

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2010 to June 29, 2011**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 28, 2011**

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

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**Augusta, Maine**  
**2011**

any statutory changes concerning the collection and recycling of mercury-added thermostats. Subsequent reports must include an evaluation of the effectiveness of the thermostat collection and recycling programs established under this section, information on actual collection rates and recommendations for any statutory changes concerning the collection and recycling of mercury-added thermostats. Beginning in 2012, the department may submit this information as part of the product stewardship program report under section 1772.

**Sec. 33. 38 MRSA §1771, sub-§6,** as enacted by PL 2009, c. 516, §1, is amended to read:

**6. Product stewardship program.** "Product stewardship program" means a program financed ~~without a visible fee at purchase and~~ either managed or provided by producers ~~and individually or collectively~~ that includes, but is not limited to, the collection, transportation, reuse and recycling or disposal, or both, of unwanted products. "Product stewardship program" includes a program financed through an assessment paid by the producers to a stewardship organization.

**Sec. 34. 38 MRSA §1771, sub-§8-A** is enacted to read:

**8-A. Stewardship organization.** "Stewardship organization" means a corporation, nonprofit organization or other legal entity created by a producer or group of producers to implement a product stewardship program.

**Sec. 35. 38 MRSA §2165, sub-§6,** as amended by PL 2009, c. 86, §2, is repealed.

**Sec. 36. 38 MRSA §2165, sub-§8,** as corrected by RR 1991, c. 2, §150, is amended to read:

**8. Penalty.** A violation of subsection 2 is a civil violation for which a forfeiture of not more than \$100 per battery disposed of improperly may be adjudged. A violation of subsection 4 is a civil violation for which a forfeiture of not more than \$100 may be adjudged. ~~A violation of subsection 6 is a civil violation for which a forfeiture of not more than \$100 per battery sold, distributed or offered for sale may be adjudged.~~ Each day that a violation continues or exists constitutes a separate offense.

**Sec. 37. Effective date.** That section of this Act that amends the Maine Revised Statutes, Title 38, section 343-D, as amended by Public Law 2009, chapter 579, Pt. B, sections 6 and 7 and affected by section 13, takes effect July 1, 2012.

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

Effective June 3, 2011, unless otherwise indicated.

**CHAPTER 207**  
**S.P. 228 - L.D. 736**

**An Act To Prohibit Texting while Driving**

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

**Sec. 1. 29-A MRSA §2119** is enacted to read:

**§2119. Text messaging while operating motor vehicle; prohibition**

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

A. "Cellular telephone" means a device used to access wireless telephone service.

B. "Portable electronic device" means any portable electronic device that is not part of the operating equipment of a motor vehicle, including but not limited to an electronic game, device for sending or receiving e-mail, text messaging device, cellular telephone and computer.

C. "Text messaging" means reading or manually composing electronic communications, including text messages, instant messages and e-mails, using a portable electronic device. "Text messaging" does not include using a global positioning or navigation system.

**2. Prohibition.** A person may not operate a motor vehicle while engaging in text messaging.

**3. Penalty.** A person who violates this section commits a traffic infraction for which a fine of not less than \$100 may be adjudged.

See title page for effective date.

**CHAPTER 208**  
**H.P. 94 - L.D. 112**

**An Act To Discourage Illegal Dumping in the State**

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

**Sec. 1. 12 MRSA §10157, sub-§7, ¶D,** as enacted by PL 2003, c. 655, Pt. B, §36 and affected by §422, is amended to read:

D. Review and make recommendations regarding programs administered by other agencies. The commissioner shall coordinate all reviews; ~~and~~

**Sec. 2. 12 MRSA §10157, sub-§7, ¶E,** as enacted by PL 2003, c. 655, Pt. B, §36 and affected by §422, is amended to read: