

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**June 19, 2018 to September 13, 2018**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**DECEMBER 13, 2018**

**ONE HUNDRED AND TWENTY-NINTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2018 to June 20, 2019**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 2019**

**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**  
**2019**

**Sec. 22. 35-A MRSA §10104, sub-§9**, as amended by PL 2017, c. 110, §34, is further amended to read:

**9. Coordination with other entities.** Consistent with the requirements of this chapter and other applicable laws, the board shall coordinate with the activities and programs of state agencies and authorities that relate to the purposes of this chapter in order to align such activities and programs with the plans and programs of the trust. For purposes of this subsection, activities and programs of state agencies and authorities that relate to the purposes of this chapter include but are not limited to energy efficiency programs relating to state facilities administered by the Department of Administrative and Financial Services, Bureau of General Services, the adoption, amendment and maintenance of the Maine Uniform Building and Energy Code by the Technical Building Codes and Standards Board, established in Title 5, section 12004-G, subsection 5-A within the Department of Public Safety, energy efficiency or green energy workforce development activities of the Department of Labor or the State Workforce Board ~~and~~ energy efficiency and weatherization programs administered by the Maine State Housing Authority and the activities of the nonwires alternative coordinator established pursuant to section 1701, subsection 2-A.

**Sec. 23. Appropriations and allocations.** The following appropriations and allocations are made.

**EXECUTIVE DEPARTMENT**

**Public Advocate 0410**

Initiative: Provides allocations for the contracted services of a person or entity to serve as a nonwires alternative coordinator.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$800,000	\$800,000
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$800,000	\$800,000

**Public Advocate 0410**

Initiative: Provides allocations for an increase in the salary range of the Special Assistant to the Public Advocate from range 20 to range 25.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$3,039	\$4,052
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$3,039	\$4,052

<b>EXECUTIVE DEPARTMENT</b>		
<b>DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$803,039</b>	<b>\$804,052</b>
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<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$803,039</b>	<b>\$804,052</b>

See title page for effective date.

**CHAPTER 299**

**S.P. 389 - L.D. 1269**

**An Act To Update the Laws Governing Child Safety Seats and Seat Belts**

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

**Sec. 1. 29-A MRSA §1861, last ¶**, as enacted by PL 2007, c. 150, §9, is amended to read:

For purposes of this section, "personal effects" includes medications, medical equipment, clothing, mail, child ~~safety seats~~ restraint systems and similar items. Except for child ~~safety seats~~ restraint systems, items attached to the vehicle and business equipment, machinery and tools are not considered personal effects. For the purposes of this section, "child restraint system" has the same meaning as in section 2081, subsection 1, paragraph A-2.

**Sec. 2. 29-A MRSA §2081**, as amended by PL 2009, c. 34, §1 and c. 436, §1, is further amended to read:

**§2081. Use of safety seat belts and child restraint systems**

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

~~A. "Child safety seat" means a child safety seat that meets the standards described in the Federal Motor Vehicle Safety Standards.~~

A-1. "Belt positioning seat" means a child restraint system that positions a child on a motor vehicle seat to improve the fit of a seat belt on the child.

A-2. "Child restraint system" means any device, except a Type I seat belt or Type II seat belt, designed for use in a motor vehicle to restrain, seat and position children who weigh 80 pounds or

less and that meets the requirements of the Federal Motor Vehicle Safety Standard 213.

A-3. "Convertible child restraint system" means a child restraint system capable of positioning a child to face either in the direction of the front of the motor vehicle or the rear of the motor vehicle.

B. "Federal Motor Vehicle Safety Standards" means the standards described in 49 Code of Federal Regulations, Part 571, in effect on January 1, 1981, as subsequently amended.

C. "Federally approved child restraint system" means a child safety restraint that is intended to be used as crash protection in vehicles and that meets the requirements of the Federal Motor Vehicle Safety Standard 213.

D. "Rear-facing child restraint system" means a child restraint system that positions a child to face the rear of the motor vehicle.

E. "Type I seat belt" means a lap belt designed for pelvic restraint of a person seated in a motor vehicle.

F. "Type II seat belt" means a combination of belts designed for pelvic and upper torso restraint of a person seated in a motor vehicle.

~~2. Children under 40 pounds. When a child who weighs less than 40 pounds is being transported in a motor vehicle that is required by the United States Department of Transportation to be equipped with safety seat belts, the operator must have the child properly secured in accordance with the manufacturer's instructions in a child safety seat. 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.~~

2-A. Children under 2 years of age. When a child who is less than 2 years of age is being transported in a motor vehicle that is required by the United States Department of Transportation to be equipped with seat belts, the operator shall ensure that the child is properly secured in a rear-facing child restraint system or convertible child restraint system properly secured in the rear-facing position in accordance with the child restraint system manufacturer's instructions and the vehicle manufacturer's instructions, except if the child is in a convertible child restraint system and the child exceeds the manufacturer recommended weight limit for the rear-facing position the child may be properly secured in a forward-facing position in accordance with the child restraint system manufacturer's instructions and the vehicle manufacturer's instructions. 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.

