

## **CRIMINAL JUSTICE AND PUBLIC SAFETY COMMITTEE**

**March 16, 2022**

### **MEETING AGENDA**

**10am** Work session: LD 1654, An Act to Stabilize State Funding for County Corrections

**10:30am** Rule 319 review with Veterans and Legal Affairs Committee (LD 1643, errors and inconsistencies in liquor laws; LD 1821, intentional interference with election officials)

**11am** Supplemental budget, Department of Public Safety, Maine State Police

**12noon** Substance use disorder treatment, Resolve 2021, chapter 113 report

**1pm** Lunch break

**2pm** Rule 319 review with Inland Fisheries and Wildlife Committee (LD 1663 boating; LD 1951 hunting with dogs)

**2:30pm** Rule 319 review with Judiciary Committee (LD 1899, safe entry to health care)

**3pm** Rule 319 review with Transportation Committee (LD 796, theft of catalytic converters)

**3:30pm** Amendment language reviews - LD 1154 jail employee hours; LD 1479, secondary traffic offenses; LD 1504, critical incident stress management; LD1797 Length of Service Award Program; LD 1859, ambulance services

SENATE

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STATE OF MAINE  
ONE HUNDRED AND THIRTIETH LEGISLATURE  
COMMITTEE ON VETERANS AND LEGAL AFFAIRS

MEMORANDUM

TO: Senator Susan A. Deschambault, Senate Chair  
Representative Charlotte Warren, House Chair  
Joint Standing Committee on Criminal Justice and Public Safety

FROM: Senator Craig V. Hickman, Senate Chair *CH*  
Representative Christopher J. Caiazzo, House Chair *CC*  
Joint Standing Committee on Veterans and Legal Affairs

DATE: March 14, 2022

SUBJECT: Joint Rule 319 Review of LD 1643, *An Act To Correct Errors, Inconsistencies and Conflicts in and To Revise the State's Liquor Laws*

Thank you for your consideration and review in accordance with Joint Rule 319 of the unanimous committee amendment to LD 1643, *An Act To Correct Errors, Inconsistencies and Conflicts In and To Revise the State's Liquor Laws*. We understand your review is limited to the impact that the new crimes established in the amended version of the bill will have on the criminal justice system. This memo focuses on the provisions of the committee's amendment to LD 1643 that are subject to the review required by Joint Rule 319.

As you may know, the Veterans and Legal Affairs Committee has engaged in a multi-year process to review the State's liquor laws within Title 28-A of the Maine Revised Statutes and to propose legislation to remove errors, inconsistencies, conflicts and ambiguities within those laws. LD 1643 is the result of that process. As is explained in the bill's summary, sections 261 to 269 of the bill "reorganize[], clarify[y] and remove[] inconsistencies in the laws governing the importation of liquor into and the transportation of liquor within the State." All of the crimes within these sections of the bill exist in current law.

The Veterans and Legal Affairs Committee unanimously voted in favor of an amendment to LD 1643 that establishes 2 new Class E Crimes involving low-alcohol spirits products, which are a type of liquor that contains spirits and that have an alcohol content of 8% or less of alcohol by volume.

- Within section 264 (enacting 28-A M.R.S. §2073-C), the amendment newly authorizes individuals to import into the State up to 4 liters of low-alcohol spirits products for personal use.

An individual who imports into the State more than 4 liters but less than 40 liters of low-alcohol spirits products commits a civil violation while an individual who imports 40 or more liters of low-alcohol spirits products into the State commits a Class E Crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

- Within section 265 (enacting 28-A M.R.S. §2073-D), the amendment prohibits an individual from transporting within the State more than 4 liters of low-alcohol spirits products, unless those products were legally purchased within the State. An individual who transports within the State more than 4 liters but less than 40 liters of low-alcohol spirits products in violation of this prohibition commits a civil violation while an individual who transports within the State 40 or more liters of low-alcohol spirits products in violation of this prohibition commits a Class E Crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

The penalties for violating the restrictions on the importation of low-alcohol spirits products into and the transportation of low-alcohol spirits within the State mirror the penalties for similar offenses involving wine and malt liquor in current law.

Please find the relevant pages of the unanimous committee amendment and the bill as well as the relevant provisions of current law attached for your review. We look forward to meeting with you.

**1. Records to be kept.** Every ~~certificate of approval holder~~ licensee operating special warehouse storage facilities within the State shall keep complete records concerning all transactions conducted at the special warehouse storage facility. The records must show:

- A. The date and amounts of all liquor received and from whom they were received; and
- B. The dates and amounts of all liquor shipped or withdrawn and the name of the person for whom the liquor was shipped or withdrawn.

**2. Manner in which records to be kept.** The ~~certificate of approval holder~~ licensee shall maintain the records upon the premises.

Amend the bill by inserting after section 168 the following:

**Sec. 169.** Amend the headnote to §1055 as follows:

**§1055. Liquor samples at Class A restaurants and Class A restaurants/lounges**

Amend the bill in section 264 as follows (see highlighting for changes to bill text):

**Sec. 264.** 28-A MRSA §2073-C is enacted to read:

**§2073-C. Importation of malt liquor, or wine or low-alcohol spirits products**

**1. Prohibition.** Except as provided in subsection 2, section 1403-A or section 2073-E, a person may not transport malt liquor, or wine or low-alcohol spirits products into the State or cause malt liquor, or wine or low-alcohol spirits products to be transported into the State.

**2. Exceptions.** Notwithstanding subsection 1, a person may transport malt liquor, or wine or low-alcohol spirits products into the State or cause malt liquor, or wine or low-alcohol spirits products to be transported into the State in the following circumstances.

A. An individual may transport into the State up to 400 fluid ounces of malt liquor, and up to 4 liters of wine and up to 4 liters of low-alcohol spirits products for the individual's personal use.

B. Upon application, the bureau may grant a permit to an individual authorizing the individual to transport into and within the State more than 400 fluid ounces of malt liquor, or more than 4 liters of wine or more than 4 liters of low-alcohol spirits products for the individual's personal use.

C. A licensed in-state small brewery, a licensed in-state small winery and a wholesale licensee may transport malt liquor or wine into the State or may cause malt liquor or wine to be transported into the State by an out-of-state manufacturer of malt liquor or wine that has been issued a certificate of approval, an out-of-state wholesaler that has been issued a certificate of approval or a common carrier or contract carrier authorized by the Department of Public Safety. Each shipment of malt liquor or wine transported into the State in accordance with this paragraph must be accompanied by an invoice that includes the purchase number and the names of the sender and the licensed in-state small brewery, licensed in-state small winery or wholesale licensee that is the intended recipient of the malt liquor or wine.

**3. Penalties.** The following penalties apply to violations of this section.

A. A person that transports into the State or that causes to be transported into the State a quantity of less than 1,300 fluid ounces of malt liquor, ~~or less than 40 liters of wine or less than 40 liters of low-alcohol spirits products~~ in violation of this section commits a civil violation for which a fine of not more than \$500 may be adjudged.

B. A person that transports into the State or that causes to be transported into the State a quantity of 1,300 or more fluid ounces of malt liquor, ~~or 40 or more liters of wine or 40 or more liters of low-alcohol spirits products~~ in violation of this section commits a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

**4. Evidence.** The possession of more than 800 fluid ounces of malt liquor, ~~or more than 8 liters of wine or more than 8 liters of low-alcohol spirits products~~ in one or more containers that are not labeled in accordance with Title 38, section 3105 is prima facie evidence of a violation of this section.

**5. Forfeiture.** Notwithstanding section 2221-A, a court shall order malt liquor, ~~or wine or low-alcohol spirits products~~ transported or caused to be transported into the State in violation of this section to be forfeited to the State and disposed of as provided in section 2229:

A. If a person fails to appear in court either in person or by counsel on the date and time specified in response to a Uniform Summons and Complaint issued for a violation of this section; or

B. As part of every adjudication and imposition of a fine under subsection 3, paragraph A and every conviction under subsection 3, paragraph B.

Amend the bill in section 265 as follows (see highlighting for changes to bill text):

Sec. 265. 28-A MRS §2073-D is enacted to read:

**§2073-D. In-state transportation of malt liquor, ~~or wine or low-alcohol spirits products~~**

**1. Prohibition.** Except as provided in subsection 2 and section 2703-E, a person may not transport within the State more than 400 fluid ounces of malt liquor, ~~or more than 4 liters of wine and more than 4 liters of low-alcohol spirits products~~ unless the malt liquor, ~~or wine or low-alcohol spirits products~~ was were legally purchased from:

A. An off-premises retail licensee;

B. An in-state manufacturer authorized under section 1355-A to sell malt liquor, ~~or wine or low-alcohol spirits products~~ for off-premises consumption; or

C. A direct shipper licensed under section 1403-A.

**2. Exceptions.** Notwithstanding subsection 1, a person may transport malt liquor, ~~or wine or low-alcohol spirits products~~ within the State in the following circumstances.

A. An individual may transport within the State malt liquor, ~~or wine or low-alcohol spirits products~~ in accordance with a permit issued under section 2073-C, subsection 2, paragraph B.

B. A person may transport malt liquor or wine the person transported into the State pursuant to section 2073-C, subsection 2, paragraph C.

C. A licensed in-state manufacturer of malt liquor, ~~or wine or low-alcohol spirits products~~ may transport malt liquor, ~~or wine or low-alcohol spirits products~~ produced by the manufacturer or may cause a common carrier or contract carrier authorized by the Department of Public Safety to transport malt liquor, ~~or wine or low-alcohol spirits products~~ produced by the manufacturer to:

- (1) A bottler or rectifier licensed under section 1355-A;
- (2) A wholesale licensee;
- (3) Any location to which the licensed in-state manufacturer is authorized to transport its own products under section 1355-A;
- (4) A warehouse operated by the licensed in-state manufacturer; or
- (5) The state line for transportation outside the State.

D. A wholesale licensee may transport malt liquor, ~~or wine or low-alcohol spirits products~~ to an on-premises or off-premises retailer of malt liquor or wine in accordance with sections 713 and 1401.

Each shipment of malt liquor, ~~or wine or low-alcohol spirits products~~ transported within the State in accordance with paragraph B, C or D must be accompanied by an invoice that includes the purchase number and the names of the sender and intended recipient of the malt liquor, ~~or wine or low-alcohol spirits products~~.

**3. Penalties.** The following penalties apply to violations of this section.

A. A person that transports within the State less than 1,300 fluid ounces of malt liquor, ~~or less than 40 liters of wine or less than 40 liters of low-alcohol spirits products~~ in violation of this section commits a civil violation for which a fine of not more than \$500 may be adjudged.

B. A person that transports within the 1,300 or more fluid ounces of malt liquor, ~~or 40 or more liters of wine or 40 or more liters of low-alcohol spirits products~~ in violation of this section commits a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

**4. Evidence.** The possession of more than 800 fluid ounces of malt liquor, ~~or more than 8 liters of wine or more than 8 liters of low-alcohol spirits products~~ in one or more containers that are not labeled in accordance with Title 38, section 3105 is prima facie evidence of a violation of this section.

**5. Forfeiture.** Notwithstanding section 2221-A, a court shall order malt liquor, ~~or wine or low-alcohol spirits products~~ transported within the State in violation of this section to be forfeited to the State and disposed of as provided in section 2229:

A. If a person fails to appear in court either in person or by counsel on the date and time specified in response to a Uniform Summons and Complaint issued for a violation of this section; or

B. As part of every adjudication and imposition of a fine under subsection 3, paragraph A and every conviction under subsection 3, paragraph B.

Amend the bill by inserting after section 279 the following:

Sec. 280. 28-A MRSA §2519, sub-§2, ¶B is amended to read:

- 1 (c) A minor who violates this subparagraph after having previously violated
- 2 this section 2 or more times commits a civil violation for which a fine of \$600
- 3 must be adjudged, none of which may be suspended except as provided in
- 4 subsection 2, paragraph B; or
- 5 (2) Gaining access to a licensed ~~premise~~ premises when minors are not allowed.
- 6 The following penalties apply to violations of this subparagraph.
- 7 (a) A minor who violates this subparagraph commits a civil violation for which
- 8 a fine of not less than \$200 and not more than \$400 must be adjudged.
- 9 (b) A minor who violates this subparagraph after having previously violated
- 10 this section commits a civil violation for which a fine of not less than \$300 and
- 11 not more than \$600 must be adjudged, none of which must be suspended
- 12 except as provided in subsection 2, paragraph B.
- 13 (c) A minor who violates this subparagraph after having previously violated
- 14 this section 2 or more times commits a civil violation for which a fine of \$600
- 15 must be adjudged, none of which may be suspended except as provided in
- 16 subsection 2, paragraph B;

17 **Sec. 261. 28-A MRSA §2073**, as amended by PL 2013, c. 476, Pt. A, §33, is further  
 18 amended to read:

19 **§2073. ~~Importation and~~ In-state transportation of liquor ~~within the State for illegal~~**  
 20 **sale**

21 **1. Illegal In-state transportation of liquor ~~within the State for illegal sale~~**  
 22 **prohibited.** No A person may not knowingly transport within the State any liquor:

- 23 A. With intent to sell the liquor in the State in violation of law;
- 24 B. With intent that the liquor be illegally sold by any person; or
- 25 C. With intent to aid any person in illegal sale of liquor.

26 **2. Penalties.** A person who ~~knowingly~~ violates this section commits a Class E crime.

27 **~~3. Legal importation into and transportation of liquor within the State.~~** Liquor  
 28 ~~may be legally imported into and transported within the State in the following situations:~~

- 29 ~~A. Upon application, the bureau may grant to an individual a permit to transport liquor~~  
 30 ~~purchased for that person's own personal use.~~
- 31 ~~B. For hire carriers and contract carriers, authorized by the Department of Public~~  
 32 ~~Safety, may transport liquor to liquor warehouses, to licensees, from manufacturers to~~  
 33 ~~liquor warehouses and to the state line for transportation outside the State.~~
- 34 ~~C-1. Reselling agents may transport spirits to licensees who are licensed for the sale~~  
 35 ~~of spirits for on-premises consumption.~~
- 36 ~~D. Manufacturers may transport liquor within the State to liquor warehouses, to~~  
 37 ~~persons authorized under paragraph E and to the state line for transportation outside~~  
 38 ~~the State.~~
- 39 ~~E. The bureau may permit in writing the importation of liquor into the State and the~~  
 40 ~~transportation of liquor from place to place within the State to the following~~  
 41 ~~destinations for the specified purposes:~~

▼  
 Sections  
 261 to 269  
 of LD1643  
 reorganize  
 Liquor  
 Importation  
 and  
 transportation  
 Statutes

- 1           ~~(1) To hospitals and state institutions, for medicinal purposes only, liquor made~~  
 2           ~~available to them from stocks of liquor seized by the Federal Government;~~  
 3           ~~(2) To industrial establishments in the State for industrial uses;~~  
 4           ~~(3) To schools, colleges and state institutions for laboratory use only;~~  
 5           ~~(4) To any licensed pharmacist in the State for use in the compounding of~~  
 6           ~~prescriptions and other medicinal use, but not for sale by pharmacists unless~~  
 7           ~~compounded with or mixed with other substances; or~~  
 8           ~~(5) To any physician, surgeon, osteopath, chiropractor, optometrist, dentist or~~  
 9           ~~veterinarian for medicinal use only.~~

10           ~~F. The bureau may authorize hospitals and state institutions to purchase spirits, for~~  
 11           ~~medicinal purposes only, from agency liquor stores. This authorization must be in~~  
 12           ~~writing.~~

13           **Sec. 262. 28-A MRSA §2073-A** is enacted to read:

14           **§2073-A. Importation of spirits**

15           **1. Prohibition.** Except as provided in subsection 2 and section 2073-E, a person other  
 16           than the bureau may not transport spirits into the State or cause spirits to be transported  
 17           into the State.

