records or memoranda.

2. Penalties. A person who violates this section commits a Class E crime.

Sec. U-17. 36 MRSA §5332, as amended by PL 1989, c. 880, Pt. D, §3, is repealed and the following enacted in its place:

§5332. Failure to file return, supply information, pay tax

1. Failure to pay tax, file return, keep records or supply information. A person commits a Class D crime if that person:

A. Is required under this Part to pay any tax or estimated tax, and intentionally fails to pay that tax or estimated tax at the time or times required by law or regulation;

B. Is required by this Part or rule prescribed under this Part to make a return, other than a return of estimated tax, and intentionally fails to make the return at the time or times required by law or rule; or

C. Is required to keep any records or supply any information and intentionally fails to keep the records or supply the information, at the time or times required by law or rule.

2. Subsequent offense. A person who violates subsection 1 when the person has a prior conviction for violation of this section or of section 184, 5330 or

5333 commits a Class C crime. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence.

3. Additional penalties. This section is in addition to other penalties provided by law.

4. Presumption. Proof that a person filed a federal income tax return for a taxable year gives rise to a presumption that the person was required to file a federal income tax return for that taxable year.

Sec. U-18. 36 MRSA §5333, as amended by PL 1989, c. 880, Pt. D, §4, is repealed and the following enacted in its place:

§5333. False statements

1. Making or aiding false tax return, statement or document. A person who knowingly makes and subscribes any return, statement or other document that contains or is verified by a written declaration that it is made under the penalties of perjury that the person does not believe to be true and correct as to every material matter or who knowingly aids or procures the preparation or presentation in a matter arising under this Part of a return, affidavit, claim or other document that is fraudulent or is false as to any material matter commits a Class D crime.

2. Subsequent offense. A person who violates subsection 1 when the person has a prior conviction for violation of this section or section 184, 5330 or 5332 commits a Class C crime. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence.

PART V

Sec. V-1. 37-B MRSA §806, sub-§2, as enacted by PL 1989, c. 464, §3, is repealed and the following enacted in its place:

2. Civil penalties. The following penalties apply to the following violations.

A. A person who violates section 795 is subject to a civil penalty of not more than \$25,000.

B. A person who violates section 796 is subject to a civil penalty of not more than \$1,000.

C. A person who violates section 797 is subject to a civil penalty of not more than \$1,000.

D. A person who violates section 798, subsection 1 or 2 is subject to a civil penalty of not more than \$25,000.

Civil penalties under this subsection are payable to the Emergency Response Commission Fund. These penalties are recoverable in a civil action. Minimum

penalties under this subsection are \$100 per day. Each day of violation constitutes a separate violation.

Sec. V-2. 37-B MRSA §806, sub-§3, as enacted by PL 1989, c. 464, §3, is repealed and the following enacted in its place:

3. Criminal penalties. The following penalties apply to the following violations.

A. A person who intentionally, knowingly or recklessly fails to comply with the reporting requirements of section 798, subsection 1 commits a Class C crime and, notwithstanding Title 17-A, section 1301, is subject to a fine of not more than \$25,000.

B. A person who violates paragraph A when the person has a prior conviction for violation of paragraph A commits a Class C crime and, notwithstanding Title 17-A, section 1301, is subject to a fine of not more than \$50,000. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence.

PART W

Sec. W-1. 38 MRSA §101, as amended by PL 1999, c. 355, §23, is repealed and the following enacted in its place:

§101. Surrender of revoked or suspended license

1. Surrender of revoked or suspended license. A pilot whose license has been revoked or suspended shall surrender the license to the commission, which shall retain it until the period of the pilot's suspension expires. A pilot whose license has been revoked or suspended who refuses to surrender the license on demand commits a civil violation for which a fine of not more than \$5,000 for each week after the demand that the pilot refuses to surrender the license may be adjudged.

2. Continuing to pilot after revocation or suspension. A pilot whose license has been revoked or suspended who continues to pilot commits a civil violation for which a fine of not more than \$5,000 for each vessel piloted without a license may be adjudged.

3. Publication. The commission may cause to be published in a newspaper of general circulation published in the State a notice that that person has no authority to act as a pilot unless and until reinstated by law.

