

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 TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 20, 2007

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

Penmor Lithographers
Lewiston, Maine
2007

(3) "Owner" means the person or persons possessing legal title to real estate or the lawful agent appointed by an owner.

(4) "Tenant" means one who has the temporary use and occupation of real property owned by another person.

Sec. 2. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 14, chapter 710-B, in the chapter headnote, the words "Cable Television Installation" are amended to read "Cable Television and Over-the-air Reception Device Installation" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

CHAPTER 58

S.P. 167 - L.D. 512

An Act To Change the Name of the Maine State Retirement System

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

Sec. 1. 5 MRSA §17101, sub-§2, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

2. Name. The retirement system ~~shall be~~ is known as the "Maine ~~State~~ Public Employees Retirement System" and by that name all of its business ~~shall~~ must be transacted, all of its funds invested and all of its cash and securities and other property held in trust for the purpose for which received.

Sec. 2. Transition provisions. The following provisions govern the transition of the Maine State Retirement System to the Maine Public Employees Retirement System. The duties, function, responsibilities, benefits, mission, goals and privileges of the Maine State Retirement System inure to the Maine Public Employees Retirement System. The Maine Public Employees Retirement System is the successor in every way to the Maine State Retirement System. These powers, duties and functions include, but are not limited to, the following.

1. The members of the Board of Trustees of the Maine State Retirement System serve as members of the Board of Trustees of the Maine Public Employees Retirement System until their appointed terms expire.

2. All accrued expenditures, assets, liabilities, balances, allocations, transfers, revenues and all other available funds of the Maine State Retirement System are authorized for use by the Maine Public Employees Retirement System.

3. All existing rules, regulations and procedures in effect, in operation or adopted in or by the Maine State Retirement System or its officers continue in effect until rescinded, revised or amended by the pertinent authority within the Maine Public Employees Retirement System.

4. All existing contracts, agreements, bonds, insurances, leases and compacts currently in effect in the Maine State Retirement System continue in effect until rescinded, revised or amended by the pertinent authority within the Maine Public Employees Retirement System.

5. The Maine Public Employees Retirement System serves as the successor employer to and shall assume the obligations of the Maine State Retirement System.

6. All buildings, automobiles, equipment and other real and personal property previously belonging to or allocated for the use of the Maine State Retirement System become the property of the Maine Public Employees Retirement System.

7. All existing forms, licenses, letterheads, signs and similar items bearing the name of or referring to the Maine State Retirement System may be utilized by the Maine Public Employees Retirement System until existing supplies of those items are exhausted.

Sec. 3. Maine Revised Statutes amended; revision clause. Wherever in the Maine Revised Statutes the words "Maine State Retirement System" appear or reference is made to that entity or those words, those words are amended to read or mean, as appropriate, "Maine Public Employees Retirement System," and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

CHAPTER 59

S.P. 104 - L.D. 321

An Act To Increase the Bonding Capacity of the Maine Turnpike Authority

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

Sec. 1. 23 MRSA §1968, sub-§1, as amended by PL 2003, c. 566, §1, is further amended to read:

1. Turnpike revenue bonds. In addition to bonds outstanding pursuant to any other provision of this chapter, the authority may provide by resolution from time to time for the issuance of turnpike revenue bonds, including notes or other evidences of indebtedness or obligations defined to be bonds under this

chapter, but not exceeding ~~\$361,000,000~~ \$461,000,000 in the principal amount at any one time outstanding exclusive of refundings, for any purpose described in section 1969, subsection 1.

See title page for effective date.

CHAPTER 60

S.P. 22 - L.D. 24

An Act To Make Failure To Wear a Seat Belt a Primary Offense

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

Sec. 1. 29-A MRSA §2081, sub-§3-A, as amended by PL 2005, c. 12, Pt. AAA, §3, is further amended to read:

3-A. Other passengers 18 years of age and older; operators. When a person 18 years of age or older is a passenger in a vehicle that is required by the United States Department of Transportation to be equipped with seat belts, the passenger must be properly secured in a seat belt. Each such passenger is responsible for wearing a seat belt as required by this subsection, and a passenger that fails to wear a seat belt as required by this subsection is subject to the enforcement provisions of subsection 4. The operator of a vehicle that is required by the United States Department of Transportation to be equipped with seat belts must be secured in the operator's seat belt. Violation of this subsection is a traffic infraction for which a fine of \$50 for the first offense, \$125 for the 2nd offense and \$250 for the 3rd and subsequent offenses must be imposed. A fine imposed under this subsection may not be suspended by the court. A vehicle, the contents of a vehicle, the driver of or a passenger in a vehicle may not be inspected or searched solely because of a violation of this subsection.

Sec. 2. 29-A MRSA §2081, sub-§4, ¶E, as amended by PL 1997, c. 450, §3 and affected by §5, is repealed.

Sec. 3. Warning required. Notwithstanding the Maine Revised Statutes, Title 29-A, section 2081, subsection 3-A, a person detained solely for a violation of Title 29-A, section 2081, subsection 3-A before April 1, 2008 may only be issued a warning.

See title page for effective date.

CHAPTER 61

S.P. 177 - L.D. 565

An Act To Remove the Sunset on the Exemption of Internet Services from Auctioneer Licensure Requirements

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, current law provides an exemption from auctioneering licensing requirements for a person who receives goods pursuant to a contract to sell those goods over the Internet; and

Whereas, the exemption is scheduled to terminate May 15, 2007; and

Whereas, that date will pass prior to the statutory adjournment date of the First Regular Session of the 123rd Legislature, which will create uncertainty as to the application of the auctioneering laws; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 32 MRSA §286, sub-§8, as enacted by PL 2005, c. 349, §1, is amended to read:

8. Contracted Internet services. This chapter does not apply to an individual who takes possession of goods pursuant to a contract for the exclusive purpose of selling those goods over the Internet, unless otherwise licensed under this chapter.

~~This subsection is repealed May 15, 2007.~~

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

Effective April 30, 2007.

CHAPTER 62

H.P. 381 - L.D. 497

An Act To Allow Funeral Processions To Use Certain Lights

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