

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.**

**Augusta, Maine
2020**

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

Management, Military Bureau as designated by the Commissioner of Defense, Veterans and Emergency Management and to law enforcement officials within the following organizational units: Bureau of State Police; Maine Drug Enforcement Agency; Office of the State Fire Marshal; the division within the Department of Public Safety designated by the Commissioner of Public Safety to enforce the law relating to the manufacture, importation, storage, transportation and sale of all liquor and to administer those laws relating to licensing and collection of taxes on malt liquor and wine; Bureau of Motor Vehicles; Bureau of Marine Patrol; the forest protection unit within the Bureau of Forestry; Bureau of Warden Service; Bureau of Parks and Lands; and the Office of Chief Medical Examiner, the investigation division and the Medicaid fraud control unit within the Office of the Attorney General.

See title page for effective date.

CHAPTER 579

S.P. 653 - L.D. 1901

An Act To Amend the Laws Prohibiting the Use of Handheld Phones and Devices While Driving

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

Whereas, Maine residents need and expect laws governing road safety to be clear and consistent; and

Whereas, this legislation clarifies a new law setting the fines imposed upon a driver who has violated the prohibition against using a handheld electronic device or mobile telephone while operating a motor vehicle; and

Whereas, the new law was also intended to exempt all band and 2-way radios, but included exceptions only for certain types of 2-way radios as defined by the Code of Federal Regulations, creating confusion about what is and what is not permitted, and this legislation clarifies that the intent is to exempt all band and 2-way radios; and

Whereas, this legislation must take effect as soon as possible in order to prevent confusion about the new law; 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. 29-A MRSA §101, sub-§26-C, as enacted by PL 2019, c. 486, §3, is amended to read:

26-C. Handheld electronic device. "Handheld electronic device" means any handheld electronic device or portable electronic device that is not part of the operating equipment of the motor vehicle, including but not limited to an electronic game, a device for sending or receiving electronic mail, a text messaging device or a computer. "Handheld electronic device" does not include a:

A. ~~Device for communication over a citizens band radio service as defined in 47 Code of Federal Regulations, Section 95.303, the multi-use radio service as defined in 47 Code of Federal Regulations, Section 95.2703 or a land mobile radio service as defined in 47 Code of Federal Regulations, Section 90.7 or 2-way radio; or~~

B. Personal medical device necessary to monitor or regulate a person's medical condition, including but not limited to an insulin pump or heart monitor; or

C. Device for communication over a land mobile radio service as defined in 47 Code of Federal Regulations, Section 90.7.

Sec. 2. 29-A MRSA §2121, sub-§3, as enacted by PL 2019, c. 486, §10, is amended to read:

3. Penalty. A person who violates this section commits a traffic infraction for which a fine of ~~not less than~~ \$50 for the first offense and ~~not less than~~ \$250 for a 2nd or subsequent offense may be adjudged.

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

Effective March 6, 2020.

CHAPTER 580

S.P. 708 - L.D. 2006

An Act To Amend the Laws Governing Waste Discharge Analysis by Laboratories Operated by Waste Discharge Facilities

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

Sec. 1. 22 MRSA §567, sub-§1, as amended by PL 2017, c. 407, Pt. A, §68, is further amended to read:

1. Acceptable data. Except as provided in this subsection, 6 months after the adoption of rules specified in subsection 2, certification is required of any