18           **2. Exceptions.** Notwithstanding subsection 1, a person may transport spirits into the  
 19           State or cause spirits to be transported into the State in the following circumstances.

20           A. An individual may transport into the State up to 4 liters of spirits for the individual's  
 21           personal use.

22           B. Upon application, the bureau may grant a permit to an individual authorizing the  
 23           individual to transport into and within the State more than 4 liters of spirits for the  
 24           individual's personal use.

25           C. An out-of-state spirits supplier may transport spirits into the State or may cause  
 26           spirits to be transported into the State by a common carrier or contract carrier  
 27           authorized by the Department of Public Safety. Each shipment of spirits transported  
 28           into the State in accordance with this paragraph must be accompanied by an invoice  
 29           that includes the purchase number and the names of the sender and intended recipient  
 30           of the spirits, who must be authorized to receive spirits imports under section 2073-B,  
 31           subsection 2, paragraph B.

32           **3. Penalties.** The following penalties apply to violations of this section.

33           A. A person that transports into the State or that causes to be transported into the State  
 34           a quantity of less than 40 liters of spirits in violation of this section commits a civil  
 35           violation for which a fine of not more than \$500 may be adjudged.

36           B. A person that transports into the State or that causes to be transported into the State  
 37           a quantity of 40 or more liters of spirits in violation of this section commits a Class E  
 38           crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection  
 39           4-A.



1 **4. Evidence.** The possession of more than 8 liters of spirits in one or more containers  
 2 that are not labeled in accordance with Title 38, section 3105 is prima facie evidence of a  
 3 violation of this section.

4 **5. Forfeiture.** Notwithstanding section 2221-A, a court shall order spirits transported  
 5 or caused to be transported into the State in violation of this section to be forfeited to the  
 6 State and disposed of as provided in section 2229:

7 A. If a person fails to appear in court either in person or by counsel on the date and  
 8 time specified in response to a Uniform Summons and Complaint issued for a violation  
 9 of this section; or

10 B. As part of every adjudication and imposition of a fine under subsection 3, paragraph  
 11 A and every conviction under subsection 3, paragraph B.

12 **Sec. 263. 28-A MRSA §2073-B** is enacted to read:

13 **§2073-B. In-state transportation of spirits**

14 **1. Prohibition.** Except as provided in subsection 2, section 1201-A or section 2073-E,  
 15 a person may not transport more than 4 liters of spirits within the State unless the spirits  
 16 were legally purchased from:

17 A. An agency liquor store; or

18 B. An in-state manufacturer authorized under section 1355-A to sell spirits for off-  
 19 premises consumption.

20 **2. Exceptions.** Notwithstanding subsection 1, a person may transport spirits within  
 21 the State in the following circumstances.

22 A. An individual may transport spirits within the State in accordance with a permit  
 23 issued under 2073-A, subsection 2, paragraph B.

24 B. A person may transport spirits the person transported into the State pursuant to  
 25 section 2073-A, subsection 2, paragraph C to:

26 (1) A warehouse designated by the commission under section 81;

27 (2) A bottler or rectifier licensed under section 1355-A;

28 (3) A winery, small winery or tenant winery licensed under section 1355-A, for  
 29 the production of fortified wine; or

30 (4) A brewery, small brewery or tenant brewery licensed under section 1355-A,  
 31 for the production of low-alcohol spirits products containing malt liquor.

32 C. A licensed in-state manufacturer of spirits may transport spirits produced by the  
 33 manufacturer or may cause a common carrier or contract carrier authorized by the  
 34 Department of Public Safety to transport spirits produced by the manufacturer to:

35 (1) A warehouse designated by the commission under section 81;

36 (2) A bottler or rectifier licensed under section 1355-A;

37 (3) A winery, small winery or tenant winery licensed under section 1355-A, for  
 38 the production of fortified wine;

39 (4) A brewery, small brewery or tenant brewery licensed under section 1355-A,  
 40 for the production of low-alcohol spirits products containing malt liquor;

1                   (5) Any location to which the licensed in-state manufacturer of spirits is authorized  
2                   to transport its own products under section 1355-A; or

3                   (6) The state line for transportation outside the State.

4                   D. The wholesale spirits provider may transport spirits between warehouses designated  
5                   by the commission under section 81 or to agency liquor stores as provided in section  
6                   503.

7                   E. A reselling agent may transport spirits to on-premises retail licensees as provided  
8                   in section 459.

9                   Each shipment of spirits transported within the State in accordance with paragraph B, C, D  
10                   or E must be accompanied by an invoice that includes the purchase number and the names  
11                   of the sender and intended recipient of the spirits.

12                   **3. Penalties.** The following penalties apply to violations of this section.

13                   A. A person that transports within the State a quantity of less than 40 liters of spirits  
14                   in violation of this section commits a civil violation for which a fine of not more than  
15                   \$500 may be adjudged.

16                   B. A person that transports within the State a quantity of 40 or more liters of spirits in  
17                   violation of this section commits a Class E crime, which is a strict liability crime as  
18                   defined in Title 17-A, section 34, subsection 4-A.

19                   **4. Evidence.** The possession of more than 8 liters of spirits in one or more containers  
20                   that are not labeled in accordance with Title 38, section 3105 is prima facie evidence of a  
21                   violation of this section.

22                   **5. Forfeiture.** Notwithstanding section 2221-A, a court shall order spirits transported  
23                   within the State in violation of this section to be forfeited to the State and disposed of as  
24                   provided in section 2229:

25                   A. If a person fails to appear in court either in person or by counsel on the date and  
26                   time specified in response to a Uniform Summons and Complaint issued for a violation  
27                   of this section; or

28                   B. As part of every adjudication and imposition of a fine under subsection 3, paragraph  
29                   A and every conviction under subsection 3, paragraph B.

30                   **Sec. 264. 28-A MRSA §2073-C** is enacted to read:

31                   **§2073-C. Importation of malt liquor or wine**

32                   **1. Prohibition.** Except as provided in subsection 2, section 1403-A or section 2073-E,  
33                   a person may not transport malt liquor or wine into the State or cause malt liquor or wine  
34                   to be transported into the State.

35                   **2. Exceptions.** Notwithstanding subsection 1, a person may transport malt liquor or  
36                   wine into the State or cause malt liquor or wine to be transported into the State in the  
37                   following circumstances.

38                   A. An individual may transport into the State up to 400 fluid ounces of malt liquor and  
39                   up to 4 liters of wine for the individual's personal use.

1 B. Upon application, the bureau may grant a permit to an individual authorizing the  
2 individual to transport into and within the State more than 400 fluid ounces of malt  
3 liquor or more than 4 liters of wine for the individual's personal use.

4 C. A licensed in-state small brewery, a licensed in-state small winery and a wholesale  
5 licensee may transport malt liquor or wine into the State or may cause malt liquor or  
6 wine to be transported into the State by an out-of-state manufacturer of malt liquor or  
7 wine that has been issued a certificate of approval, an out-of-state wholesaler that has  
8 been issued a certificate of approval or a common carrier or contract carrier authorized  
9 by the Department of Public Safety. Each shipment of malt liquor or wine transported  
10 into the State in accordance with this paragraph must be accompanied by an invoice  
11 that includes the purchase number and the names of the sender and the licensed in-state  
12 small brewery, licensed in-state small winery or wholesale licensee that is the intended  
13 recipient of the malt liquor or wine.

14 **3. Penalties.** The following penalties apply to violations of this section.

15 A. A person that transports into the State or that causes to be transported into the State  
16 a quantity of less than 1,300 fluid ounces of malt liquor or less than 40 liters of wine  
17 in violation of this section commits a civil violation for which a fine of not more than  
18 \$500 may be adjudged.

19 B. A person that transports into the State or that causes to be transported into the State  
20 a quantity of 1,300 or more fluid ounces of malt liquor or 40 or more liters of wine in  
21 violation of this section commits a Class E crime, which is a strict liability crime as  
22 defined in Title 17-A, section 34, subsection 4-A.

23 **4. Evidence.** The possession of more than 800 fluid ounces of malt liquor or more  
24 than 8 liters of wine in one or more containers that are not labeled in accordance with Title  
25 38, section 3105 is prima facie evidence of a violation of this section.

26 **5. Forfeiture.** Notwithstanding section 2221-A, a court shall order malt liquor or wine  
27 transported or caused to be transported into the State in violation of this section to be  
28 forfeited to the State and disposed of as provided in section 2229:

29 A. If a person fails to appear in court either in person or by counsel on the date and  
30 time specified in response to a Uniform Summons and Complaint issued for a violation  
31 of this section; or

32 B. As part of every adjudication and imposition of a fine under subsection 3, paragraph  
33 A and every conviction under subsection 3, paragraph B.

34 **Sec. 265. 28-A MRSA §2073-D** is enacted to read:

35 **§2073-D. In-state transportation of malt liquor or wine**

36 **1. Prohibition.** Except as provided in subsection 2 and section 2703-E, a person may  
37 not transport within the State more than 400 fluid ounces of malt liquor or more than 4  
38 liters of wine unless the malt liquor or wine was legally purchased from:

39 A. An off-premises retail licensee;

40 B. An in-state manufacturer authorized under section 1355-A to sell malt liquor or  
41 wine for off-premises consumption; or

42 C. A direct shipper licensed under section 1403-A.

1 **2. Exceptions.** Notwithstanding subsection 1, a person may transport malt liquor or  
2 wine within the State in the following circumstances.

3 A. An individual may transport within the State malt liquor or wine in accordance with  
4 a permit issued under section 2073-C, subsection 2, paragraph B.

5 B. A person may transport malt liquor or wine the person transported into the State  
6 pursuant to section 2073-C, subsection 2, paragraph C.

7 C. A licensed in-state manufacturer of malt liquor or wine may transport malt liquor  
8 or wine produced by the manufacturer or may cause a common carrier or contract  
9 carrier authorized by the Department of Public Safety to transport malt liquor or wine  
10 produced by the manufacturer to:

11 (1) A bottler or rectifier licensed under section 1355-A;

12 (2) A wholesale licensee;

13 (3) Any location to which the licensed in-state manufacturer is authorized to  
14 transport its own products under section 1355-A;

15 (4) A warehouse operated by the licensed in-state manufacturer; or

16 (5) The state line for transportation outside the State.

17 D. A wholesale licensee may transport malt liquor or wine to an on-premises or off-  
18 premises retailer of malt liquor or wine in accordance with sections 713 and 1401.

19 Each shipment of malt liquor or wine transported within the State in accordance with  
20 paragraph B, C or D must be accompanied by an invoice that includes the purchase number  
21 and the names of the sender and intended recipient of the malt liquor or wine.

22 **3. Penalties.** The following penalties apply to violations of this section.

23 A. A person that transports within the State less than 1,300 fluid ounces of malt liquor  
24 or less than 40 liters of wine in violation of this section commits a civil violation for  
25 which a fine of not more than \$500 may be adjudged.

26 B. A person that transports within the State 1,300 or more fluid ounces of malt liquor  
27 or 40 or more liters of wine in violation of this section commits a Class E crime, which  
28 is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

29 **4. Evidence.** The possession of more than 800 fluid ounces of malt liquor or 8 liters  
30 of wine in one or more containers that are not labeled in accordance with Title 38, section  
31 3105 is prima facie evidence of a violation of this section.

32 **5. Forfeiture.** Notwithstanding section 2221-A, a court shall order malt liquor or wine  
33 transported within the State in violation of this section to be forfeited to the State and  
34 disposed of as provided in section 2229:

35 A. If a person fails to appear in court either in person or by counsel on the date and  
36 time specified in response to a Uniform Summons and Complaint issued for a violation  
37 of this section; or

38 B. As part of every adjudication and imposition of a fine under subsection 3, paragraph  
39 A and every conviction under subsection 3, paragraph B.

40 **Sec. 266. 28-A MRS §2073-E** is enacted to read:

1 **§2073-E. Importation and in-state transportation of liquor for special purposes**

2 **1. Bureau may authorize importation and in-state transportation of liquor for**  
3 **special purposes.** Notwithstanding any provision of law to the contrary, the bureau may  
4 grant a permit authorizing the transportation of liquor into and within the State to the  
5 following persons for the following specified purposes:

- 6 A. To a hospital or state institution located in the State, for medicinal purposes only;
- 7 B. To a licensed physician, surgeon, osteopath, chiropractor, optometrist, dentist or  
8 veterinarian located in the State, for medicinal purposes only;
- 9 C. To a licensed pharmacist located in the State, for use in the compounding of  
10 prescriptions and other medicinal use but not for sale by the pharmacist unless  
11 compounded with or mixed with other substances;
- 12 D. To an industrial establishment located in the State, only for an industrial use, for  
13 use as an ingredient in the manufacture of food products, for use as an ingredient in the  
14 manufacture of commodities that by reason of their nature cannot be used for beverage  
15 purposes or for use in the manufacture of commodities unfit for beverage purposes;
- 16 E. To a school, college or state institution located in the State, for laboratory use only;
- 17 F. To a licensed in-state spirits manufacturer, for use as an ingredient in distilling or  
18 manufacturing spirits and other spirituous liquor products that are authorized by 27  
19 Code of Federal Regulations. A permit issued under this paragraph authorizes only the  
20 transportation of spirits into and within the State and may not authorize the  
21 transportation of malt liquor or wine into and within the State; and
- 22 G. To a church or the pastor of a church located in the State, for sacramental purposes  
23 or similar religious rites only.

24 **2. Invoice required.** Each shipment of liquor transported into the State in accordance  
25 with this section must be accompanied by an invoice that includes the purchase number  
26 and the names of the sender and intended recipient of the liquor.

27 **Sec. 267. 28-A MRSA §2074, sub-§1,** as amended by PL 2019, c. 281, §11, is  
28 further amended to read:

29 **1. Transportation on-premises or off-premises.** Except as provided in section 1051,  
30 section 1075-A, subsection 3 or section 1080, any a person who that transports liquor onto  
31 or off of the premises of an on-premise on-premises retail licensee is guilty of commits a  
32 Class E crime.

