

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
Second Regular Session
Non-Emergency Laws Is
April 30, 2004

SECOND SPECIAL SESSION
February 3, 2004 to April 30, 2004

The General Effective Date For
Second Special Session
Non-Emergency Laws Is
July 30, 2004

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2004

2. Sale of bait in polystyrene foam containers.

A person who sells bait ~~or baitfish~~ may not provide or sell the bait ~~or baitfish~~ in containers that are composed in whole or in part of polystyrene foam plastic. This subsection does not apply to baitfish.

~~A person who violates this subsection commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.~~

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

B. A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

Sec. 7. 12 MRSA §13058, sub-§1, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

1. Prohibition. A person may not operate a motorboat or personal watercraft on the inland waters of the State unless a valid lake and river protection sticker issued annually under subsection 3 is affixed to both sides of the bow above the water line and approximately 3 inches behind the validation sticker required under section 13056.

Sec. 8. 29-A MRSA §2115 is enacted to read:

§2115. Operating motor vehicle on Pickerel Pond

A person may not operate a motor vehicle as defined in section 101, subsection 42 on Pickerel Pond located in Township 32 Middle Division. This section does not apply to motor vehicles of the Department of Inland Fisheries and Wildlife, airmobiles as defined in Title 12, section 7791 and authorized emergency vehicles as defined in section 2054, subsection 1, paragraph B. A person who violates this section commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

Sec. 9. PL 2003, c. 414, Pt. D, §7 is amended to read:

Sec. D-7. Effective date. This Act takes effect ~~90 days after the adjournment of the Second Regular Session of the 121st Legislature August 31, 2004~~, except that Part D, sections 5 and 6 take effect 90 days after the adjournment of the First Regular Session of the 121st Legislature.

Sec. 10. PL 2003, c. 511, §3 is enacted to read:

Sec. 3. Effective date. This Act takes effect August 31, 2004.

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

Effective April 12, 2004.

CHAPTER 615**H.P. 984 - L.D. 1339****An Act To Amend the Laws Governing Campaign Finance**

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

Sec. 1. 21-A MRSA §1012, sub-§3, ¶A, as enacted by PL 1985, c. 161, §6, is amended to read:

A. Includes:

(1) A purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value made for the purpose of influencing the nomination or election of any person to political office, except that a loan of money to a candidate by a financial institution in this State made in accordance with applicable banking laws and regulations and in the ordinary course of business is not included;

(2) A contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make any expenditure; ~~or~~

(3) The transfer of funds by a candidate or a political committee to another candidate or political committee; and

(4) A payment or promise of payment to a person contracted with for the purpose of supporting or opposing any candidate, campaign, political committee, political action committee, political party, referendum or initiated petition; and

Sec. 2. 21-A MRSA §1055, 2nd ¶, as amended by PL 2001, c. 430, §9, is further amended to read:

A person operating a broadcasting station within this State may not broadcast any such communication without an oral or visual announcement of the name and address of the political action committee that made or financed the expenditure for the communication ~~and statement that reads: "A copy of our report is available from the Commission on Governmental Ethics and Election Practices."~~

Sec. 3. 21-A MRSA §1060, sub-§4, as enacted by PL 1985, c. 161, §6, is amended to read:

4. Itemized expenditures. An itemization of expenditures and the date of each expenditure made to support or oppose any candidate, campaign, political committee, political action committee, political party, referendum or initiated petition. If expenditures were made to a person described in section 1012, subsection 3, paragraph A, subparagraph (4), the report must contain the name of the person; the amount spent by that person on behalf of the candidate, campaign, political committee, political action committee, political party, referendum or initiated petition; the reason for the expenditure; and the date of the expenditure. The commission may specify the categories of expenditures ~~which that~~ are to be reported to enable the commission to closely monitor the activities of political action committees;

Sec. 4. 21-A MRSA §1060, sub-§6, as amended by PL 1991, c. 839, §30, is further amended to read:

6. Identification of contributions. Names, occupations, places of business and mailing addresses of contributors who have given more than \$50 to the political committee after the committee has registered under section 1053, the amount contributed by each donor and the date of the contribution. The information already reported as required by section 1053, subsection 7 should not be duplicated; and

See title page for effective date.

CHAPTER 616

H.P. 1015 - L.D. 1380

An Act To Promote Safety and Fair Labor Practices for Forestry Workers

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

Sec. 1. 26 MRSA c. 7, sub-c. 2-A is enacted to read:

SUBCHAPTER 2-A

EMPLOYMENT STANDARDS IN THE FORESTRY INDUSTRY

§641. Rule of construction

This subchapter must be liberally construed in light of the purposes of the law to ensure a safe working environment and safe transportation for forestry workers and to prevent unfair competition in

the marketplace by businesses whose practices would undermine safety and other employment standards.

§642. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Bureau. "Bureau" means the Department of Labor, Bureau of Labor Standards.

2. Code of Federal Regulations. "Code of Federal Regulations" means the Code of Federal Regulations as of January 1, 2003.

3. Employer. "Employer" means a person or entity that suffers or permits any forestry worker to work.

4. Forestry worker. "Forestry worker" or "worker" means a person employed on a temporary or seasonal basis to perform reforestation activities, including, but not limited to, precommercial thinning, tree planting and brush clearing.

§643. Transportation of workers

1. Requirement. An employer shall provide safe transportation for forestry workers between the workers' lodgings and work sites each day at no cost to the workers.

A. A vehicle used to transport workers must meet the standards set forth in 29 Code of Federal Regulations, Section 500.105, regardless of the number of miles traveled or the type of vehicle used, and must include a working seat belt for each worker being transported. Any vehicle used to transport forestry workers may not have any apparatus attached to the rear of the vehicle that interferes with the operation of the rear door. Equipment or any other materials that interfere with the operation of any doors or windows may not be attached to or stored in the vehicle. The number of occupants in any vehicle, other than a bus, may not exceed 11 at any time. In the case of a 15-passenger van, compliance with this standard must be achieved by removal of the seating immediately behind the rear axle. Attachments are not allowed on the roofs of vans for the purpose of carrying gear.

B. Any person driving a vehicle used to transport workers must meet the driver qualifications and must follow the standards for driving set forth in 29 Code of Federal Regulations, Section 500.105.

C. Each vehicle used to transport workers must be equipped with a first aid kit consistent with 29