Sec. W-2. 38 MRSA §349, sub-§1, as amended by PL 1997, c. 794, Pt. A, §7, is further amended to read:

1. Criminal penalties. Any Except as otherwise specifically provided, a person who intentionally, knowingly, recklessly or with criminal negligence violates any provisions of the laws a law administered by the department, including, without limitation, a violation of the terms or conditions of any an order, rule, license, permit, approval or decision of the board or commissioner, or who disposes of more than 500 pounds or more than 100 cubic feet of litter for a commercial purpose, in violation of Title 17, section 2264 2264-A, is guilty of commits a Class E crime and may be punished accordingly, except, notwithstanding. Notwithstanding Title 17-A, section 1301, subsection 1 A, paragraph C or Title 17 A, section 1301, subsection 3, paragraph E, the fine for such a violation of this subsection may not be less than \$2,500 nor and not more than \$25,000 for each day of the violation, except that the minimum amount for knowing violations is \$5,000 for each day of violation.

This subsection does not apply to actions subject to the criminal penalties set forth in section 1319-T.

Sec. W-3. 38 MRSA §349, sub-§2, as amended by PL 1989, c. 282, §3 and c. 820, §10, is further amended to read:

2. Civil penalties. Any Except as otherwise specifically provided, a person who violates any provision of the laws a law administered by the department, including, without limitation, a violation of the terms or conditions of any an order, rule, license, permit, approval or decision of the board or commissioner, or who disposes of more than 500 pounds or more than 100 cubic feet of litter for a commercial purpose, in violation of Title 17, section 2264 2265-A, is subject to a civil penalty, payable to the State, of not less than \$100 nor and not more than \$10,000 for each day of that violation or, if the violation relates to hazardous waste, of not more than \$25,000 for each day of the violation. This penalty is recoverable in a civil action.

Sec. W-4. 38 MRSA §349, sub-§3, as amended by PL 1989, c. 282, §4 and affected by c. 890, Pt. A, §40 and amended by Pt. B, §7, is repealed and the following enacted in its place:

3. Falsification and tampering. A person may not knowingly:

A. Make a false statement, representation or certification in an application, record, report, plan or other document filed or required to be maintained by any law administered by the department or by any order, rule, license, permit, approval or decision of the board or commissioner;

B. Tamper with or render inaccurate a monitoring device or method required by any law or by

any order, rule, license, permit, approval or decision of the board or commissioner; or

C. Fail to comply with an information submittal required by the commissioner pursuant to section 568, subsection 3 or section 1364, subsection 3.

A person who violates this subsection commits a Class E crime. Notwithstanding Title 17-A, section 1301, a fine for a violation of this subsection may not be more than \$10,000.

Sec. W-5. 38 MRSA §418, sub-§1, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §35, is repealed and the following enacted in its place:

1. Prohibitions. A person, firm, corporation or other legal entity may not place logs or pulpwood:

A. Into the inland waters of the State for the purpose of driving the logs or pulpwood to pulp mills, lumber mills or any other destination, except to transport logs or pulpwood from islands to the mainland;

B. On the ice of any inland waters of the State, except to transport logs or pulpwood from islands to the mainland; or

C. Into the inland waters of the State for the purpose of storage or curing the logs or pulpwood, or for other purposes incidental to the processing of forest products, or to transport logs or pulpwood from islands to the mainland, without a permit from the department as described in subsection 2.

Sec. W-6. 38 MRSA §423, as amended by PL 2003, c. 414, Pt. B, §70, is repealed and the following enacted in its place:

§423. Discharge of waste from watercraft

1. Discharge from watercraft prohibited. A person, firm, corporation or other legal entity may not discharge, spill or permit to be discharged sewage, garbage or other pollutants from watercraft:

A. Into inland waters of the State;

B. On the ice of inland waters of the State; or

C. On the banks of inland waters of the State in a manner that the pollutants may fall or be washed into the waters or in a manner in which the drainage from the banks may flow into the waters.

2. Holding tank required. A person, firm, corporation or other legal entity may not operate upon the inland waters of the State a watercraft that has a

permanently installed sanitary waste disposal system if it does not have securely affixed to the interior discharge opening of the sanitary waste disposal system a holding tank or suitable container for holding sanitary waste material so as to prevent its discharge or drainage into the inland waters of the State.

3. Watercraft defined. For the purposes of this section, "watercraft" has the same meaning as provided in Title 12, section 13001, subsection 28, except that "watercraft" includes houseboats.