33 **Sec. 268. 28-A MRSA §2074-A, first ¶,** as enacted by PL 2011, c. 693, §4, is  
34 amended to read:

35 A person licensed for the sale of spirits for on-premises consumption on the licensed  
36 premises who that violates section 606, subsection 1-A or violates state rules or federal  
37 regulations governing the storage, purchase and sale of spirits, including but not limited to  
38 the prohibition against reusing or refilling liquor spirits bottles, and the disposition of  
39 empty liquor spirits bottles, is subject to suspension or revocation of the license under  
40 chapter 33 as follows.

41 **Sec. 269. 28-A MRSA §2075,** as amended by PL 2015, c. 166, §7, is repealed.

↑ end  
of  
importation  
&  
transportation  
Rewrite

CHAPTER 83

PROHIBITED ACTS IN GENERAL

§2071. Failure to appear before the bureau

1. **Failure to appear when summoned.** It is illegal for a person who is summoned as a witness by the bureau to appear before the bureau, to fail to appear without reasonable cause at the time and place designated in the subpoena or summons. [PL 1997, c. 373, §152 (AMD).]

2. **Penalties.** A person who violates this section commits a Class E crime. [PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §§151,152 (AMD).

§2072. Illegal deposit or possession with intent to sell

1. **Illegal deposit or possession.** No person may deposit or have in that person's possession any liquor:

A. With intent to sell the liquor in the State in violation of law; [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. With intent that the liquor be sold in the State in violation of law by any person; or [PL 1997, c. 373, §153 (AMD).]

C. With intent to aid or assist any person in an illegal sale. [PL 1987, c. 45, Pt. A, §4 (NEW).] [PL 1997, c. 373, §153 (AMD).]

2. **Penalties.** A person who violates this section commits a Class E crime. [PL 1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §153 (AMD).

§2073. Importation and transportation of liquor within the State

1. **Illegal transportation of liquor within the State.** No person may knowingly transport within the State any liquor:

A. With intent to sell the liquor in the State in violation of law; [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. With intent that the liquor be illegally sold by any person; or [PL 1987, c. 45, Pt. A, §4 (NEW).]

C. With intent to aid any person in illegal sale of liquor. [PL 1987, c. 45, Pt. A, §4 (NEW).] [PL 1987, c. 45, Pt. A, §4 (NEW).]

2. **Penalties.** A person who knowingly violates this section commits a Class E crime. [PL 1987, c. 45, Pt. A, §4 (NEW).]

3. **Legal importation into and transportation of liquor within the State.** Liquor may be legally imported into and transported within the State in the following situations.

A. Upon application, the bureau may grant to an individual a permit to transport liquor purchased for that person's own personal use. [PL 2013, c. 476, Pt. A, §33 (AMD).]

CURRENT LAW  
↓

B. For-hire carriers and contract carriers, authorized by the Department of Public Safety, may transport liquor to liquor warehouses, to licensees, from manufacturers to liquor warehouses and to the state line for transportation outside the State. [PL 2013, c. 476, Pt. A, §33 (AMD).]

C. [PL 2013, c. 368, Pt. V, §49 (RP).]

C-1. Reselling agents may transport spirits to licensees who are licensed for the sale of spirits for on-premises consumption. [PL 2013, c. 476, Pt. A, §33 (NEW).]

D. Manufacturers may transport liquor within the State to liquor warehouses, to persons authorized under paragraph E and to the state line for transportation outside the State. [PL 2013, c. 476, Pt. A, §33 (AMD).]

E. The bureau may permit in writing the importation of liquor into the State and the transportation of liquor from place to place within the State to the following destinations for the specified purposes:

- (1) To hospitals and state institutions, for medicinal purposes only, liquor made available to them from stocks of liquor seized by the Federal Government;
- (2) To industrial establishments in the State for industrial uses;
- (3) To schools, colleges and state institutions for laboratory use only;
- (4) To any licensed pharmacist in the State for use in the compounding of prescriptions and other medicinal use, but not for sale by pharmacists unless compounded with or mixed with other substances; or
- (5) To any physician, surgeon, osteopath, chiropractor, optometrist, dentist or veterinarian for medicinal use only. [PL 2013, c. 476, Pt. A, §33 (AMD).]

F. The bureau may authorize hospitals and state institutions to purchase spirits, for medicinal purposes only, from agency liquor stores. This authorization must be in writing. [PL 2013, c. 476, Pt. A, §33 (AMD).]

[PL 2013, c. 476, Pt. A, §33 (AMD).]

#### SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §154 (AMD). PL 2013, c. 368, Pt. V, §49 (AMD). PL 2013, c. 476, Pt. A, §33 (AMD).

#### §2074. Illegal transportation of liquor on or off licensed premises

**1. Transportation on-premises or off-premises.** Except as provided in section 1051 or 1080, any person who transports liquor onto or off of the premises of an on-premise retail licensee is guilty of a Class E crime.

[PL 2019, c. 281, §11 (AMD).]

**2. Defense.** It is a defense to a prosecution under this section that the transportation was authorized or permitted by the licensee, the licensee's agent or the licensee's employee.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

#### SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 306, §2 (AMD). PL 2019, c. 281, §11 (AMD).

#### §2074-A. Illegal storage, purchase or sale of spirits by an on-premises licensee; penalty

A person licensed for the sale of spirits for consumption on the licensed premises who violates section 606, subsection 1-A or violates state rules or federal regulations governing the storage, purchase and sale of spirits, including but not limited to the prohibition against reusing or refilling liquor bottles,

and the disposition of empty liquor bottles, is subject to suspension or revocation of the license under chapter 33 as follows. [PL 2011, c. 693, §4 (NEW).]

**1. Suspension of privilege to sell spirits.** A person who commits a violation described by this section is subject to a 90-day suspension for a first offense, a 180-day suspension for a 2nd offense and a one-year suspension for a 3rd or subsequent offense. [PL 2011, c. 693, §4 (NEW).]

**2. Revocation.** The bureau may recommend revocation of a license to sell spirits for consumption on the premises if a licensee commits more than 3 violations as described by this section. [PL 2011, c. 693, §4 (NEW).]

## SECTION HISTORY

PL 2011, c. 693, §4 (NEW).

### §2075. Importation and transportation of spirits

#### 1. Only the commission may import spirits; exception.

[PL 2003, c. 452, Pt. P, §6 (RP); PL 2003, c. 452, Pt. X, §2 (AFF).]

**1-A. Only bureau may import spirits.** Except as provided in subsection 1-B, a person other than the bureau may not import spirits into the State.

A. A person who illegally imports or causes to be shipped into the State spirits in a quantity of less than 10 gallons commits a civil violation for which a fine of not more than \$500 must be adjudged. [PL 2003, c. 452, Pt. P, §6 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. A person who illegally imports or causes to be shipped into the State spirits in a quantity of 10 or more gallons commits a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [PL 2003, c. 452, Pt. P, §6 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. P, §6 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF); PL 2013, c. 368, Pt. V, §61 (REV).]

**1-B. Permitted importation.** An individual may transport into the State and may transport from place to place within the State spirits for the individual's personal use in a quantity not greater than 4 quarts.

[PL 2003, c. 452, Pt. P, §6 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

**2. Transportation of spirits within State.** A person may not transport or cause to be transported any spirits within the State in a quantity greater than 4 quarts unless the spirits were purchased from an agency liquor store.

[PL 2013, c. 368, Pt. V, §50 (AMD).]

**2-A. Evidence.** The possession of more than 8 quarts of spirits in one or more containers that are not labeled in accordance with Title 38, section 3105 is prima facie evidence of a violation of this section.

[PL 2015, c. 166, §7 (AMD).]

**3. Importation and transportation of spirits for special purposes.** The bureau may, in writing, permit and authorize the importation of spirits into the State and the transportation of spirits from place to place within the State to the following destinations for the specified purposes:

A. To industrial establishments for use as an ingredient in the manufacture of food products, or for use as an ingredient in the manufacture of commodities that by reason of their nature can not be used for beverage purposes, or for use in the manufacture of commodities unfit for beverage purposes; [PL 1993, c. 730, §47 (AMD).]



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B. To licensed distillers and manufacturers of spirits in the State for use as an ingredient in distilling or manufacturing spirits and other spirituous products that are authorized by 27 Code of Federal Regulations; and [PL 1993, c. 730, §47 (AMD).]

C. To churches or to the pastor of any church for sacramental purposes or similar religious rites. [PL 1987, c. 45, Pt. A, §4 (NEW).]  
[PL 1993, c. 730, §47 (AMD).]

**4. Penalties.**

[PL 2003, c. 452, Pt. P, §6 (RP); PL 2003, c. 452, Pt. X, §2 (AFF).]

**5. Forfeiture of spirits.** Notwithstanding section 2221-A, if a person fails to appear in court on the date and time specified in response to a Uniform Summons and Complaint issued for a violation of this section, either in person or by counsel, the court shall order the spirits imported or transported in excess of that allowed by subsection 1-A or 2 to be forfeited to the State. As part of every adjudication and forfeiture imposed under this section the court shall order the spirits imported or transported in excess of that allowed by subsection 1-A or 2 to be forfeited to the State. Spirits forfeited under this subsection must be disposed of as prescribed in section 2229.

[PL 2003, c. 452, Pt. P, §6 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

**SECTION HISTORY**

PL 1987, c. 45, §A4 (NEW). PL 1989, c. 817, §1 (AMD). PL 1993, c. 266, §§25,26 (AMD). PL 1993, c. 730, §§47,48 (AMD). PL 1997, c. 373, §155 (AMD). PL 2003, c. 452, §P6 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2013, c. 368, Pt. V, §50 (AMD). PL 2013, c. 368, Pt. V, §61 (REV). PL 2015, c. 166, §7 (AMD).

**§2076. Illegal delivery of liquor**

**1. Delivery of liquor.** Except with the bureau's written permission or except as provided in section 2073, subsection 3, paragraph C-1 for reselling agents, a person may not knowingly transport to or cause to be delivered to any person other than the bureau any spirits not purchased from an agency liquor store.

[PL 2013, c. 476, Pt. A, §34 (AMD).]

**2. Penalties.** Any person who violates this section commits a Class E crime.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

**SECTION HISTORY**

PL 1987, c. 45, §A4 (NEW). PL 1997, c. 373, §156 (AMD). PL 2013, c. 368, Pt. V, §51 (AMD). PL 2013, c. 476, Pt. A, §34 (AMD).

**§2077. Importation and transportation of malt liquor and wine**

**1. Importation of malt liquor or wine into the State.**

[PL 2003, c. 452, Pt. P, §7 (RP); PL 2003, c. 452, Pt. X, §2 (AFF).]

**1-A. Importation of malt liquor or wine into State.** Except as provided in section 1403-A, a person other than a wholesale licensee, small brewery licensee or small winery licensee may not transport or cause to be transported malt liquor or wine into the State in a quantity greater than 3 gallons for malt liquor or 4 quarts for wine, unless it was legally purchased in the State. The following penalties apply to violations of this subsection.

A. A person who illegally transports into the State wine or malt liquor in a quantity of less than 10 gallons commits a civil violation for which a fine of not more than \$500 must be adjudged. [PL 2003, c. 452, Pt. P, §7 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

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B. A person who illegally transports into the State wine or malt liquor in a quantity of 10 or more gallons commits a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [PL 2003, c. 452, Pt. P, §7 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).] [PL 2011, c. 629, §37 (AMD).]

**1-B. Invoice required.** Each shipment of malt liquor or wine transported or caused to be transported by a wholesale licensee, small brewery licensee or small winery licensee into the State must be accompanied by an invoice that includes the wholesale licensee's, small brewery licensee's or small winery licensee's name and purchase number. [PL 2011, c. 629, §38 (AMD).]

**2. Transportation of malt liquor and wine within State.** Except as provided in section 1403-A, a person other than a licensee may not transport malt liquor, in a quantity greater than 3 gallons, or wine, in a quantity greater than 4 quarts, within the State unless it was purchased from an off-premise retail licensee.

A. A person who illegally transports within the State wine or malt liquor in a quantity of less than 10 gallons commits a civil violation for which a fine of not more than \$500 must be adjudged. [PL 2003, c. 452, Pt. P, §7 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. A person who illegally transports within the State wine or malt liquor in a quantity of 10 or more gallons commits a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [PL 2003, c. 452, Pt. P, §7 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).] [PL 2009, c. 373, §3 (AMD).]

**2-A. Evidence.** The possession of more than 6 gallons of malt liquor or 8 quarts of wine in one or more containers that are not labeled in accordance with Title 38, section 3105 is prima facie evidence of a violation of this section. [PL 2015, c. 166, §8 (AMD).]

**3. For-hire carriers and contract carriers may import and transport within State.** For-hire carriers and contract carriers, authorized by the Department of Public Safety, may transport malt liquor or wine into and within the State to licensees, to purchasers of malt liquor or wine from licensees and to the state line for transportation outside the State. [PL 2013, c. 476, Pt. A, §35 (AMD).]

#### 4. Penalties.

[PL 2003, c. 452, Pt. P, §7 (RP); PL 2003, c. 452, Pt. X, §2 (AFF).]

**5. Forfeiture of malt liquor or wine.** Notwithstanding section 2221-A, if a person fails to appear in court on the date and time specified in response to a Uniform Summons and Complaint issued for a violation of this section, either in person or by counsel, the court shall order the malt liquor or wine imported or transported in excess of that allowed by subsection 1-A or 2 to be forfeited to the State. As part of every adjudication and fine imposed under this section, the court shall order the malt liquor or wine imported or transported in excess of that allowed by subsection 1-A or 2 to be forfeited to the State. Malt liquor or wine forfeited under this subsection must be disposed of as prescribed in section 2229.

[PL 2003, c. 452, Pt. P, §7 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

#### SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §121 (AMD). PL 1989, c. 817, §§2,4 (AMD). PL 1993, c. 266, §§27,28 (AMD). PL 1993, c. 730, §§49,50 (AMD). PL 2003, c. 452, §P7 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2009, c. 373, §§2, 3 (AMD). PL 2011, c. 629, §§37, 38 (AMD).

SENATE

CRAIG V. HICKMAN, DISTRICT 14, CHAIR  
DAVID R. MIRAMANT, DISTRICT 12  
BRADLEET T. FARRIN, DISTRICT 3

JANET STOCCO, LEGISLATIVE ANALYST  
SAMUEL PRAWER, LEGISLATIVE ANALYST  
KAREN MONTELL, COMMITTEE CLERK



HOUSE

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CHRISTOPHER J. CAIAZZO, SCARBOROUGH, CHAIR  
JOYCE McCREIGHT, HARPSWELL  
MORGAN J. RIELLY, WESTBROOK  
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PATRICK W. COREY, WINDHAM  
JOSANNE C. DOLLOFF, MILTON TOWNSHIP

STATE OF MAINE  
ONE HUNDRED AND THIRTIETH LEGISLATURE  
COMMITTEE ON VETERANS AND LEGAL AFFAIRS

MEMORANDUM

TO: Senator Susan A. Deschambault, Senate Chair  
Representative Charlotte Warren, House Chair  
Joint Standing Committee on Criminal Justice and Public Safety

FROM: Senator Craig V. Hickman, Senate Chair  
Representative Christopher J. Caiazzo, House Chair  
Joint Standing Committee on Veterans and Legal Affairs

DATE: February 16, 2022

SUBJECT: Joint Rule 319 Review of LD 1821, *An Act To Protect Public Election Officials*  
(new title)

Thank you for your consideration and review in accordance with Joint Rule 319 of the unanimous committee amendment to LD 1821, *An Act To Protect Public Election Officials* (new title). We understand your review is limited to the impact the new crime established in the amended version of the bill will have on the criminal justice system. This memo focuses on the provisions of the committee's amendment subject to the review required by Joint Rule 319.

