

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

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J.S. McCarthy Company  
Augusta, Maine  
1991

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

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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**CHAPTER 447**

S.P. 541 - L.D. 1439

**An Act Concerning Health Insurance for Retired Teachers**

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

**Sec. 1. 20-A MRSA §13451, sub-§1**, as repealed and replaced by PL 1989, c. 878, Pt. A, §46, is amended to read:

**1. Access to a group plan.** The group accident and sickness and health insurance plan that is in effect for active teachers in a public school system or school unit must be made available to all teachers eligible under subsection 2, who retired under the Maine State Retirement System when they left that system ~~and who choose to participate in the new plan or school unit~~. The rate for the insurance coverage ~~shall~~ **must** be the same as the rate provided for active teachers in that school system or school unit.

**Sec. 2. 20-A MRSA §13451, sub-§3**, as amended by PL 1989, c. 875, Pt. E, §25 and affected by §26 and as repealed and replaced by c. 878, Pt. A, §46, is repealed and the following enacted in its place:

**3. Payment by State.** The State through the Maine State Retirement System shall pay 25% of the retired teacher members' share of this insurance.

**Sec. 3. 20-A MRSA §13451, sub-§3-A** is enacted to read:

**3-A. School units that change plans.** If a school unit changes its group health insurance plan or provider, the school unit at the time that it transfers active teachers to the new plan or provider shall also transfer all retired teachers from that school unit to the new plan or provider and shall inform each retired teacher in writing that, unless the school receives written notice from an individual retired teacher to the contrary, each retired teacher will be transferred automatically to the new plan or provider. The school unit shall also provide each retired teacher a description of the benefits and costs of the new plan or provider. A retired teacher may decline to participate with the new plan or provider upon written notice to the school unit. If any retired teacher so elects, there shall be no obligation or responsibility on the part of the replaced group plan or provider beyond conversion or continuity options provided for in Title 24, chapter 19 or Title 24-A, chapters 35 and 36. If any retired teacher declines to participate with the new plan or provider, there is no obligation or responsibility on the part of the replaced group plan or provider.

**Sec. 4. 20-A MRSA §13451, sub-§5**, as enacted by PL 1989, c. 878, Pt. A, §46, is repealed.

See title page for effective date.

**CHAPTER 448**

H.P. 1144 - L.D. 1669

**An Act to Exempt Certain Medical and Juvenile Records from the Freedom of Access Law**

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

**Sec. 1. 1 MRSA §402, sub-§3, ¶¶F and G**, as enacted by PL 1989, c. 358, §4, are amended to read:

F. Records that would be confidential if they were in the possession or custody of an agency or public official of the State or any of its political or administrative subdivisions are confidential if those records are in the possession of an association, the membership of which is composed exclusively of one or more political or administrative subdivisions of the State; of boards, commissions, agencies or authorities of any such subdivisions; or of any combination of any of these entities; ~~and~~

G. Materials related to the development of positions on legislation or materials that are related to insurance or insurance-like protection or services which are in the possession of an association, the membership of which is composed exclusively of one or more political or administrative subdivisions of the State; of boards, commissions, agencies or authorities of any such subdivisions; or of any combination of any of these entities;

**Sec. 2. 1 MRSA §402, sub-§3, ¶¶H and I** are enacted to read:

H. Medical records and reports of municipal ambulance and rescue units and other emergency medical service units, except that such records and reports must be available upon request to law enforcement officers investigating criminal conduct; and

I. Juvenile records and reports of municipal fire departments regarding the investigation and family background of a juvenile fire setter.

See title page for effective date.

**CHAPTER 449**

H.P. 1264 - L.D. 1833

**An Act to Amend the Liquor Laws**

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

**Sec. 1. 28-A MRSA §2, sub-§16-A** is enacted to read:

**16-A. Low-alcohol spirits product.** “Low-alcohol spirits product” means a product containing spirits that has an alcohol content of not more than 4% by volume.

**Sec. 2. 28-A MRSA §2, sub-§31**, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

**31. Spirits.** “Spirits” means any liquor produced by distillation or, if produced by any other process, strengthened or fortified by the addition of distilled spirits of any kind, including low-alcohol spirits products. “Spirits” includes fortified wine.

**Sec. 3. 28-A MRSA §13** is enacted to read:

**§13. Low-alcohol spirits product sold by wine licensees**

Notwithstanding any provision of this Title, a person licensed to sell wine for consumption on or off the premises may also sell low-alcohol spirits products. All provisions of this Title applicable to wine, except chapters 65 and 67, apply to low-alcohol spirits products when sold by persons licensed to sell wine for consumption on or off the premises.

**Sec. 4. 28-A MRSA §352**, as amended by PL 1987, c. 342, §21, is further amended to read:

**§352. Purchase of liquor in state liquor stores and agency liquor stores**

**1. All sales must be for cash; exception.** Except as provided in ~~paragraph~~ paragraphs A and B, all persons a person buying liquor at state liquor stores or agency liquor stores shall pay in cash or by major credit card.

A. Agency liquor stores may accept payment by check.

B. Agency liquor stores, when purchasing liquor from the commission, may pay within 10 days, if the agent has deposited cash in escrow with the commission to cover those purchases.

**2. Checks not honored on presentation; consequences.** If any check is not honored on presentation or if any agency liquor store fails to pay for liquor in the allotted 10-day period, the commission shall withhold any license not issued, or immediately take back the license if already issued, voiding it until such time as the check or invoice has been paid in full, together with the cost of the check failure or collection procedure. The commission may order that person to make all payments to the commission only by cash, certified check or money order for a period not to exceed one year.

