

MAINE STATE LEGISLATURE

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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

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Sec. 2. 29-A MRSA §2081, sub-§4, ¶E, as amended by PL 1997, c. 450, §3 and affected by §5, is repealed.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

Sec. 1. 29-A MRSA §2054, sub-§2, ¶H, as enacted by PL 2001, c. 10, §1, is amended to read:

H. A vehicle in a funeral procession may be equipped with a flashing light. The light must emit a yellow beam of light. The light may not be more than 5 inches in diameter and must be placed on the dashboard. The light must be shielded so that the emitted light does not interfere with the operator's vision. The flashing light may be used only when the vehicle is used in a funeral procession. In addition, a vehicle operated by a licensed funeral home and used as a lead vehicle in a funeral procession may use a device that provides for a white flashing strobe light in the front grille.

See title page for effective date.

CHAPTER 63

H.P. 480 - L.D. 631

**An Act To Strengthen OUI
Laws As They Pertain to Drugs**

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

Sec. 1. 16 MRSA §357, 2nd ¶, as amended by PL 2005, c. 477, §26, is further amended to read:

Notwithstanding this section, the result of a laboratory or any other test kept by a hospital or other medical facility that reflects blood-alcohol ~~concentration~~ level, detectable urine-drug level, and detectable blood-drug level may not be excluded as evidence in a criminal or civil proceeding by reason of any claim of confidentiality or privilege and may be admitted provided that the result is relevant and reliable evidence if the proceeding is one in which the operator of a motor vehicle, snowmobile, all-terrain vehicle or watercraft is alleged to have operated under the influence of intoxicating liquor or drugs; and the court is satisfied that probable cause exists to believe that the operator committed the offense charged.

See title page for effective date.

CHAPTER 64

H.P. 127 - L.D. 145

**An Act To Include
Undeveloped Archeological
Sites in the Acquisition Criteria
for the Land for Maine's
Future Fund**

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

Sec. 1. 5 MRSA §6207, sub-§2, ¶A, as amended by PL 1995, c. 462, Pt. D, §1, is further amended to read:

A. Contains recreation lands, prime physical features of the Maine landscape, areas of special scenic beauty, farmland or open space, undeveloped shorelines, significant undeveloped archeological sites, wetlands, fragile mountain areas or lands with other conservation, wilderness or recreation values;

See title page for effective date.

CHAPTER 65

H.P. 454 - L.D. 587

**An Act To Protect and
Improve Lake Water Quality
by Reducing Phosphorus in
Lawn Care Fertilizer**

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

Sec. 1. 38 MRSA §419, as amended by PL 1991, c. 838, §§21 and 22, is further amended to read:

§419. Cleaning agents and lawn and turf fertilizer containing phosphate banned

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

A. "Dairy equipment", ~~as used in this section,~~ means equipment used by farmers or processors for the manufacture or processing of milk and dairy products.

A-1. "Compost" means a biologically stable material derived from the composting process.

A-2. "Composting" means the biological decomposition of organic matter. It is accomplished by mixing and piling organic matter in such a way as to promote aerobic decay, anaerobic decay or both.

A-3. "Fertilizer" means a substance containing one or more recognized plant nutrients that is used for its plant nutrient content and designed for use or claimed to have value in promoting plant growth. "Fertilizer" does not include animal and vegetable manures that are not manipulated, marl, lime, limestone or topsoil.

A-4. "Fertilizer containing phosphorus" means a fertilizer containing more than 0.67% phosphate by weight.

B. "Food processing equipment", ~~as used in this section,~~ means equipment used for the processing