Sec. W-7. 38 MRSA §483-A, as amended by PL 1995, c. 704, Pt. A, §7 and affected by Pt. C, §2, is repealed and the following enacted in its place:

§483-A. Prohibition

1. Approval required. A person may not construct or cause to be constructed or operate or cause to be operated or, in the case of a subdivision, sell or lease, offer for sale or lease or cause to be sold or leased any development of state or regional significance that may substantially affect the environment without first having obtained approval for this construction, operation, lease or sale from the department.

2. Compliance with order or permit required. A person having an interest in, or undertaking an activity on, a parcel of land affected by an order or permit issued by the department may not act contrary to that order or permit.

Sec. W-8. 38 MRSA §967, as enacted by PL 1979, c. 459, §1, is repealed and the following enacted in its place:

§967. Enforcement, inspection and penalties for violations

1. Effect of standards, rules and orders. Standards, rules and orders issued by the commission pursuant to this chapter have the force and effect of law.

2. Conformance required. A person may not undertake development except in conformance with this chapter and the standards, rules and orders issued by the commission pursuant to this chapter. Real estate or personal property may not exist or be used in violation of this chapter or the standards, rules and orders issued by the commission pursuant to this chapter.

3. Ensuring compliance; access. For the purposes of inspection and to ensure compliance with this chapter and standards, rules and orders issued by the commission pursuant to this chapter, commission members, staff, consultant personnel and designated municipal officials may conduct such investigations,

examinations, tests and site evaluations determined necessary to verify information presented to the commission and may obtain access to any lands and structures subject to this chapter.

4. Violations. A person who violates a provision of this chapter or of standards, rules and orders issued by the commission pursuant to this chapter commits a civil violation for which a fine of not more than \$100 for each day of the violation may be adjudged. In addition, the person's permit, certificate of compliance or variance issued by the commission is subject to revocation.

5. Falsification. A person who intentionally or knowingly falsifies a statement to the commission commits a civil violation for which a fine of not more than \$1,000 may be adjudged. In addition, the person's permit, certificate of compliance or variance granted by the commission in reliance on such statement must be revoked.

6. Additional remedies. In addition to enforcing any other penalties provided, either the commission or the Attorney General may institute any appropriate action, injunction or other proceeding to prevent, restrain, correct or abate a violation of this chapter or the standards, rules and orders issued by the commission pursuant to this chapter.

7. Commission's status. Subject to written approval of the Attorney General as provided in Title 5, section 191 and within the limits of the commission's budget, the commission may retain private counsel for the conduct of commission meetings and hearings and advice on other legal matters.

Sec. W-9. 38 MRSA §972 is repealed.

Sec. W-10. 38 MRSA §1316-M, sub-§4, as enacted by PL 1995, c. 579, §5, is amended to read:

4. Transporting without license or manifest; penalties. A person who transports scrap tires without a license or without a manifest as required by department rules commits a Class E crime if that person in fact transports scrap tires without a license or without a manifest as required by department rules. Violation of this subsection is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. The minimum fines for transporting scrap tires without a license or without a manifest are as follows: for a vehicle with a registered gross weight of up to 12,000 pounds, \$500; for a vehicle with a registered gross weight of between 12,001 and 34,000 pounds, \$2,000; and for a vehicle with a registered gross weight of over 34,000 pounds, \$4,500. This minimum fine may not be suspended, but it may be reduced by the amount of the disposal fee paid by the transporter for disposal of the truckload of tires at a licensed waste facility. A person commits a Class D crime if that person, after

being cited for a violation of the manifest requirements, transports the tires to an unlicensed, nonexempt waste facility. Notwithstanding Title 17-A, section 1301, the fine for a Class E crime under this subsection may not exceed \$10,000 per violation, and the fine for a Class D crime under this subsection may not exceed \$25,000 per violation.

A. For a vehicle with a registered gross weight of up to 12,000 pounds, \$500;

B. For a vehicle with a registered gross weight of between 12,001 and 34,000 pounds, \$2,000; and

C. For a vehicle with a registered gross weight of over 34,000 pounds, \$4,500.

This minimum fine may not be suspended, but it may be reduced by the amount of the disposal fee paid by the transporter for disposal of the truckload of tires at a licensed waste facility. Notwithstanding Title 17-A, section 1301, the maximum fine under this subsection is not more than \$10,000 per violation.