2-B. Children 2 years of age or older and weighing less than 55 pounds. When a child who is 2 years of age or older and who weighs less than 55 pounds is being transported in a motor vehicle that is required by the United States Department of Transportation to be equipped with seat belts, the operator shall ensure that the child is properly secured in a child restraint system in accordance with the child restraint system manufacturer's instructions and the vehicle manufacturer's instructions. 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.

3. Passengers less than 18 years of age. Except as provided in subsection 2 subsections 2-A and 2-B, the following provisions apply to passengers less than 18 years of age riding in a vehicle that is required by the United States Department of Transportation to be equipped with seat belts. 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. The operator shall ensure that a child who weighs at least 40 pounds but less than 80 pounds, who is less than 57 inches in height and who is less than 8 years of age is properly secured in a federally approved child restraint system. Non-profit, municipal or contracted transportation service providers are exempt from this paragraph until February 1, 2005, except that the operator shall ensure that the child is properly secured in a seat belt positioning seat in accordance with the child restraint system manufacturer's instructions and the vehicle manufacturer's instructions.

B. The operator shall ensure that a child who is less than 18 years of age and at least 8 years of age or who is less than 18 years of age and more than 4 feet, 9 inches in height and who is not required to be secured under paragraph A or subsection 2-A or 2-B is properly secured in a seat belt.

C. The operator shall ensure that a child who is less than 12 years of age and who weighs less than 100 pounds is properly secured in the rear seat of a vehicle, if possible.

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 properly 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.

**4. Enforcement.** The following provisions apply to ~~subsections 2, 3 and~~ subsection 3-A.

A. ~~Unless the vehicle is operated by a person under 21 years of age, the~~ The requirements of subsection 3-A do not apply to a passenger over ~~one~~ 18 years of age when the number of passengers exceeds the vehicle seating capacity and all of the seat belts are in use.

A-1. The requirements of subsection 3-A do not apply to a driver or passenger who has a medical condition that, in the opinion of a physician, warrants an exemption from the requirements of subsection 3-A and that medical condition and opinion are documented by a certificate from that physician. That certificate is valid for the period designated by the physician, which may not exceed one year. The Secretary of State may issue a removable windshield placard that is visible to law enforcement officers to a person with a certificate from a physician. A removable windshield placard is a 2-sided permit designed to hang from the rearview mirror when the vehicle is in motion without obstructing the view of the operator. The placard must be displayed by hanging it from the rearview mirror so that it may be viewed from the front and rear of the vehicle when the vehicle is in motion. If the vehicle is not equipped with a rearview mirror, the placard must be displayed on the dashboard. The placard must be identifiable as a seat belt placard as designed by the Secretary of State. A placard issued to a person under this paragraph expires when the physician's certificate expires.

**5. Evidence.** In an accident involving a motor vehicle, the nonuse of seat belts by the operator or passengers or the failure to secure a child is not admissible in evidence in a civil or criminal trial, except in a trial for violation of this section.

**6. Exceptions.** Notwithstanding subsection 3-A:

A. A rural mail carrier of the United States Postal Service is not required to be secured in a seat belt while engaged in the delivery of mail;

B. The operator of a taxicab or a limousine is not responsible for securing in a seat belt a passenger transported for a fee; and

C. A newspaper delivery person is not required to be secured in a seat belt while engaged in the actual delivery of newspapers from a vehicle or performing newspaper delivery duties that require frequent entry into and exit from a vehicle.

See title page for effective date.

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**CHAPTER 300**

**H.P. 1029 - L.D. 1416**

**An Act To Implement the  
Recommendations of the Right  
To Know Advisory Committee  
Concerning Freedom of Access  
Training for Public Officials**

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

**Sec. 1. 1 MRSA §412**, as amended by PL 2011, c. 662, §7, is further amended to read:

**§412. Public records and proceedings training for certain officials and public access officers**

**1. Training required.** A public access officer and an ~~elected~~ official subject to this section shall complete a course of training on the requirements of this chapter relating to public records and proceedings. The official or public access officer shall complete the training not later than the 120th day after the date the ~~elected~~ official takes the oath of office to assume the person's duties as an ~~elected~~ official or the person is designated as a public access officer pursuant to section 413, subsection 1.

**2. Training course; minimum requirements.** The training course under subsection 1 must be designed to be completed by an official or a public access officer in less than 2 hours. At a minimum, the training must include instruction in:

A. The general legal requirements of this chapter regarding public records and public proceedings;