**Sec. 5. 28-A MRSA §1364, sub-§4** is enacted to read:

**4. Reports of low-alcohol spirits products.** Each certificate of approval holder that manufactures low-alcohol spirits products shall submit to the commission, on or before the 10th day of each calendar month, a form specifying the number of gallons of low-alcohol spirits product sold to wholesale licensees in the State with a copy of each invoice relating to each such sale.

**Sec. 6. 28-A MRSA §1365** is enacted to read:

**§1365. Low-alcohol spirits product tax**

In addition to any tax or premium paid under section 1652 or section 1703, each certificate of approval holder that manufactures low-alcohol spirits products shall pay a tax of 30¢ on each gallon of low-alcohol spirits product sold to a wholesale licensee in the State. In addition to the forms filed pursuant to section 1364, a certificate of approval holder that manufactures low-alcohol spirits products shall file with the commission a monthly report on the number of gallons of low-alcohol spirits product sold to wholesale licensees in the State. The certificate of approval holder must enclose payment for the tax due under this section on the reported sales.

**Sec. 7. 28-A MRSA §1652, sub-§1-A** is enacted to read:

**1-A. Excise tax on low-alcohol spirits products.** An excise tax is imposed on the privilege of manufacturing and selling low-alcohol spirits products in the State. The Maine manufacturer or importing wholesale licensee shall pay an excise tax of \$1 per gallon on all low-alcohol spirits products manufactured in or imported into the State.

**Sec. 8. 28-A MRSA §1652, sub-§4, ¶D**, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

D. Any wholesale licensee selling to an instrumentality, training site or ship chandler shall present proof of that sale to the commission. The commission shall grant to the wholesale licensee a credit of all state excise tax and premium paid in connection with that sale under the following conditions.

(1) The commission shall grant a credit for the excise tax and premium on malt liquor or wine sold by wholesale licensees to any instrumentality of the United States or any Maine National Guard state training site exempted by the commission.

(2) The commission shall grant a credit for the excise tax and premium on malt liquor or wine sold to any ship chandler, provided that

the malt liquor and wine are resold to vessels of foreign registry for consumption after that vessel has left port or are resold for consumption on board vessels of United States registry which are destined for a foreign port.

(3) The commission shall grant a credit for the excise tax and premium on malt liquor and table wine sold to licensed airlines for their interstate and international flights.

**Sec. 9. 28-A MRSA §1703, sub-§2**, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

**2. Malt liquor, wine and low-alcohol spirits products.** In addition to any other tax or charge imposed under state or federal law, a premium ~~shall~~ must be imposed on all malt liquor and wine sold in the State and on all low-alcohol spirits products sold in the State by persons licensed to sell wine for consumption on or off the premises. The premium ~~shall~~ must be in the amount specified in subsection 3.

A. The commission shall open a premium account with all manufacturers and importing wholesalers.

B. Premiums ~~shall~~ must be collected in the same manner provided for the collection of excise taxes under sections 1404 and 1405.

C. Premiums ~~shall~~ must be paid to the commission by the Maine manufacturer or importing wholesaler.

D. The duties, prohibitions and liabilities under this subsection of licensees and certificate of approval holders are the same as those under sections 1361, 1364, 1404 and 1405.

E. The commission shall grant credits and make adjustments under this subsection on the same terms and conditions as provided in section 1652.

**Sec. 10. 28-A MRSA §1703, sub-§3, ¶C**, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

C. Twenty-four cents per gallon on all sparkling wine sold in the State and all low-alcohol spirits products sold by a person licensed to sell wine for consumption on or off the premises; and

See title page for effective date.

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**CHAPTER 450**

**S.P. 601 - L.D. 1605**

**An Act to Amend the Laws Governing Warning Notices Posted by Sellers of Firearms at Trade Shows**

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

**Sec. 1. 15 MRSA §455-A, sub-§1**, as enacted by PL 1989, c. 809, is amended to read:

**1. Posting of conspicuous warning.** ~~Any~~ Except as provided in subsection 1-A, any commercial retail sales outlet that sells firearms shall conspicuously post at each purchase counter where firearms may be purchased the following warning in block letters not less than one inch in height:

“ENDANGERING THE WELFARE OF A CHILD IS A CRIME. IF YOU LEAVE A FIREARM AND AMMUNITION WITHIN EASY ACCESS OF A CHILD, YOU MAY BE SUBJECT TO FINE, IMPRISONMENT OR BOTH.

KEEP FIREARMS AND AMMUNITION SEPARATE.

KEEP FIREARMS AND AMMUNITION LOCKED UP.

USE TRIGGER LOCKS.”

**Sec. 2. 15 MRSA §455-A, sub-§1-A** is enacted to read:

**1-A. Posting of warnings at gun shows.** The warning sign as described in subsection 1 must be posted at all entrances of an organized gun show.

See title page for effective date.

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**CHAPTER 451**

**H.P. 1213 - L.D. 1771**

**An Act to Amend the Procedure for Revoking a Law Enforcement Officer's Certification as a Result of the Conviction of a Crime**

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

**25 MRSA §2806, sub-§2, ¶B**, as repealed and replaced by PL 1983, c. 244, §7, is amended to read:

B. For paragraph B, if the officer is employed as a law enforcement officer, ~~upon petition of the chief administrative officer of the employing agency,~~ in accordance with Title 5, section 10004; and

See title page for effective date.