

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

in common or joint ownership. This subsection takes effect on the effective date of rules adopted pursuant to Title 12, section 8869, subsection 14.

See title page for effective date.

CHAPTER 623

S.P. 587 - L.D. 1631

An Act To Prohibit the Sale of Water Containing Nicotine

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

Sec. 1. 22 MRSA c. 262-A, sub-c. 4 is enacted to read:

SUBCHAPTER 4

NICOTINE WATER

§1560. Nicotine water

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

A. "Nicotine water" means water that is sold in the State, that is intended for human consumption and that contains as an added ingredient nicotine or an alkaloid having similar physiological activity.

2. Prohibition. A person may not sell, furnish, give away or offer to sell, furnish or give away nicotine water in this State.

3. Violation. A person who violates this section commits a civil violation for which fines may be imposed under subsection 4.

4. Fines. The following fines apply to violations of this section.

A. A person who violates subsection 2 commits a civil violation for which a fine of \$500 may be adjudged.

B. A person who violates subsection 2 after having previously violated subsection 2 commits a civil violation for which a fine of \$1,000 may be adjudged.

C. A person who violates subsection 2 after having previously violated subsection 2 more than once commits a civil violation for which a fine of \$5,000 may be adjudged.

See title page for effective date.

CHAPTER 624

H.P. 1255 - L.D. 1733

An Act To Clarify the Severance Pay Law

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

Sec. 1. 26 MRSA §625-B, sub-§3, ¶B, as amended by PL 1999, c. 55, §1, is further amended to read:

B. The employee is covered by, and has been paid under the terms of, an express contract providing for severance pay that is equal to or greater than the severance pay required by this section;

Sec. 2. Application. This Act applies to all claims for severance pay that have not been paid, adjudicated or finally resolved and those pending on the date of enactment.

See title page for effective date.

CHAPTER 625

H.P. 1326 - L.D. 1804

An Act To Clarify Property Eligible for Reimbursement of Property Taxes under the Business Equipment Tax Reimbursement Program

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

Sec. 1. 36 MRSA §6652, sub-§1-B, ¶¶A and B, as enacted by PL 1997, c. 24, Pt. C, §14, are amended to read:

A. Office furniture, including, without limitation, tables, chairs, desks, bookcases, filing cabinets and modular office partitions; ~~and~~

B. Lamps and lighting fixtures; ~~and~~

Sec. 2. 36 MRSA §6652, sub-§1-B, ¶C is enacted to read:

C. All gambling machines or devices, including, but not limited to, electronic video machines, specifically designed or manufactured for use in the operation of any gambling or wagering activity. As used in this paragraph, "gambling machine or device" means any device, machine, paraphernalia or equipment that is used or usable in the playing phases of any gambling activity, whether that activity consists of gambling be-

tween persons or gambling by a person involving the playing of a machine, including equipment used in the playing phases of lottery schemes. "Electronic video machine" has the same meaning as in Title 17, section 330, subsection 1-A.

Sec. 3. Application. This Act applies to property tax years beginning on or after April 1, 2004.

See title page for effective date.

CHAPTER 626

S.P. 638 - L.D. 1706

An Act To Ensure Appropriate Care and Custody of Children

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

Sec. 1. 22 MRSA §4023, sub-§2, ¶C, as amended by PL 1989, c. 270, §8, is further amended to read:

C. Without any person responsible for the child;
~~or~~

Sec. 2. 22 MRSA §4023, sub-§2, ¶D, as enacted by PL 1989, c. 270, §8, is amended to read:

D. Taken into interim care under Title 15, section 3501, by a law enforcement officer; or

Sec. 3. 22 MRSA §4023, sub-§2, ¶E is enacted to read:

E. In a situation in which the child has lost both parents as a result of a homicide or has lost one parent and the other parent has been arrested, detained or sentenced and committed to a state correctional facility, state mental health institute or county jail for an offense related to the homicide.

Sec. 4. 22 MRSA §4023, sub-§8 is enacted to read:

8. Emergency assessment. In the event of a homicide as described in subsection 2, paragraph E, the department shall perform an emergency assessment for the purposes of temporary placement with a relative or other responsible person. The department shall provide a copy of the assessment performed under this subsection to the law enforcement personnel involved with the family of the child.

Sec. 5. Development of protocols. The Office of the Attorney General shall develop protocols for law enforcement in the event of a homicide as described in the Maine Revised Statutes, Title 22,

section 4023, subsection 2, paragraph E. The protocols must require prompt notification to the Department of Human Services, Bureau of Child and Family Services and the provision to the bureau of the names of members of the family that is involved in the situation.

Sec. 6. Development of plan. The Department of Public Safety shall develop a plan for the provision of criminal history record information and protection from abuse order information to the Department of Human Services, Bureau of Child and Family Services about persons being evaluated by the bureau in the process of performing an emergency assessment under the Maine Revised Statutes, Title 22, section 4023, subsection 8.

See title page for effective date.

CHAPTER 627

S.P. 656 - L.D. 1723

An Act To Amend the Laws Regarding Invasive Aquatic Species

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

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

1. Prohibition. A person may not place or operate a motorboat or personal watercraft on the inland waters of the State unless a lake and river protection sticker issued 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.

2. Violation. A person who places or operates a motorboat or personal watercraft upon the inland waters of the State without displaying a lake and river protection sticker as required by subsection 1 commits a civil violation for which a ~~forfeiture fine~~ of not less than \$100 and not more than \$250 per violation may be adjudged, ~~except that a citation for a violation of this subsection may not be issued to a person who is also issued a citation at the same time for a violation of any other provision of this chapter regulating watercraft, other than section 13073.~~ A ~~forfeiture fine~~ imposed under this subsection may not be ~~waived~~ suspended by the court.

Sec. 2. 12 MRSA §13058, sub-§2-A is enacted to read:

2-A. Class E crime. A person who violates subsection 1 after having been adjudicated of having