The Veterans and Legal Affairs Committee has voted unanimously to support an amendment to LD 1821. Among other changes, the amendment adds to the existing violations and penalties section 21-A M.R.S. §674(2), under the chapter governing the conduct of elections. The amendment provides that it is a Class D crime when a person "intentionally interferes by force, violence or intimidation or by any physical act with any public official who is in fact performing or the person believes is performing an official function relating to a federal, state or municipal election." Further, the amendment addresses a provision in the Criminal Code under 17-A M.R.S. §751, which provides that obstructing government administration is a Class D crime. It specifies that §751 does not apply to a person's intentional interference with an election as described in the proposed amendment to 21-A M.R.S. §674(2).

Please find the bill, amendment and relevant statutes attached. We look forward to meeting with you.



# 130th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2022

Legislative Document

No. 1821

H.P. 1354

House of Representatives, December 17, 2021

### An Act To Make Interfering with an Election Official a Class C Crime

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 15, 2021. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

ROBERT B. HUNT  
Clerk

Presented by Representative WHITE of Waterville.  
Cosponsored by Senator FARRIN of Somerset and  
Representatives: CAIAZZO of Scarborough, DUNPHY of Old Town, MADIGAN of  
Waterville, MORALES of South Portland, MORIARTY of Cumberland, RECKITT of South  
Portland, Senators: BALDACCI of Penobscot, LUCHINI of Hancock.

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

2 **Sec. 1. 17-A MRSA §751, sub-§2**, as amended by PL 1997, c. 351, §2, is further  
3 amended to read:

- 4 2. This section does not apply to:
- 5 A. Refusal by a person to submit to an arrest or detention; ~~or~~
- 6 B. Escape by a person from official custody, as defined in section 755; or
- 7 C. Intentional interference by a person under Title 21-A, section 674, subsection 3,
- 8 paragraph E.

9 **Sec. 2. 21-A MRSA §674, sub-§3, ¶C**, as amended by PL 2003, c. 447, §20, is  
10 further amended to read:

- 11 C. Votes by using the name of another; ~~or~~

12 **Sec. 3. 21-A MRSA §674, sub-§3, ¶D**, as enacted by PL 2003, c. 447, §21, is  
13 amended to read:

- 14 D. Attempts to vote by using the name of another; or

15 **Sec. 4. 21-A MRSA §674, sub-§3, ¶E** is enacted to read:

- 16 E. Intentionally interferes by force, violence or intimidation or by any physical act
- 17 with any public official who is in fact performing or the person believes is performing
- 18 an official function relating to a federal, state or municipal election.

19 **SUMMARY**

20 This bill provides that a person commits a Class C crime if that person intentionally  
21 interferes by force, violence or intimidation or by any physical act with a public official  
22 who is in fact performing or the person believes is performing an official function relating  
23 to a federal, state or municipal election. Current law provides that a person is guilty of  
24 obstructing government administration, which is a Class D crime, if the person  
25 intentionally interferes by force, violence or intimidation or by any physical act with a  
26 public servant performing or purporting to perform an official function.

21

Committee: VLA  
LA: JS  
File Name: G:\COMMITTEES\VLA\Bill amendments\130th 2nd\234602.docx  
LR (item)#: 2346(02)  
New Title? Yes  
Date: 2/7/22

**Unanimous committee amendment to LD 1821**

Changes to bill shown highlighted

**'An Act To ~~Make Interfering with an Election Official a Class C Crime~~ Protect Public Election Officials**

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

**Sec. 1. 17-A MRSA §751, sub-§2**, as amended by PL 1997, c. 351, §2, is further amended to read:

2. This section does not apply to:

- A. Refusal by a person to submit to an arrest or detention; or
- B. Escape by a person from official custody, as defined in section 755; or
- C. Intentional interference by a person under Title 21-A, section 674, subsection 2, paragraph E.

**Sec. 2. 21-A MRSA §674, sub-§3, ¶C**, as amended by PL 2003, c. 447, §20, is further amended to read:

~~C. Votes by using the name of another; or~~

**Sec. 3. 21-A MRSA §674, sub-§3, ¶D**, as enacted by PL 2003, c. 447, §21, is amended to read:

~~D. Attempts to vote by using the name of another; or~~

**Sec. 2. 21-A MRSA §1, sub-§34**, is amended to read:

**34. Public official.** "Public official" means a person elected or appointed to serve the people, including but not limited to, an election official, municipal clerk or registrar.

**Sec. 3. 21-A MRSA §101, sub-§9** is amended to read:

**9. Training.** The registrar must attend a training session that is approved by the Secretary of State at least once every 2 years in regard to the conduct of voter registration. The training must include, but is not limited to, training on the de-escalation of conflicts and the process for reporting threats to or harassment of public officials related to the conduct of federal, state or municipal elections to the Secretary of State.

**Sec. 4. 21-A MRSA §505, sub-§7-A** is amended to read:

**7-A. Training.** Attend a training session that is approved by the Secretary of State at least once every 2 years in regard to the conduct of elections. The training must include, but is not limited to, training on the de-

22

escalation of conflicts and the process for reporting threats to or harassment of public officials related to the conduct of federal, state or municipal elections to the Secretary of State. The Secretary of State shall offer training sessions regionally at least once every 2 years at no fee. The Secretary of State shall encourage municipalities to provide training biennially to all election officials; and

Sec. 4 5. 21-A MRS §674, sub-§3 2, ¶E is enacted to read:

E. Intentionally interferes by force, violence or intimidation or by any physical act with any public official who is in fact performing or the person believes is performing an official function relating to a federal, state or municipal election.

Sec. 6. 21-A MRS §674-A is enacted to read:

**§674-A. Reports of threats or harassment**

**1. Reporting of threats or harassment.** The Secretary of State shall accept and maintain a record of reports of threats to or harassment of public officials related to the conduct of federal, state or municipal elections in the State. The Secretary of State shall adopt routine technical rules, as defined in Title 5, chapter 375, subchapter 2-A, regarding the process for submitting reports pursuant to this subsection.

**2. Annual report.** Beginning February 1, 2023, and annually thereafter, the Secretary of State shall report the number and type of reports of threats to or harassment of public officials received by the Secretary of State during the previous calendar year to the joint standing committee of the Legislature having jurisdiction over election matters.

**SUMMARY**

This amendment makes the new crime of intentionally interfering by force, violence or intimidation with a public official who is in fact performing or who the person believes is performing an official function relating to a federal, state or municipal election a Class D crime, rather than a Class C crime as proposed in the bill. It also clarifies that the public officials the new crime is designed to protect include election officials, municipal clerks and registrars of voters.

The amendment further directs the Secretary of State to develop, by rule, a process for reporting election-related threats to or harassment of public officials and to annually report the number and type of the reports received by the Secretary of State during the previous calendar year to the joint standing committee of the Legislature having jurisdiction over elections matters. Finally, the amendment requires the Secretary of State to incorporate de-escalation training and information on how to report election-related threats to and harassment of public officials to the Secretary of State in the training provided to municipal clerks and registrars of voters.

**§674. Violations and penalties**

**1. Class E crime.** A person commits a Class E crime if that person:

A. Knowingly removes a ballot from a voting place on election day except as authorized by this Title; [PL 1993, c. 473, §18 (RPR); PL 1993, c. 473, §46 (AFF).]

B. Interferes with a voter attempting to cast a vote; [PL 2003, c. 447, §14 (AMD).]

B-1. Interferes with a voter in marking that voter's ballot; [PL 2003, c. 447, §15 (NEW).]

B-2. Attempts to influence a voter in marking that voter's ballot; [PL 2003, c. 447, §15 (NEW).]

C. Assists or offers to assist another person at the voting place in marking that other person's ballot, unless the person has been requested to do so by the warden or ward clerk; or [PL 1993, c. 473, §18 (RPR); PL 1993, c. 473, §46 (AFF).]

D. [PL 2011, c. 342, §23 (RP).]

E. [PL 1993, c. 473, §18 (RP); PL 1993, c. 473, §46 (AFF).]

F. [PL 1993, c. 473, §18 (RP); PL 1993, c. 473, §46 (AFF).]

G. Having been entrusted with another voter's marked ballot, intentionally or knowingly discloses the content of that ballot to another person. [PL 2011, c. 342, §24 (NEW).]

[PL 2011, c. 342, §§23, 24 (AMD).]

**2. Class D crime.** A person commits a Class D crime if that person:

A. Assists another person in voting, knowing that the other person is not eligible to vote. [PL 2003, c. 447, §16 (AMD).]

B. [PL 2003, c. 474, §17 (RP).]

C. [PL 1993, c. 473, §18 (RP); PL 1993, c. 473, §46 (AFF).]

D. [PL 1993, c. 473, §18 (RP); PL 1993, c. 473, §46 (AFF).]

[PL 2003, c. 447, §§16, 17 (AMD).]

**3. Class C crime.** A person commits a Class C crime if that person:

A. Knowingly causes a delay in the registration or enrollment of another or knowingly causes a delay in the delivery of an absentee ballot or absentee ballot application with the intent to prevent a person from voting or to render that person's vote ineffective; [PL 1993, c. 473, §18 (NEW); PL 1993, c. 473, §46 (AFF).]

B. Votes knowing that the person is not eligible to do so; [PL 2003, c. 447, §18 (AMD).]

B-1. Attempts to vote knowing that the person is not eligible to do so; [PL 2003, c. 447, §19 (NEW).]

B-2. Having once voted, whether within or outside this State, again votes at the same election; [PL 2003, c. 447, §19 (NEW).]

B-3. Having once voted, whether within or outside this State, attempts to vote at the same election; [PL 2003, c. 447, §19 (NEW).]

C. Votes by using the name of another; or [PL 2003, c. 447, §20 (AMD).]

D. Attempts to vote by using the name of another. [PL 2003, c. 447, §21 (NEW).]

[PL 2003, c. 447, §§18-21 (AMD).]

**4. Class B crime.** A person commits a Class B crime if that person:



A. Tamper with ballots or voting lists or opens or breaks a seal of a sealed box or packages of ballots or voting lists with the intent of changing the outcome of any election, except as permitted by this Title. [PL 1993, c. 473, §18 (NEW); PL 1993, c. 473, §46 (AFF).]  
[PL 1993, c. 473, §18 (NEW); PL 1993, c. 473, §46 (AFF).]

#### SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1993, c. 473, §18 (RPR). PL 1993, c. 473, §46 (AFF). PL 2003, c. 447, §§14-21 (AMD). PL 2011, c. 342, §§23, 24 (AMD).

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PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.

**§751. Obstructing government administration**

1. A person is guilty of obstructing government administration if the person intentionally interferes by force, violence or intimidation or by any physical act with a public servant performing or purporting to perform an official function.

[PL 2003, c. 657, §5 (AMD).]

2. This section does not apply to:

A. Refusal by a person to submit to an arrest or detention; or [PL 1997, c. 351, §2 (AMD).]

B. Escape by a person from official custody, as defined in section 755. [PL 1975, c. 499, §1 (NEW).]

[PL 1997, c. 351, §2 (AMD).]

3. Obstructing government administration is a Class D crime.

[PL 1975, c. 499, §1 (NEW).]

**SECTION HISTORY**

PL 1975, c. 499, §1 (NEW). PL 1997, c. 351, §2 (AMD). PL 2003, c. 657, §5 (AMD).

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GLENN "CHIP" CURRY, DISTRICT 11  
RUSSELL BLACK, DISTRICT 17

JULIA MACDONALD, LEGISLATIVE ANALYST  
LINDA LACROIX, COMMITTEE CLERK



HOUSE

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CATHY R. NADEAU, WINSLOW

STATE OF MAINE  
ONE HUNDRED AND THIRTIETH LEGISLATURE  
COMMITTEE ON INLAND FISHERIES AND WILDLIFE

DATE: March 10, 2022

TO: Senator Susan D Deschambault, Senate Chair  
Representative Charlotte Warren, House Chair  
Joint Standing Committee on Criminal Justice and Public Safety

FROM: Senator James F. Dill, Senate Chair *JD, (Jm)*  
Representative H. Scott Landry, House Chair *SL (Jm)*  
Joint Standing Committee on Inland Fisheries and Wildlife

RE: Joint Rule 319 Review of  
LD 1951 An Act Related To Hunting Dogs and Civil Trespass  
LD 1663 An Act to Improve Boater Safety on Maine Waters as amended

The Joint Standing Committee on Inland Fisheries and Wildlife requests the Criminal Justice and Public Safety Committee to review the following bills and related amendment pursuant to Joint Rule 319.

The bills and related amendment are attached.

• **LD 1951 An Act Related to Hunting Dogs and Civil Trespass, Committee Bill**

This bill provides that a person who hunts with dogs without a permit commits a civil violation punishable by fine. A person who hunts with dogs without a permit after having been adjudicated as having committed three or more civil violations of Part 13 (the IFW laws) in the previous 5-year period commits a Class E crime.

The bill also provides that a person who trains hunting dogs without a collar with a functioning global positioning system tracker and that legibly provides the name, telephone number and address of the owner of that dog commits a civil violation punishable by fine and that a person who violates this provision after having been

adjudicated as having committed three or more civil violations under Part 13 (the IFW laws) in the previous 5-year period commits a Class E crime.

These Class E crimes for repeated civil offenses are in alignment with the penal scheme of Title 12, Part 13 (the IFW laws) relating to repeated civil offenses. For instance: trapping near certain buildings, section 12253 (3-A); trapping bear near dumps, section 12260 (6); hunting on state game farm, section 11219; operating a motorboat without a certificate of number, section 13056(1-A); operating a motorboat without validation stickers, section 13056(1-B); holding a boat race without a permit, section 13061 (1).

- **LD 1663 An Act to Improve Boater Safety on Maine Waters**, as amended by majority vote of the committee

The majority amendment on this bill provides that, beginning January 1, 2024, a person born on or after January 1, 1999 may not supervise a person under the age of 12 who operates a motorboat propelled by machinery capable of producing more than 10 horsepower upon inland waters of the State unless that supervisor is at least 16 years of age and has completed a boater safety and education course. A person who violates this provision after having been adjudicated as having committed three or more civil violations under Part 13 (the IFW laws) in the previous 5-year period commits a Class E crime

The amendment also establishes, beginning on January 1, 2024, a mandatory boating safety and education course requirement for a person of at least 12 years of age born on or after January 1, 1999 to operate a motorboat capable of producing more than 25 horsepower on inland waters of the State. A person who violates this provision after having been adjudicated as having committed three or more civil violations under Part 13 (the IFW laws) in the previous 5-year period commits a Class E crime

Finally, the amendment requires, beginning January 1, 2024, anyone born on or after January 1, 1999, who is 16 years of age or older, to complete a boater safety and education court in order to operate a personal watercraft on inland waters of the State. A person who violates this provision after having been adjudicated as having committed three or more civil violations under Part 13 (the IFW laws) in the previous 5-year period commits a Class E crime

Again, these Class E crimes for repeated civil offenses are in alignment with the penal scheme of Title 12, Part 13 (the IFW laws) relating to repeated civil offenses.

