

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-NINTH LEGISLATURE**

**FIRST SPECIAL SESSION**

**August 26, 2019**

**SECOND REGULAR SESSION**

**January 8, 2020 to March 17, 2020**

**THE GENERAL EFFECTIVE DATE FOR  
FIRST SPECIAL SESSION  
NON-EMERGENCY LAWS IS  
NOVEMBER 25, 2019**

**THE GENERAL EFFECTIVE DATE FOR  
SECOND REGULAR SESSION  
NON-EMERGENCY LAWS IS  
JUNE 16, 2020**

**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  
2020**

4. **Fee.** The fee for a noncommercial scallop license is \$18, except as provided in subsection 4-A.

**Sec. 4. 12 MRSA §6703, sub-§4-A** is enacted to read:

**4-A. Qualified resident disabled veteran; fee waived.** Notwithstanding subsection 4 and section 6729, subsection 1, paragraph D, there is no fee or license surcharge for a noncommercial scallop license issued to a qualified resident disabled veteran. For the purposes of this subsection, "qualified resident disabled veteran" means a person who:

- A. Was honorably discharged from the Armed Forces of the United States, the National Guard or the Reserves of the United States Armed Forces;
- B. Has a service-connected disability evaluated at 50% or more; and
- C. Is a resident of the State.

In order to receive a noncommercial scallop license at no cost, an applicant must provide satisfactory evidence that the applicant is a qualified resident disabled veteran.

**Sec. 5. 12 MRSA §6729, sub-§1, ¶D,** as amended by PL 2009, c. 561, §25, is further amended to read:

- D. For a noncommercial scallop license, \$40, except as provided in section 6703, subsection 4-A; and

See title page for effective date.

**CHAPTER 576  
S.P. 648 - L.D. 1896**

**An Act To Amend the Laws  
Governing Thermal Renewable  
Energy Credits**

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

**Sec. 1. 35-A MRSA §3210, sub-§3-C,** as enacted by PL 2019, c. 477, §1, is amended to read:

**3-C. Portfolio requirements; thermal renewable energy credits.** Each competitive electricity provider must, in addition to meeting the other portfolio requirements of subsections 3, 3-A and 3-B, demonstrate in a manner satisfactory to the commission that it has purchased thermal renewable energy credits in an amount at least equal to the following percentages of its portfolio of supply sources for retail electricity sales in this State other than to customers who have made an election pursuant to subsection 10 that is in effect with respect to this subsection:

- A. For calendar year 2021, 0.4%;

- B. For calendar year 2022, 0.8%;
- C. For calendar year 2023, 1.2%;
- D. For calendar year 2024, 1.6%;
- E. For calendar year 2025, 2%;
- F. For calendar year 2026, 2.4%;
- G. For calendar year 2027, 2.8%;
- H. For calendar year 2028, 3.2%;
- I. For calendar year 2029, 3.6%; and
- J. For calendar year 2030, and each year thereafter, 4%.

Retail electricity sales pursuant to a supply contract or standard-offer service arrangement executed by a competitive electricity provider that is in effect on September 19, 2019 are exempt from the requirements of this subsection until the end date of the existing term of the supply contract or standard-offer service arrangement.

See title page for effective date.

**CHAPTER 577  
S.P. 652 - L.D. 1900**

**An Act To Amend the Laws  
Governing Motor Vehicle  
Child Restraint Systems To  
Allow Certain Exceptions**

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

**Sec. 1. 29-A MRSA §2081, sub-§1, ¶A-4** is enacted to read:

A-4. "Child passenger safety technician with special needs training" means a person certified by a national child passenger safety certification program using a curriculum approved by the National Highway Traffic Safety Administration to provide instruction in the use of child restraint systems who also has special needs training provided by that program.

**Sec. 2. 29-A MRSA §2081, sub-§2-A,** as enacted by PL 2019, c. 299, §2, is amended to read:

**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 or height 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.

**Sec. 3. 29-A MRSA §2081, sub-§2-B**, as enacted by PL 2019, c. 299, §2, is amended to read:

**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 with an internal harness in accordance with the child restraint system manufacturer's instructions and the vehicle manufacturer's instructions except that, if the child exceeds the child restraint manufacturer's recommended height limit for the child restraint system, the operator shall ensure that the child is properly secured in a federally approved belt positioning 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.

**Sec. 4. 29-A MRSA §2081, sub-§3, ¶A**, as amended by PL 2019, c. 299, §2, is further amended to read:

A. The operator shall ensure that a child who weighs 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 belt positioning seat or other child restraint system in accordance with the child restraint system manufacturer's instructions and the vehicle manufacturer's instructions.

**Sec. 5. 29-A MRSA §2081, sub-§3, ¶C**, as enacted by PL 2001, c. 585, §3 and affected by §6, is amended to read:

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.

**Sec. 6. 29-A MRSA §2081, sub-§4, ¶A-2** is enacted to read:

A-2. The requirements of subsections 2-A, 2-B and 3 do not apply if a child passenger has a medical condition that, in the opinion of a physician,

nurse practitioner, physician assistant or child passenger safety technician with special needs training, necessitates that a different child restraint system be used to improve the safety of the child. An opinion rendered pursuant to this paragraph must:

(1) Be made in writing by the physician, nurse practitioner, physician assistant or child passenger safety technician with special needs training;

(2) Recommend a child restraint system that would improve the safety of the child; and

(3) Explain the basis of the opinion.

The operator of a motor vehicle transporting a child identified in this paragraph shall ensure the child is properly secured in a child restraint system recommended in the opinion rendered by the physician, nurse practitioner, physician assistant or child passenger safety technician with special needs training under this paragraph in accordance with the child restraint system manufacturer's instructions and the vehicle manufacturer's instructions.

See title page for effective date.

**CHAPTER 578**

**S.P. 699 - L.D. 1997**

**An Act To Allow the Assignment of State Vehicles to Field Personnel Directly Concerned with Maine National Guard Facilities and To Allow State Vehicles Assigned to Military Bureau Employees To Be Used for Commuting**

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

**Sec. 1. 5 MRSA §7-A, sub-§2, ¶B**, as enacted by PL 1989, c. 501, Pt. P, §6, is amended to read:

B. Field personnel directly concerned with the maintenance and operation of highway or Maine National Guard facilities who are frequently called for emergency duty at other than regular working hours;

**Sec. 2. 5 MRSA §7-B**, as amended by PL 2017, c. 284, Pt. CCC, §1, is further amended to read:

**§7-B. Use of state vehicles for commuting**

A state-owned or state-leased vehicle may not be used by any employee to commute between home and work, except for those vehicles authorized and assigned to employees of the Baxter State Park Authority and of the Department of Defense, Veterans and Emergency