Sec. W-11. 38 MRSA §1316-M, sub-§5 is enacted to read:

5. Transporting after summons or arrest. A person who, after being issued a summons or arrested for a violation of the license or manifest requirements, transports the scrap tires to an unlicensed, nonexempt waste facility commits a Class D crime. Violation of this subsection is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. Notwithstanding Title 17-A, section 1301, the maximum fine under this subsection is not more than \$25,000 per violation.

PART X

Sec. X-1. 14 MRSA §5604 is enacted to read:

§5604. Monetary sanctions

1. Designation. A monetary sanction authorized by law and imposed by the court for a civil violation may be designated a "fine," "penalty," "forfeiture," "surcharge" or "assessment" or may be designated by another similar term.

2. Civil violation. Use of the terminology under subsection 1 in describing a monetary sanction for a civil violation does not limit or prohibit the application of Title 17-A, section 4-B, subsection 3.

Sec. X-2. Effective Date. This Act takes effect July 1, 2004 except that section of this Part that enacts the Maine Revised Statutes, Title 14, section

5604 takes effect 90 days after adjournment of the First Regular Session of the 121st Legislature.

Effective July 1, 2004, unless otherwise indicated.

CHAPTER 453

H.P. 964 - L.D. 1310

An Act To Improve the Clean Election Option for Gubernatorial Candidates

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

Sec. 1. 21-A MRSA §1125, sub-§8, as amended by PL 2001, c. 465, §5, is further amended to read:

8. Amount of fund distribution. By July 1, 1999 of the effective date of this Act, and at least every 4 years after that date, the commission shall determine the amount of funds to be distributed to participating candidates based on the type of election and office as follows.

A. For contested legislative primary elections, the amount of revenues to be distributed is the average amount of campaign expenditures made by each candidate during all contested primary election races for the immediately preceding 2 primary elections, as reported in the initial filing period subsequent to the primary election, for the respective offices of ~~Governor~~, State Senate and State House of Representatives.

B. For uncontested legislative primary elections, the amount of revenues distributed is the average amount of campaign expenditures made by each candidate during all uncontested primary election races, ~~or for contested races if that amount is lower~~, for the immediately preceding 2 primary elections, as reported in the initial filing period subsequent to the primary election, for the respective offices of ~~Governor~~, State Senate and State House of Representatives.

C. For contested legislative general elections, the amount of revenues distributed is the average amount of campaign expenditures made by each candidate during all contested general election races for the immediately preceding 2 general elections, as reported in the initial filing period subsequent to the general election for, the respective offices of ~~Governor~~, State Senate and State House of Representatives.

D. For uncontested legislative general elections, the amount of revenues to be distributed from the

fund is 40% of the amount distributed to a participating candidate in a contested general election.

E. For gubernatorial primary elections, the amount of revenues distributed is \$200,000 per candidate in the primary election.

F. For gubernatorial general elections, the amount of revenues distributed is \$400,000 per candidate in the general election.

If the immediately preceding ~~two~~ election cycles do not contain sufficient electoral data, the commission shall use information from the most recent applicable elections. ~~For only the initial computations under subsections A to C that are conducted by July 1, 1999, the commission shall reduce the amounts to be distributed by 25%.~~

Sec. 2. 21-A MRSA §1125, sub-§9, as enacted by IB 1995, c. 1, §17, is amended to read:

9. Matching funds. When any campaign, finance or election report shows that the sum of a candidate's expenditures or obligations, or funds raised or borrowed, whichever is greater, alone or in conjunction with independent expenditures reported under section 1019, exceeds the distribution amount under subsection 8, the commission shall issue immediately to any opposing Maine Clean Election Act candidate an additional amount equivalent to the reported excess. Matching funds are limited to 2 times the amount originally distributed under subsection 8, paragraph A ~~or~~ C, E or F, whichever is applicable.

See title page for effective date.

CHAPTER 454

H.P. 1059 - L.D. 1447

An Act To Improve Enforcement of the State's Natural Resource Protection, Timber Theft and Trespass Laws

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

Sec. 1. 10 MRSA §2364-B, sub-§6 is enacted to read:

6. Presentation of trip ticket to forest ranger.
Upon request, a truck driver shall present a copy of the trip ticket to a forest ranger in any log yard or mill site. Upon request, a wood scaler shall present the record of measurement including a copy of the trip ticket or information contained on the trip ticket to a forest ranger. A forest ranger may request and use this