We appreciate your review and are happy to answer any questions.

Thank you for your consideration.

#### Attachments

LD 1951 An Act Related to Hunting Dogs and Civil Trespass

LD 1663 An Act Related To Boater Safety as amended by the majority vote



# 130th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2022

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Legislative Document

No. 1951

H.P. 1454

House of Representatives, January 26, 2022

### An Act Related to Hunting Dogs and Civil Trespass

---

Reported by Representative LANDRY of Farmington for the Joint Standing Committee on Inland Fisheries and Wildlife pursuant to Resolve 2021, chapter 77, section 2.

Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed pursuant to Joint Rule 218.

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT

Clerk

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

2 Sec. 1. 12 MRSA §10265, as amended by PL 2019, c. 501, §7, is further amended  
3 to read:

4 **§10265. Landowner Relations Fund**

5 The Landowner Relations Fund, referred to in this section as "the fund," is established  
6 within the department as a nonlapsing fund to be used by the commissioner to fund or assist  
7 in funding the landowner relations program established pursuant to section 10108,  
8 subsection 4-A and the Keep Maine Clean program established in section 10108,  
9 subsection 4-B. All funds from fees collected under section 10108, subsection 4-A,  
10 paragraph C and money accepted by the commissioner pursuant to section 10108,  
11 subsection 4-B must be deposited in the fund. Funds from fees collected under section  
12 11163, subsection 3, after the deduction of any administrative costs incurred in collecting  
13 the fees, must be deposited in the fund. The fund receives any other funds appropriated or  
14 allocated to the fund. The commissioner may accept and deposit into the fund monetary  
15 gifts, donations or other contributions from public or private sources for the purposes  
16 specified in this section. The fund must be held separate and apart from all other money,  
17 funds and accounts.

18 Sec. 2. 12 MRSA §10657-A is enacted to read:

19 **§10657-A. Civil trespass with hunting dog**

20 **1. Definitions.** For the purposes of this section, unless the context otherwise indicates,  
21 the following terms have the following meanings.

22 A. "Dog handler" means a person involved in releasing a dog to pursue a wild animal,  
23 including but not limited to the owner of the dog and any person involved in  
24 transporting, loading, unloading, catching, restraining, releasing or tracking the dog.

25 B. "Turn a hunting dog loose" means to release or to be involved as a dog handler in  
26 the release of a dog to pursue a wild animal for the purposes of hunting the wild animal  
27 or in order to train the dog in hunting wild animals and includes but is not limited to  
28 the release of the dog to join other dogs already in pursuit of the wild animal.

29 **2. Prohibition.** While engaging in any activity regulated under this Part, a person may  
30 not turn a hunting dog loose in pursuit of a bear, coyote, bobcat, fox or raccoon:

31 A. Onto the property of another if:

32 (1) The landowner or the landowner's agent has personally communicated to a dog  
33 handler of the dog that the landowner does not want a hunting dog released onto  
34 that property; or

35 (2) The property is posted in accordance with Title 17-A, section 402, subsection  
36 4 or in a manner reasonably likely to come to the attention of a person, unless a  
37 dog handler of the dog has express permission from the landowner or the  
38 landowner's agent to turn a hunting dog loose onto that property; or

39 B. In a manner that results in the hunting dog entering the property of another, if a  
40 hunting dog has been previously found on that property and any dog handler of the  
41 hunting dog has been notified in writing by a law enforcement officer within the  
42 previous 365 days that the landowner does not permit hunting dogs on that property.

1           **3. Civil penalties.** The following penalties apply to violations of this section.  
2           A. A person who violates this section commits a civil violation for which a fine of not  
3           less than \$250 and not more than \$500 may be adjudged.  
4           B. A person who violates this section after having been adjudicated of violating this  
5           section in the prior 365 days commits a civil violation for which a fine of not less than  
6           \$500 and not more than \$1,000 may be adjudged.  
7           **Sec. 3. 12 MRSA §10902, sub-§6, ¶I,** as amended by PL 2013, c. 538, §7, is  
8 further amended to read:  
9           I. Hunting bear over another person's bait without written permission of that person in  
10 violation of section 11301, subsection 1-A; ~~or~~  
11           **Sec. 4. 12 MRSA §10902, sub-§6, ¶J,** as enacted by PL 2013, c. 538, §8, is  
12 amended to read:  
13           J. Hunting or any violation of section 10906 while that person's license is revoked; or  
14           **Sec. 5. 12 MRSA §10902, sub-§6, ¶K** is enacted to read:  
15           K. A 2nd violation of civil trespass with a hunting dog in violation of section 10657-A.  
16           **Sec. 6. 12 MRSA §10902, sub-§7-D** is enacted to read:  
17           7-D. Civil trespass with hunting dog. The commissioner shall revoke the dog  
18           training and hunting permit of a person convicted or adjudicated of civil trespass with a  
19           hunting dog in violation of section 10657-A, and that person is ineligible to obtain a dog  
20           training and hunting permit under section 11163 as follows:  
21           A. For a first offense, for a period of one year from the date of adjudication; and  
22           B. For a 2nd offense, for a period of 2 years from the date of adjudication.  
23           **Sec. 7. 12 MRSA §11163** is enacted to read:  
24           **§11163. Dog training and hunting permit**  
25           1. Permit required. Except as otherwise authorized pursuant to this Part, a person  
26           may not train a hunting dog on bear, fox or raccoon or hunt bear, coyote, bobcat, fox or  
27           raccoon with a dog without a valid dog training and hunting permit issued under this  
28           section. A person who is training or hunting with a dog under the supervision of and in the  
29           presence of a licensed guide who has a valid dog training and hunting permit is exempt  
30           from this subsection.  
31           2. Issuance of permit. The commissioner or the commissioner's authorized agent  
32           shall issue a dog training and hunting permit to an applicant 16 years of age or older  
33           permitting the applicant to hunt with or train dogs. A person under 16 years of age may,  
34           without a dog training and hunting permit, hunt with or train dogs in accordance with this  
35           Part.  
36           3. Fee. The fee for a dog training and hunting permit is \$12.  
37           4. Violations. The following penalties apply to violations of this section.  
38           A. A person who violates this section commits a civil violation for which a fine of not  
39           less than \$100 and not more than \$500 may be adjudged.





1           1. It requires a person to obtain a permit to train a hunting dog on bear, fox or raccoon  
2 or hunt bear, coyote, bobcat, fox or raccoon with a dog. It exempts from the permit  
3 requirement a person with a junior hunting license and persons hunting or training with a  
4 guide. It provides for penalties for failure to have a permit and provides that permit fees are  
5 deposited into the Landowner Relations Fund.

6           2. It requires a person training a dog in pursuit of a bear, fox or raccoon to have a collar  
7 on the dog with a functioning global positioning system tracker and a collar that legibly  
8 provides the name, telephone number and address of the owner of that dog.

9           3. It requires a person hunting with a dog in pursuit of a bear, coyote, bobcat, fox or  
10 raccoon to have a collar on the dog that has a functioning global positioning system tracker  
11 and adds foxes and raccoons to the list of wild animals a person may not hunt with a dog  
12 unless the dog has a collar that legibly provides the name, telephone number and address  
13 of the owner of the dog.

14           4. It limits hunting foxes or raccoons with dogs to not more than 6 dogs.

15           5. It prohibits certain types of trespass by a hunting dog. A person may not turn a  
16 hunting dog loose in pursuit of a bear, coyote, bobcat, fox or raccoon:

17           A. Onto the property of another if the property is posted or if the landowner has notified  
18 the dog handler that hunting dogs are not allowed on the property; or

19           B. In a manner that results in the hunting dog entering the property of another, if a  
20 hunting dog has been previously found on that property and any dog handler of the  
21 hunting dog has been notified in writing by a law enforcement officer within the  
22 previous 365 days that the landowner does not permit hunting dogs on the property.



# 130th MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2021

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Legislative Document

No. 1663

H.P. 1234

House of Representatives, May 5, 2021

### An Act To Improve Boating Safety on Maine Waters

---

Received by the Clerk of the House on May 3, 2021. Referred to the Committee on Inland Fisheries and Wildlife pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Robert B. Hunt*  
ROBERT B. HUNT  
Clerk

Presented by Representative FAY of Raymond.  
Cosponsored by Representatives: McDONALD of Stonington, RISEMAN of Harrison,  
THERIAULT of China, Senator: DIAMOND of Cumberland.

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

2 Sec. 1. 12 MRSA §13068-A, sub-§3, as enacted by PL 2003, c. 655, Pt. B, §380  
3 and affected by §422, is amended to read:

4 3. **Operating motorboat other than personal watercraft while underage.** A Until  
5 January 1, 2023, a person under 12 years of age may not operate a motorboat propelled by  
6 machinery of more than 10 horsepower unless under the immediate supervision of a person  
7 located in the motorboat who is at least 16 years of age.

8 This subsection does not apply to operating a personal watercraft.

9 A. A person who violates this subsection commits a civil violation for which a fine of  
10 not less than \$100 nor more than \$500 may be adjudged.

11 B. A person who violates this subsection after having been adjudicated as having  
12 committed 3 or more civil violations under this Part within the previous 5-year period  
13 commits a Class E crime.

14 Sec. 2. 12 MRSA §13068-A, sub-§3-A is enacted to read:

15 **3-A. Operating motorboat other than personal watercraft; boating safety**  
16 **education.** Beginning January 1, 2023, a person born after January 1, 2002 may not  
17 operate a motorboat propelled by machinery of more than 10 horsepower unless that person  
18 has met the requirements under this subsection.

19 A. A person under 16 years of age may not operate a motorboat propelled by  
20 machinery of more than 10 horsepower unless the person is under the supervision of a  
21 person located in the motorboat who is at least 18 years of age and who has in the  
22 person's possession:

23 (1) A certificate of boating safety education issued to that person in accordance  
24 with rules adopted by the department; or

25 (2) A valid Maine guide license or an unexpired license to operate a commercial  
26 vessel issued to that person by this State or the United States Coast Guard.

27 B. A person 16 years of age or older may not operate a motorboat propelled by  
28 machinery of more than 10 horsepower unless the person has in the person's  
29 possession:

30 (1) A certificate of boating safety education issued to that person in accordance  
31 with rules adopted by the department; or

32 (2) A valid Maine guide license or an unexpired license to operate a commercial  
33 vessel issued to that person by this State or the United States Coast Guard.

34 C. The following penalties apply to violations of this subsection and rules adopted  
35 under this subsection.

36 (1) A person who violates this subsection or rules adopted pursuant to this  
37 subsection commits a civil violation for which a fine of not less than \$100 and not  
38 more than \$500 may be adjudged.

39 (2) A person who violates this subsection or rules adopted pursuant to this  
40 subsection after having been adjudicated as having committed 3 or more civil

1 violations under this Part within the previous 5-year period commits a Class E  
2 crime.

3 The department shall adopt rules necessary to implement this subsection. Rules adopted  
4 under this subsection must include options for meeting the boating safety education  
5 requirements of this subsection, including a list of approved boating safety education  
6 courses that issue certifications to persons who complete the course and one or more  
7 boating safety courses offered by the department and made available online that meet the  
8 guidelines established by a national association of state boating law administrators and  
9 include information on laws specific to the State. The rules must provide for the issuance  
10 of a certificate, upon payment of a reasonable fee, to a person who completes a boating  
11 safety education course offered by the department.

12 Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter  
13 375, subchapter 2-A.

14 This subsection does not apply to operating a personal watercraft.

15 **Sec. 3. 12 MRSA §13071-A, sub-§5**, as enacted by PL 2005, c. 536, §1 and  
16 affected by §3, is amended to read:

17 **5. Operating personal watercraft while ~~16 years of age or older and under 18~~**  
18 **~~years of age; boater boating safety education.~~** The following provisions apply to  
19 operating a personal watercraft by a person 16 years of age or older and under 18 years of  
20 age.

21 A. ~~A~~ Until January 1, 2023, a person 16 years of age or older and under 18 years of  
22 age may not operate a personal watercraft unless:

23 (1) That person is accompanied by a person 18 years of age or older who physically  
24 occupies the personal watercraft; or

25 (2) While operating the personal watercraft, that person possesses on that person  
26 identification showing proof of age and proof of successful completion of a ~~boater~~  
27 boating safety education course approved by a national association of state boating  
28 law administrators, including but not limited to courses offered by the U.S. United  
29 States Coast Guard Auxiliary or other organizations approved by the commissioner  
30 for providing boater boating safety education courses. The commissioner shall  
31 establish a list of approved organizations for providing boater boating safety  
32 education courses and make that list readily available to the public.

33 A-1. Beginning January 1, 2023, a person 16 years of age or older, born after January  
34 1, 2002, may not operate a personal watercraft unless the person has in the person's  
35 possession a certificate of boating safety education issued in accordance with rules  
36 adopted by the department.

37 The department shall adopt rules necessary to implement this paragraph. Rules adopted  
38 under this paragraph must include options for meeting the boating safety education  
39 requirements of this paragraph, including a list of approved boating safety education  
40 courses that issue certifications to persons who complete the course and one or more  
41 boating safety courses offered by the department and made available online that meet  
42 the guidelines established by a national association of state boating law administrators  
43 and include information on laws specific to the State. The rules must provide for the

1 issuance of a certificate, upon payment of a reasonable fee, to a person who completes  
2 a boating safety education course offered by the department.

3 Rules adopted under this paragraph are routine technical rules pursuant to Title 5,  
4 chapter 375, subchapter 2-A.

5 B. The following penalties apply to violations of this subsection.

6 (1) A person who violates this subsection commits a civil violation for which a  
7 fine of not less than \$100 and not more than \$500 may be adjudged.

8 (2) A person who violates this subsection after having been adjudicated as having  
9 committed 3 or more civil violations under this Part within the previous 5-year  
10 period commits a Class E crime.

11 **SUMMARY**

12 This bill creates a mandatory boating safety course requirement for individuals born  
13 after January 1, 2002 for the operation of motorboats propelled by machinery over 10  
14 horsepower on Maine waters beginning January 1, 2023. The bill establishes a minimum  
15 age of 16 for operation of a motorboat propelled by machinery over 10 horsepower and  
16 requires the Department of Inland Fisheries and Wildlife to establish a program for boating  
17 safety education certification. This bill also requires a mandatory boating safety course for  
18 an individual born after January 1, 2002 who operates a personal watercraft.

Committee: IFW  
Drafter: JM  
File Name: G:\COMMITTEES\IFW\Bill amendments\130th R2\54002  
LR (item)#: 540(02)  
New title: Yes  
Add Emergency: no  
Date: 3/3/22

LD 1663  
Majority Committee Report

**Amend the title to read:  
An Act to Improve Boating Safety on Maine Waters**

Be it enacted by the state of Maine as follows:

Amend the bill by striking everything after the enacting clause and before the summary and replace with the following:

**Sec. 1. 12 MRSA §13001, sub-§6-A, is enacted as follows:**

6-A Boater safety and education course. “Boater safety and education course” means an online or in-person education course that:

- A. Provides basic information for recreational boaters about how to identify and reduce primary boating risk factors and mitigate the effects of recreational boating; and
- B. Meets a national association of boating law administrators standard and is approved by the commissioner pursuant to section 13052 subsection 2.

6-B Boater safety and education course certificate. “Boater safety and education course certificate” means a certificate or other evidence of completion of a boater safety and education course specified or approved by the commissioner pursuant to section 13052 subsection 2.

**Sec 2. 12 MRSA §13052, sub§2 is amended to read:**

**2. Promote safety; education courses.** The commissioner shall promote safety for persons and property in connection with the use and operation of watercraft. The commissioner, in accordance with section 13051, shall implement the boater safety and education course requirements of this chapter.

**Sec. 3 12 MRSA §13068-A, sub-§3-A is enacted to read:**

3-A. Supervising a young person. Beginning January 1 2024, a person born on or after January 1 1999, who is at least 16 years of age, may not supervise a person in accordance with subsection 3 unless that supervisor completed a boater safety and education course.

This subsection does not apply to the operation of personal watercraft.

- A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

B. A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

Sec. 4 12 MRSA Section §13068-A is enacted to read:

**17. Operating a motorboat without a boater safety and education certificate.** The following provisions apply to operating a motorboat.

A. Except as provided in paragraph C, beginning January 1, 2024, a person born on or after January 1, 1999 and at least 12 years of age may not operate a motorboat propelled by machinery capable of producing more than 25 horsepower upon inland waters of this state unless that person

- (1) Has completed a boater safety and education course; and
- (2) Possesses and presents for inspection upon request to law enforcement officer a boater safety and education course certificate.

B. The following penalties apply to violations of this subsection.

- (1) A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.
- (2) A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

C. A person is not required to meet the boater education and safety course requirement of this subsection if the person:

- (1) Possesses a valid Maine Guide license and has met the requirements for carry passengers for hire under section 13063; or
- (2) Possesses a valid maritime license of any type that the commissioner determines, pursuant to section 13052 subsection 2, to meet the boater safety education purposes of this subsection.

Sec. 5 12 MRSA §13071-A, sub-§5, is amended to read:

**5. Personal watercraft while 16 years of age or older and under 18 years of age; boater education.** Until January 1, 2024 the following provisions apply to operating a personal watercraft by a person 16 years of age or older and under 18 years of age.

A. A person 16 years of age or older and under 18 years of age may not operate a personal watercraft unless:

- (1) That person is accompanied by a person 18 years of age or older who physically occupies the personal watercraft; or
- (2) While operating the personal watercraft, that person possesses on that person identification showing proof of age and proof of successful completion of a boater safety education course approved by a national association of state boating law administrators, including but not limited to courses offered by the U.S. Coast Guard Auxiliary or other organizations approved by the commissioner for providing boater safety education courses. The commissioner shall establish a list of approved organizations for providing boater safety education courses and make that list readily available to the public.

B. The following penalties apply to violations of this subsection.

- (1) A person who violates this subsection commits a civil violation for which a fine of not less than \$100 and not more than \$500 may be adjudged.
- (2) A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

This subsection is repealed on January 1, 2024.

Sec. 6 12 MRSA §13071-A, sub-§5-A, is enacted to read:

**5-A. Operating personal watercraft while 16 years of age or older; boater safety and education course requirement.** Beginning January 1, 2024, a person born on or after January 1 1999, who is 16 years of age or older, may not operate a personal watercraft on inland waters of the state unless that person has completed a boater safety and education course.

A. The following penalties apply to violations of this subsection.

- (1) A person who violates this subsection commits a civil violation for which a fine of not less than \$100 and not more than \$500 may be adjudged.
- (2) A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

**Sec. 7. Stakeholder group on Boater Safety and Education Course Implementation.**

The commissioner of Inland Fisheries and Wildlife shall convene a stakeholder group on issues related to boater safety and education on inland waters of the state, referred to in this section as "the stakeholder group."

**1. Formation.** The commissioner shall invite the following to serve as members of the stakeholder group: a representative from the marine trades, a representative from a sportsman's group, a representative of the Department of Marine Resources, a legislator, a representative of a group dedicated to lake water quality and any other members determined as suitable by the commissioner. The commissioner or the commissioner's designee shall serve as chair of the stakeholder group. The chair shall call and convene the first meeting of the stakeholder group no later than 30 days following the effective date of this section.



**2. Duties.** The stakeholder group:

- A. Shall examine and determine whether persons of a certain age should be exempt from the boater safety and education course requirement;
- B. Shall examine any boater safety and education course implementation issues, including the effect of boater safety and education on inland and tidal waters of the State; and
- C. May examine any related issues that the stakeholder group determines appropriate.

**3. Staff; information.** The commissioner shall provide necessary staffing services to the stakeholder group.

**4. Report.** By January 15, 2023, the commissioner shall report to the joint standing committee having jurisdiction over Inland Fisheries and Wildlife matters the findings and recommendations of the stakeholder group, including any recommended legislation, if needed. After receiving the report, the committee may report out a bill relating to boater education and safety to the 131th Legislature in 2023.

**SUMMARY**

This amendment replaces the bill. The amendment does the following:

- 1. Beginning on January 1, 2024, it creates a mandatory boating safety and education course requirement for a person of at least 12 years of age born on or after January 1, 1999 to operate a motorboat of more than 25 capable of producing more than 25 horsepower on inland waters of the state;
- 2. Beginning January 1, 2024, it requires anyone born on or after January 1, 1999, who is 16 years of age or older, to complete a boater safety and education course to operate a personal watercraft on inland waters of the state;
- 3. Beginning January 1, 2024, a person born after 1999 may not supervise a person under the age of 12 who operates a motorboat propelled by machinery capable of producing of more 10 horsepower upon inland waters of the state unless that supervisor is at least 16 years of age and has completed a boater safety and education course;
- 4. Requires the Department of Inland Fisheries and Wildlife to convene a stakeholder group on boating safety and education. The Department of Inland Fisheries and Wildlife is required to provide a report to the Legislature by January 3, 2024 on their findings. After receiving the report, the committee with jurisdiction over inland fisheries and wildlife matters has authority to report out a bill relating to boating safety to the Second Regular Session of the 131<sup>st</sup> Legislature in 2023.

SENATE

HOUSE

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HEATHER B. SANBORN, DISTRICT 28  
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SUSAN PINETTE, COMMITTEE CLERK

STATE OF MAINE  
ONE HUNDRED AND THIRTIETH LEGISLATURE  
COMMITTEE ON JUDICIARY

March 15, 2022

TO: Senator Susan A. Deschambeault, Senate Chair  
Representative Charlotte Warren, House Chair  
Joint Standing Committee on Criminal Justice and Public Safety

FROM: Senator Anne Carney, Senate Chair  
Representative Thom Harnett, House Chair  
Joint Standing Committee on Judiciary

Re: Joint Rule 319 Review of LD 1899, An Act To Ensure Safe Entry and Access for People Seeking Health Care and Other Constitutional Rights

Thank you for your consideration and review in accordance with Joint Rule 319 of the majority report for LD 1899, An Act To Ensure Safe Entry and Access for People Seeking Health Care and Other Constitutional Rights. A copy of the bill and the draft majority report are attached. We understand your review is limited to the impact this bill as amended will have on the criminal justice system.

The majority report includes a clarifying amendment to the bill; the bill itself establishes two new Class E crimes within the Maine Civil Rights Act.

LD 1899 amends the existing law providing protection from the interference with persons accessing health services, which is part of the Maine Civil Rights Act (MCRA). A copy of the current law is attached. The current remedies for violations of the MCRA are injunctive relief, which can be sought by the Attorney General, a civil penalty of up to \$5,000 and possibly attorney's fees to the prevailing party (other than the State). If an injunction is issued and the subject of the injunction then violates it, the person commits a Class D crime. These remedies are available for all violations of the MCRA.

The bill establishes a Class E crime for the conduct that is already prohibited in 5 §4684-B, sub-§2 to intentionally interfere or attempt to intentionally interfere with the exercise or enjoyment of constitutional or state law rights by engaging in the specific listed conduct, including obstructing access to the building and intentionally making noise that can be heard within the building with the intent to jeopardize the health of those receiving health services in the building or to interfere with the safe and effective delivery of those services. The person making the noise violates the law once the person is ordered by a police officer to cease making the noise.

The bill creates a “medical safety zone” of the area extending eight feet from the entrance of a building in which patients receive health services. At the request of the provider, the municipality is required to mark the boundaries of the medical safety zone. The majority amendment clarifies that the zone is measured from the center of the door. The bill establishes a Class E crime for new prohibited conduct introduced by the bill: Knowingly entering into, remaining in or creating an obstruction in a “medical safety zone” during the posted hours of operation of the provider of a health service, with certain exceptions for those authorized to be there.

The Attorney General supports the creation of these two new Class E crimes. His testimony provides:

The bill will better deter conduct that violates the rights of patients, by making intentional and knowing violations a Class E crime. Previously, the state’s remedy was a civil injunctive action, typically requesting that the offender merely stay away from the facility or victim, and a civil penalty. Those civil remedies have proven ineffective in terminating the continued cycle of violations directed at reproductive health care facilities.

The heightened passion of the national debate and the risk of violence at health care facilities have not abated since the enactment of the additional protections over 20 years ago. As additional restrictions on reproductive rights emerge nationwide, we anticipate that pressure will only increase on facilities in Maine that provide reproductive health services. We need effective tools to protect the rights of all Maine people to access health care without harassment, intimidation, or threats of violence

In these situations, we have to balance the First Amendment rights of protesters with the patient’s right to access medical care

In short, the establishment of the Class E crimes is intended to stop the violative behavior because of the threat of a criminal prosecution and penalty for violating a patient’s rights guaranteed by our constitutions and laws. The deterrence effect will have great value as the bill provides greater protection to patients than the current law.

Thank you for your consideration. We are happy to answer any questions.



# 130th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2022

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Legislative Document

No. 1899

H.P. 1406

House of Representatives, January 5, 2022

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### An Act To Ensure Safe Entry and Access for People Seeking Health Care and Other Constitutional Rights

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Judiciary suggested and ordered printed.

ROBERT B. HUNT  
Clerk

Presented by Representative McCREIGHT of Harpswell.  
Cosponsored by Senator DAUGHTRY of Cumberland and  
Representatives: Speaker FECTEAU of Biddeford, HARNETT of Gardiner, MEYER of Eliot,  
RECKITT of South Portland, TALBOT ROSS of Portland, TEPLER of Topsham, Senators:  
CARNEY of Cumberland, VITELLI of Sagadahoc.

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

2 Sec. 1. 5 MRSA §4684-B, sub-§1, ¶B-1 is enacted to read:

3 B-1. "Medical safety zone" means an area extending 8 feet from the entrance of a  
4 building in which patients receive health services.

5 Sec. 2. 5 MRSA §4684-B, sub-§2, as enacted by PL 1995, c. 417, §3, is amended  
6 to read:

7 ~~2. Violation~~ Intentional violation. It is a violation of this ~~section~~ subsection for any  
8 person, whether or not acting under color of law, to intentionally interfere or attempt to  
9 intentionally interfere with the exercise or enjoyment by any other person of rights secured  
10 by the United States Constitution or the laws of the United States or of rights secured by  
11 the Constitution of Maine or laws of the State by any of the following conduct:

- 12 A. Engaging in the physical obstruction of a building;
- 13 B. Making or causing repeated telephone calls to a person or a building, whether or  
14 not conversation ensues, with the intent to impede access to a person's or building's  
15 telephone lines or otherwise disrupt a person's or building's activities;
- 16 C. Activating a device or exposing a substance that releases noxious and offensive  
17 odors within a building; or
- 18 D. ~~After~~ During the posted hours of operating after having been ordered by a law  
19 enforcement officer to cease such noise, at any time after the order, intentionally  
20 making noise that can be heard within a building and with the further intent either:
  - 21 (1) To jeopardize the health of persons receiving health services within the  
22 building; or
  - 23 (2) To interfere with the safe and effective delivery of those services within the  
24 building.

25 Violation of this subsection is a Class E crime.

26 Sec. 3. 5 MRSA §4684-B, sub-§3 is enacted to read:

27 3. Knowing violation. It is a violation of this subsection for any person to knowingly  
28 enter into, remain in or create an obstruction in a medical safety zone during the posted  
29 hours of operation of the provider of a health service, with the following exceptions:

- 30 A. A person entering or leaving the building;
- 31 B. A person using the public sidewalk or street right-of-way adjacent to the building  
32 solely for the purpose of reaching a destination other than the building;
- 33 C. A law enforcement officer, firefighter, emergency medical services provider,  
34 employee of a construction company or a utility or employee of a public works  
35 department or other municipal service acting in the course of employment; or
- 36 D. An employee or agent of the health service or the operator of the building acting in  
37 the course of employment.

38 Violation of this subsection is a Class E crime.

39 Sec. 4. 5 MRSA §4684-B, sub-§4 is enacted to read:



Committee: JUD  
 LA: MJR  
 LR # and item number: 2386(02)  
 New Title?: no  
 Add Emergency?: no  
 Date: 02/26/22  
 File Name: G:\COMMITTEES\JUD\BILL AMENDMENTS\130th 2nd\238602.docx (3/8/2022 10:00:00 AM)

**MAJORITY REPORT**

**COMMITTEE AMENDMENT “.” To LD 1899, An Act To Ensure Safe Entry and Access for People Seeking Health Care and Other Constitutional Rights**

Amend the bill in Section 1 to read:

**Sec. 1. 5 MRSA §4684-B, sub-§1, ¶B-1 is enacted to read:**

B-1. "Medical safety zone" means an area extending 8 feet from the *center of the* entrance of a building in which patients receive health services.

**SUMMARY**

This amendment clarifies that the medical safety zone is measured from the center of the entrance to the building in which patients receive health services.

LD1899 (47)  
Current  
Law

## CHAPTER 337-B

## CIVIL RIGHTS ACT

**§4681. Violations of constitutional rights; civil action by Attorney General**

**1. Interference with rights; action by Attorney General.** Whenever any person, whether or not acting under color of law, intentionally interferes or attempts to intentionally interfere by physical force or violence against a person, damage or destruction of property or trespass on property or by the threat of physical force or violence against a person, damage or destruction of property or trespass on property with the exercise or enjoyment by any other person of rights secured by the United States Constitution or the laws of the United States or of rights secured by the Constitution of Maine or laws of the State or violates section 4684-B, the Attorney General may bring a civil action for injunctive or other appropriate equitable relief in order to protect the peaceable exercise or enjoyment of the rights secured. [PL 2001, c. 50, §1 (NEW).]

**2. Place and name of action.** A civil action under subsection 1 must be brought in the name of the State and instituted in the Superior Court for the county where the alleged violator resides or has a principal place of business or where the alleged violation occurred. [PL 2001, c. 50, §1 (NEW).]

**3. Jury trial.** There is a right to a jury at the trial of an action on the merits under this section, but there is no right to a jury at the hearing of an application for a preliminary injunction or a temporary restraining order. [PL 2001, c. 50, §1 (NEW).]

**4. Civil penalty for violation.** Each violation of this section is a civil violation for which a civil penalty of not more than \$5,000 for each defendant may be adjudged. These penalties must be applied by the Attorney General in carrying out this chapter. [PL 2001, c. 50, §1 (NEW).]

**5. Service of order or injunction.** Each temporary restraining order or preliminary or permanent injunction issued under this section must include a statement describing the penalties provided in this section for a knowing violation of the order or injunction. The clerk of the Superior Court shall transmit one certified copy of each order or injunction issued under this section to the appropriate law enforcement agency having jurisdiction over locations where the defendant is alleged to have committed the act giving rise to the action, and service of the order or injunction must be accomplished pursuant to the Maine Rules of Civil Procedure. Unless otherwise ordered by the court, service must be made by the delivery of a copy in hand to the defendant. [PL 2001, c. 50, §1 (NEW).]

**6. Violation of restraining order or injunction.** A person who knowingly violates a temporary restraining order or preliminary or permanent injunction issued under this section commits a Class D crime. [PL 2001, c. 50, §1 (NEW).]

## SECTION HISTORY

PL 1989, c. 582 (NEW). PL 1991, c. 821, §1 (AMD). PL 1993, c. 442, §1 (AMD). PL 1995, c. 417, §1 (AMD). PL 2001, c. 50, §1 (RPR).

**§4682. Violations of constitutional rights; civil actions by aggrieved persons****1. Remedy.**

[PL 1991, c. 821, §2 (RP).]



**1. (REALLOCATED TO T. 5, §4682, sub-§1-A) Interference with rights; private actions.**

[RR 2001, c. 1, §11 (RAL).]

**1-A. (REALLOCATED FROM T. 5, §4682, sub-§1) Interference with rights; private actions.**

Whenever any person, whether or not acting under color of law, intentionally interferes or attempts to intentionally interfere by physical force or violence against a person, damage or destruction of property or trespass on property or by the threat of physical force or violence against a person, damage or destruction of property or trespass on property with the exercise or enjoyment by any other person of rights secured by the United States Constitution or the laws of the United States or of rights secured by the Constitution of Maine or laws of the State or violates section 4684-B, the person whose exercise or enjoyment of these rights has been interfered with, or attempted to be interfered with, may institute and prosecute in that person's own name and on that person's own behalf a civil action for legal or equitable relief.

[RR 2001, c. 1, §11 (RAL).]

**2. Place of action.** The action under subsection 1 must be instituted in the Superior Court for the county where the alleged violator resides or has a principal place of business.

[PL 2001, c. 50, §2 (NEW).]

**3. Jury trial.** There is a right to a jury at the trial of an action on the merits under this section, but there is no right to a jury at the hearing of an application for a preliminary injunction or a temporary restraining order.

[PL 2001, c. 50, §2 (NEW).]

**4. Service of order or injunction.** Each temporary restraining order or preliminary or permanent injunction issued under this section must include a statement describing the penalties provided in this section for a knowing violation of the order or injunction. The clerk of the Superior Court shall transmit one certified copy of each order or injunction issued under this section to the appropriate law enforcement agency having jurisdiction over locations where the defendant is alleged to have committed the act giving rise to the action, and service of the order or injunction must be accomplished pursuant to the Maine Rules of Civil Procedure. Unless otherwise ordered by the court, service must be made by the delivery of a copy in hand to the defendant.

[PL 2001, c. 50, §2 (NEW).]

**5. Violation of restraining order or injunction.** A person who knowingly violates a temporary restraining order or preliminary or permanent injunction issued under this section commits a Class D crime.

[PL 2001, c. 50, §2 (NEW).]

**SECTION HISTORY**

PL 1989, c. 582 (NEW). PL 1991, c. 821, §2 (RPR). PL 1993, c. 442, §2 (AMD). PL 1995, c. 417, §2 (AMD). RR 2001, c. 1, §11 (COR). PL 2001, c. 50, §2 (RPR).

**§4683. Attorney's fees and costs**

In any civil action under this chapter, the court, in its discretion, may allow the prevailing party, other than the State, reasonable attorney's fees and costs, and the State shall be liable for attorney's fees and costs in the same manner as a private person. [PL 1989, c. 582 (NEW).]

**SECTION HISTORY**

PL 1989, c. 582 (NEW).

**§4684. Application includes interference by private parties**

For the purposes of this chapter and Title 17, section 2931, rights secured by the Constitution of the United States and the laws of the United States and by the Constitution of Maine and the laws of the State include rights that would be protected from interference by governmental actors regardless of whether the specific interference complained of is performed or attempted by private parties. [PL 1991, c. 821, §3 (NEW).]

#### SECTION HISTORY

PL 1991, c. 821, §3 (NEW).

#### §4684-A. Civil rights

For purposes of this chapter and Title 17, section 2931, a person has the right to engage in lawful activities without being subject to physical force or violence, damage or destruction of property, trespass on property or the threat of physical force or violence, damage or destruction of property or trespass on property motivated by reason of race, color, religion, sex, ancestry, national origin, physical or mental disability, sexual orientation or gender identity. [PL 2021, c. 366, §23 (AMD).]

#### SECTION HISTORY

PL 1993, c. 379, §1 (NEW). PL 2021, c. 366, §23 (AMD).

#### §4684-B. Additional protections

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

A. "Building" means any structure having a roof or a partial roof supported by columns or walls that is used or intended to be used for shelter or enclosure of persons or objects regardless of the materials of which it is constructed. [PL 1995, c. 417, §3 (NEW).]

B. "Health service" means any medical, surgical, laboratory, testing or counseling service relating to the human body. [PL 1995, c. 417, §3 (NEW).]

C. "Physical obstruction" means rendering impassable ingress to or egress from a building or rendering passage to or from a building unreasonably difficult or hazardous. [PL 1995, c. 417, §3 (NEW).]

[PL 1995, c. 417, §3 (NEW).]

**2. Violation.** It is a violation of this section for any person, whether or not acting under color of law, to intentionally interfere or attempt to intentionally interfere with the exercise or enjoyment by any other person of rights secured by the United States Constitution or the laws of the United States or of rights secured by the Constitution of Maine or laws of the State by any of the following conduct:

A. Engaging in the physical obstruction of a building; [PL 1995, c. 417, §3 (NEW).]

B. Making or causing repeated telephone calls to a person or a building, whether or not conversation ensues, with the intent to impede access to a person's or building's telephone lines or otherwise disrupt a person's or building's activities; [PL 1995, c. 417, §3 (NEW).]

C. Activating a device or exposing a substance that releases noxious and offensive odors within a building; or [PL 1995, c. 417, §3 (NEW).]

D. After having been ordered by a law enforcement officer to cease such noise, intentionally making noise that can be heard within a building and with the further intent either:

(1) To jeopardize the health of persons receiving health services within the building; or

(2) To interfere with the safe and effective delivery of those services within the building. [PL 1995, c. 417, §3 (NEW).]

[PL 1995, c. 417, §3 (NEW).]

SECTION HISTORY

PL 1995, c. 417, §3 (NEW).

§4685. Short title

This chapter may be known and cited as the "Maine Civil Rights Act." [PL 1991, c. 821, §3 (NEW).]

SECTION HISTORY

PL 1991, c. 821, §3 (NEW).

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SENATE

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BENJAMIN M. CHIPMAN, DISTRICT 27  
BRADLEE T. FARRIN, DISTRICT 3

SAMUEL PRAWER, LEGISLATIVE ANALYST  
JULIA MACDONALD, LEGISLATIVE ANALYST  
DARLENE SIMONEAU, COMMITTEE CLERK



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THOMAS H. MARTIN, JR., GREENE

STATE OF MAINE  
ONE HUNDRED AND THIRTIETH LEGISLATURE  
COMMITTEE ON TRANSPORTATION

TO: Susan A. Deschambault, Senate Chair  
Charlotte Warren, House Chair  
Joint Standing Committee on Criminal Justice and Public Safety

FROM: Bill Diamond, Senate Chair  
Danny Martin, House Chair  
Joint Standing Committee on Transportation

DATE: March 15, 2022

RE: Joint Rule 319 Review of **LD 796, An Act To Restrict Sales of Catalytic Converters Removed from Motor Vehicles**

The Joint Standing Committee on Transportation is requesting that the Joint Standing Committee on Criminal Justice and Public Safety review the committee amendment to *LD 796, An Act To Restrict Sales of Catalytic Converters Removed from Motor Vehicles*, pursuant to the requirements under Joint Rule 319. While the Transportation Committee understands that your review is limited to the impact the bill will have on the criminal justice system, a brief background on the contents of the committee amendment is provided below.

As you may know, this bill was unanimously voted OTP-AM by the Transportation Committee and represents the results of extensive work undertaken by the Catalytic Converter Working Group, led by the Secretary of State in response to a request made by the committee last session. This bill, in response to the rapidly growing issue of catalytic converter theft, establishes a new framework to govern the sale, purchase, removal, transport and disposal of catalytic converters that have been removed from motor vehicles.

The committee believes the provisions in this bill will not only help deter the theft of catalytic converters, but also provide a system that makes catalytic converter transactions traceable and enhances the enforceability of the law. Traceability and enforcement are two major issues with the State's current framework. Currently, the only provisions in law that create any process to track the sale of a catalytic converter removed from a motor vehicle are the record keeping requirements applicable to scrap metal processors under Title 30-A, Chapter 183, Subchapter 1-A. Provisions which have proven inadequate to identify and enforce against the illicit market.

The provisions in this bill subject to your review under Joint Rule 319 include criminal penalties for those who violate this new framework. The criminal penalties in this bill are derived directly

from the recommendations of the aforementioned working group and were drafted in collaboration with the Secretary of State. The committee also submitted this amendment to the Criminal Law Advisory Commission and consulted with the Office of the Maine Attorney General prior to finalizing the language in the amendment before you.

Both the Transportation Committee amendment and the report of the Catalytic Converter Working group are attached for your review.



# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 796

S.P. 61

In Senate, March 5, 2021

### **An Act To Restrict Sales of Catalytic Converters Removed from Motor Vehicles**

---

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator TIMBERLAKE of Androscoggin.  
Cosponsored by Representative DILLINGHAM of Oxford and  
Senators: CYRWAY of Kennebec, DIAMOND of Cumberland.

54

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

2 **Sec. 1. 29-A MRSA §1804-A** is enacted to read:

3 **§1804-A. Sale of used catalytic converters**

4 Only a holder of an inspection mechanic certificate under section 1761 may sell a  
5 catalytic converter that has been removed from a motor vehicle.

6 **SUMMARY**

7 This bill restricts any person other than a holder of an inspection mechanic certificate  
8 from selling a catalytic converter that has been removed from a motor vehicle.

COMMITTEE AMENDMENT TO LD 796

55

Committee: Transportation  
LA: SWP  
File Name: G:\COMMITTEES\TRA\AMENDS\130th 2nd\018002.docx  
LR (item)#: 018002  
New Title?: Y  
Add Emergency?: N  
Date: 3-9-22

**LD 796, An Act to Restrict Sales Governing the Sale, Purchase, Removal, Transport and Disposal of Catalytic Converters Removed from Motor Vehicles**

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

Amend the bill by striking everything after the enacting clause and before the summary and replacing it with the following:

**Sec. 1. 29-A MRSA §101, sub-§12-A is enacted to read:**

**12-A. Catalytic converter.** "Catalytic converter" means a device installed in the exhaust system of a motor vehicle that uses a catalyst to convert pollutant gases into less harmful gases.

**Sec. 2. 29-A MRSA §159 is enacted to read:**

**§159. Motor Vehicle Services Fund.**

**1. Fund created.** The Motor Vehicle Services Fund, referred to in this section as "the fund," is established as a nonlapsing fund in the Bureau of Motor Vehicles.

**2. Use of funds.** Money deposited into the fund may be used by the Bureau of Motor Vehicles for motor vehicle-related projects and services.

**3. Source of funds.** Money deposited in the fund includes, but is not limited to, revenue transferred into the fund pursuant to the sale of catalytic converters forfeited to the Secretary of State under section 1114, subsection 14. The fund may accept funds from other sources.

**Sec. 3. 29-A MSRA § 952, sub-§1-B is amended to read:**

**1-B. Vehicles.** A dealer shall:

- A. On all used motor vehicles offered for sale, ensure that the written vehicle history statement is conspicuously affixed to the vehicle pursuant to Title 10, section 1475;  
and
- B. For all vehicles sold, comply with the provisions of Title 10, chapter 217-; and



COMMITTEE AMENDMENT TO LD 796

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C. Except as provided in subparagraph (1), for all vehicles sold at retail to the end consumer, engrave the vehicle identification number on the catalytic converter in a location that is visible from the underside of the vehicle. The vehicle identification number engraved on the catalytic converter must be legible. This paragraph does not require a dealer to engrave the vehicle identification number on the catalytic converter of a vehicle that is sold at wholesale.

(1) A dealer is not required to mark a catalytic converter with the vehicle identification number if the catalytic converter is not in a location where it is clearly visible from the underside of the motor vehicle.

Sec. 4. 29-A MRS §1114 is enacted to read:

**§1114. Catalytic converters.**

This section governs the sale, purchase, removal, transport and disposal of catalytic converters that have been removed from motor vehicles. The exemptions provided in section 1102 do not apply to the provisions of this section.

1. Removal from a motor vehicle. This subsection governs the removal of catalytic converters from motor vehicles as follows:

A. Except as provided in subsection 2, 3, and 4 a recycler may not remove a catalytic converter from a motor vehicle if the catalytic converter does not have the vehicle identification number of the vehicle engraved on the catalytic converter in accordance with section 952 unless the recycler, immediately upon removal, engraves or marks the catalytic converter in a location that is clearly visible, and in a manner that is permanent and legible, with:

(1) The vehicle identification number of the vehicle; or

(2) The recycler's license number and a stock number system utilized by the recycler.

A person who violates this paragraph commits a class E crime.

B. Except as provided in subsections 2 and 3, a person who is not a recycler may not remove a catalytic converter from a motor vehicle if the catalytic converter does not have the vehicle identification number of the vehicle engraved on the catalytic converter in accordance with section 952 unless the person, immediately upon removal, marks the catalytic converter in a location that is clearly visible, and in a manner that is permanent and legible, with the vehicle identification number of the vehicle.

A person who violates this paragraph commits a class E crime.

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**2. Damage or missing vehicle identification number upon removal.** If a person is not able to identify the vehicle identification number of the vehicle the catalytic converter is attached to or the catalytic converter is too damaged to mark in a manner that is permanent and legible, the person may remove the catalytic converter from the motor vehicle only if the person follows the process established by the Secretary of State under subsection 14.

**3. Vehicle repair and maintenance.** If a person engaged in the repair or maintenance of a motor vehicle must temporarily remove the catalytic converter from the motor vehicle in order to complete the maintenance or repair, that person is not required to mark the catalytic converter in accordance subsection 1. This subsection does exempt a person from the marking requirements in subsection 1 if the person attaches the catalytic converter to a different motor vehicle than the vehicle undergoing maintenance or repair or sells, trades or transfers the catalytic converter to another person.

**4. Final disposal.** If a recycler is removing a catalytic converter from a motor vehicle for the purpose of final disposal under subsection 7, the recycler is not required to mark the catalytic converter in accordance with subsection 1. A recycler removing a catalytic converter from a motor vehicle for the purpose of final disposal must:

- A. Mark the catalytic converter with the recycler's license number in a location that is clearly visible and in a manner that is permanent and legible; and
- B. Maintain a record of the catalytic converter the recycler removed from a motor vehicle and the manner in which it was disposed.

**5. Prohibition on purchase or sale.** This subsection governs the purchase and sale of catalytic converters that have been removed from motor vehicles.

- A. A person who is not a recycler may not operate a business that deals in the purchase of catalytic converters that have been removed from motor vehicles, or the deconstruction or disposal of catalytic converters that have been removed from motor vehicles.

A person who violates this paragraph commits a class E crime.

- B. A person who is not a recycler may not purchase a catalytic converter that has been removed from a motor vehicle.

A person who violates this paragraph commits a class E crime.

- C. A person who is not a recycler may not sell a catalytic converter that has not been properly marked in accordance with subsection 1 or 14 or section 952, subsection 1-B, paragraph C.

A person who violates this paragraph commits a class E crime.

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6. Purchase or sale by recyclers. The following provisions govern the purchase, sale or acquisition by a recycler of catalytic converters that have been removed from a motor vehicle.

- A. When purchasing, selling or acquiring a catalytic converter a recycler must comply with the record keeping provisions in subsection 7.

A person who violates this paragraph commits a class E crime;

- B. The recycler may not purchase, sell or acquire a catalytic converter unless it has been engraved or marked in accordance with subsection 1 or 14 or section 952, subsection 1-B, paragraph C.

A person who violates this paragraph commits a class D crime.

- C. The recycler may not sell a catalytic converter to a person other than a recycler.

A person who violates this paragraph commits a class E crime.

- D. The recycler may not possess a catalytic converter purchased or acquired in accordance with paragraph A or B unless the recycler, within 10 days of the purchase or acquisition, submits a report of the transaction to a property and recovery tracking system administered by a regional law enforcement support organization designated by the Secretary of State that includes:

- (1) The name and address of the recycler who purchased or acquired the catalytic converter;
- (2) The date and time of the purchase or acquisition;
- (3) The name, address, date of birth, telephone number, and unique identifying number from a valid form of identification of the person who conveyed the catalytic converter;
- (4) The vehicle identification number or recycler's license number and stock number marked on the catalytic converter at the time of the purchase or acquisition; and
- (5) The purchase price, if any, of the catalytic converter.

A person who violates this paragraph commits a class E crime.

7. Records of purchases made by recyclers. This subsection governs the records keeping requirements for a recycler that purchases a catalytic converter that has been removed from a motor vehicle.

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- A. Except as provided in paragraph C, a recycler doing business in the State shall maintain an accurate and legible record of each catalytic converter purchase transaction.
- B. A recycler shall provide payment to a seller only in the form of a credit card, as defined in Title 9-A, section 1-301, subsection 16, a debit card, as defined in Title 10, section 1271, subsection 3, or a check. If payment is made by check, the recycler shall maintain a record of the payee, check number and name of the financial institution upon which the check is drawn.
- C. A recycler doing business in the State is not required to maintain individual records for a series of catalytic converter purchase transactions made pursuant to a written contract or bill of sale.
- D. The record of each catalytic converter purchase transaction required under paragraph A must be on a form prescribed by the Commissioner of Public Safety and contain the following information:
  - (1) The name and address of the seller. The recycler shall require the seller to provide proof of identification with a driver's license, military identification card, passport or other form of government-issued photo identification. The recycler shall photocopy the form of photo identification presented and record the distinct identifying number of that photo identification. If the proof of identification contains a photograph that is faded, out of date or otherwise indiscernible, the recycler shall photograph the seller. A recycler shall keep these proof of identification records in a secure, nonpublic location and, unless otherwise permitted by law, may not publish, reproduce, distribute or disclose these records for any other purpose than that described in paragraph E, subparagraph (2). Information required under this paragraph may be maintained for repeat sellers in a relational database that allows the scrap metal processor to record the information one time and relate future purchase records to that information;
  - (2) The date of the catalytic converter purchase transaction;
  - (3) A general description of the catalytic converter purchased, which must be made in accordance with the custom of the trade;
  - (4) The weight, quantity or volume, recorded in accordance with the custom of the trade, of the catalytic converters purchased;
  - (5) The consideration paid;
  - (6) A signed statement that the seller is the owner or is otherwise authorized to sell the catalytic converter on a form provided by the buyer that conspicuously bears the warning that making a false statement is a Class D crime under Title 17-A, section 453; and
  - (7) The make, model and number and state of issue of the license plate of the vehicle being used to deliver the catalytic converter.
- E. The records required under this subsection must be:

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- (1) Retained for a period of five years; and
- (2) Made available to any law enforcement office of the State or of any municipality or county.

**8. Disposal and deconstruction.** This subsection governs the final disposal of a catalytic converter.

- A. A person other than a recycler may not finally dispose of or deconstruct a catalytic converter that has been removed from a motor vehicle or remove the contents of a catalytic converter that has been removed from a motor vehicle.

A person who violates this paragraph commits a class E crime.

- B. A recycler may not finally dispose of or deconstruct a catalytic converter that has been removed from a motor vehicle or remove the contents of a catalytic converter that has been removed from a motor vehicle unless:

- (1) The recycler has complied with the requirements of subsection 6, paragraph D; and
- (2) The catalytic converter has been engraved or marked in accordance with subsection 1 or 14 or section 952, subsection 1-B, paragraph C.

A person who violates this paragraph commits a class E crime.

For the purpose of this section “final disposal” means disposal or deconstruction of a catalytic converter in a manner that ensures the catalytic converter will not be sold or reused as a catalytic converter following the disposal or deconstruction.

**9. Transportation.** The following provisions govern the transportation of a catalytic converter that has been removed from a motor vehicle.

- A. A person may not transport a catalytic converter that has been removed from a motor vehicle that the person has reason to know has not been engraved or marked in accordance with subsection 1 or 14 or section 952, subsection 1-B, paragraph C.

A person who violates this paragraph commits a class E crime.

- B. A recycler may not transport a catalytic converter that has been removed from a motor vehicle if the recycler has reason to know that the catalytic converter is not properly identified on a manifest required under paragraph (1) or (2).

- (1) For any catalytic converter that is not engraved or marked with a vehicle identification number being transported by a recycler, the recycler shall

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possess a manifest that includes the relevant stock number, the name of the recycler that marked the catalytic converter with the stock number, the vehicle identification number of the vehicle from which the catalytic converter was removed and the license number of the recycler transporting the catalytic converter.

- (2) For any catalytic converter marked for final disposal under subsection 4 and being transported by a recycler, the recycler shall possess a manifest that includes the name of the recycler that marked the catalytic converter, the license number of the recycler transporting the catalytic converter, the total number of catalytic converters being transported for final disposal and the name and address of the person receiving the catalytic converters marked for final disposal.

A person who violates this paragraph commits a class E crime.

**10. Misrepresentation.** A person may not mark a catalytic converter with a vehicle identification number that the person has reason to know is not the vehicle identification number of the vehicle from which the catalytic converter was removed.

A person who violates this subsection commits a class E crime.

**11. Unlawful possession.** A person may not knowingly possess a catalytic converter that has been removed from a motor vehicle unless:

- A. The catalytic converter has been properly marked in accordance with subsection 1 or 14 or section 952, subsection 1-B, paragraph C; or
- B. The person has applied for a new identification number and is awaiting a determination from the Secretary of State under subsection 14;

A person in possession of a catalytic converter for which an identification number may be applied for under subsection 14 does not violate this subsection by failing to apply for an identification number until the Secretary of State has adopted rules necessary to implement this subsection. This paragraph is repealed January 1, 2023.

A person who violates this subsection commits a class D crime.

**12. Defacing of markings.** A person may not deface or remove from a catalytic converter the markings required under subsection 1 or 14 or section 952, subsection 1-B, paragraph C.

A person who violates this subsection commits a class D crime.

**13. Aggravated possession or defacing of markings.** A person who violates subsection 11 or 12 and at the time of the violation has a prior conviction for violating subsection 11 or 12 that is less than 5 years old commits a class C crime.

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**14. State issued identification number.** If a person is in possession of a catalytic converter that has been removed from a motor vehicle and the person has determined that the vehicle identification number of the vehicle from which the catalytic converter is removed cannot be identified or that the catalytic converter is too damaged to mark in a manner that is permanent and legible the person shall, as soon as possible, submit a request for the Secretary of State to assign an identification number to the catalytic converter. A person submitting a request for the Secretary of State to assign an identification number to a catalytic converter must provide appropriate documentation of that person's ownership of the catalytic converter and any other appropriate information required by the Secretary of State by rule.

Upon receipt of a request that fulfills the requirements of this subsection, the Secretary of State shall assign a temporary request identification number and issue documentation to the requestor that certifies the person has complied with this subsection for a temporary period of up to 30 days. The person shall keep the documentation with the catalytic converter about which the request was made at all times. Prior to the expiration of the temporary request certification, the Secretary of State shall make a determination as to whether the requestor is the lawful owner of the catalytic converter and, if the Secretary of State determines the person is the lawful owner, shall issue an identification number to the catalytic converter. Upon issuing an identification number the Secretary of State shall mark or label the catalytic converter or record the identification number in a manner specified by the Secretary of State. The Secretary of State may not require the requestor to transport the catalytic converter in order for the Secretary of State to mark the catalytic converter.

No later than January 1, 2023 the Secretary of State shall adopt rules necessary to implement this subsection. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Rules adopted by the Secretary of State under this subsection must include but are not limited to:

- A. The manner by which a person may submit a request under this subsection;
- B. A list of the appropriate forms of documentation sufficient to prove ownership of a catalytic converter under this subsection;
- C. Any other information or documentation the Secretary of State determines appropriate for a requestor to provide under this subsection; and
- D. The manner in which the Secretary of State must mark, label or record a new identification number issued to a catalytic converter under this subsection.

**15. Seizure and forfeiture.** Any catalytic converter possessed in violation of this section is contraband and is subject to forfeiture to the State in accordance with this section.

- A. Whenever a law enforcement officer seizes a catalytic converter for violation of this section, the law enforcement officer shall within a reasonable timeframe file a libel with a judge that includes the following:

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- (1) A description sufficient to identify the catalytic converter;
  - (2) A description sufficient to identify the location from which the catalytic converter was seized;
  - (3) The identity, if available, of the person in possession of the catalytic converter at the time of seizure;
  - (4) A statement of the violation that causes the seizure; and
  - (5) A request for a decree of forfeiture of the catalytic converter.
- B. Upon receipt of a libel filed under this subsection the judge shall fix a time and place for a hearing and shall issue notice to all relevant parties, to appear at the time and place indicated in the notice and to show cause for why the catalytic converter should not be declared forfeited. The judge shall provide a true and attested copy of the libel to the person from whom the catalytic converter was seized and to the lawful owner of the catalytic converter, if different from the person from whom the catalytic converter was seized and if that person can be reasonably located and identified. At least 10 days prior to the hearing, the judge shall also ensure that notice is posted in at least 2 public and conspicuous places determined by the judge to be adequate to provide notice to any additional interested parties.
- C. In lieu of forfeiture proceedings, a catalytic converter seized under this section may be transferred in writing to the State by the owner. If ownership of the catalytic converter is transferred to the State, a receipt for the catalytic converter shall be given to the former owner by the law enforcement officer who seized the catalytic converter.
- D. The Secretary of State shall mark a catalytic converter forfeited to the State under this section in a manner determined appropriate by the Secretary. After marking a catalytic converter forfeited under this section, the Secretary of State may dispose of the catalytic converter in manner considered appropriate by the Secretary including, but not limited to, selling the catalytic converter to a recycler. Any proceeds from the sale of a catalytic converter under this subsection must be placed in the Motor Vehicle Services Fund established under section 159.

Sec. 4. 30-A MRS §3775 is amended to read:

**§3775. Restrictions on the purchase and sale of scrap metal**

A scrap metal processor may not engage in the sale, purchase or acquisition of motor vehicles or motor vehicle parts unless that person is a recycler under Title 29-A, subchapter 6. A seller may not sell and a scrap metal processor may not purchase the following scrap metal unless the seller provides to the scrap metal processor, in addition to the requirements of section



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3772, subsection 3, a signed statement at the time of sale that the property subject to this transaction is not stolen property to the best of the seller's knowledge, and that the seller is the owner or is otherwise authorized to sell the scrap metal:

**Sec. 5. Public awareness of catalytic converter regulation.** The Secretary of State shall provide information at Bureau of Motor Vehicles branch locations and its publicly accessible website that promotes public awareness of the requirements related to catalytic converters under Title 29-A, Section 1114. The Secretary of State may solicit and accept assistance from municipalities or other relevant entities to develop and distribute the information it is required to provide under this section. The Secretary of State may advertise on radio, television or other media in order to provide information it is required to provide under this section. Information provided under this section must include but is not limited to information to:

1. Raise public awareness about the requirement to mark catalytic converters under Title 29-A, Section 1114;
2. Assist persons in identifying a catalytic converter that is required to be marked under Title 29-A, Section 1114, and how that marking must be made;
3. Inform persons of the process for when and how to apply for an identification number for a catalytic converter under Title 29-A, Section 1114, subsection 14; and
4. Raise public awareness of the potential criminal violations for those who violate the requirements of Title 29-A, Section 1114.

### SUMMARY

This amendment strikes and replaces the bill and does the following:

1. Defines the term "catalytic converter" as a device installed in the exhaust system of a motor vehicle that uses a catalyst to convert pollutant gases into less harmful gases.
2. Requires all auto dealers in the State to, for all vehicles sold at retail to the end consumer, engrave the vehicle identification number on the catalytic converter in a location that is visible from the underside of the vehicle, unless the catalytic converter is not in a location where it is clearly visible from the underside of the motor vehicle.
3. Creates a legal framework governing the sale, purchase, removal, transport and disposal of catalytic converters that have been removed from motor vehicles, and establishes criminal penalties for violations of that legal framework.
4. Requires that a person who is licensed scrap metal processor must also be licensed as a recycler if, as part of that person's scrap metal processing business, that person engages in the purchase or sale of motor vehicles or motor vehicle parts.

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5. Directs the Secretary of State to provide resources at Bureau of Motor Vehicles branch locations and its publicly accessible website to promote public awareness of the requirements related to catalytic converters under Title 29-A, Section 1114.