

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

supervised by a state governmental official or agency. This exemption does not apply to securities representing an interest in a depository institution that is required by law to have as its majority shareholder a mutual holding company, to securities convertible into those securities or to warrants, options or rights to purchase those securities;

See title page for effective date.

CHAPTER 258

H.P. 1001 - L.D. 1347

An Act Regarding Suspension of Maine Guide Licenses

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

Sec. 1. 12 MRSA §7315, sub-§1-A is enacted to read:

1-A. Mandatory revocation. The commissioner shall revoke for a period of 3 years the guide's license of a guide who is convicted of violating a provision of this Part punishable by a mandatory fine of not less than \$1,000 and at least 3 days in jail. The commissioner shall provide notice of revocation as provided in section 7077, subsection 7. A person whose license has been revoked under this subsection may, within 30 days of the effective date of the revocation, petition the commissioner for a hearing to show cause why the license should not have been revoked. If, after the hearing, the commissioner finds that the person has not been convicted or that the conditions of this subsection do not apply, the revocation is rescinded. If the commissioner finds that the person has been convicted and that the conditions of this subsection apply, the revocation remains in effect.

See title page for effective date.

CHAPTER 259

S.P. 442 - L.D. 1372

An Act to Provide for Special Liquor Licenses

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

Sec. 1. 28-A MRSA §1052-A is enacted to read:

§1052-A. Special taste-testing festival license

1. Special taste-testing festival license. Manufacturers of malt liquor licensed under section 1355 and holders of an equivalent license from another state may apply for an additional license to participate in a special taste-testing festival under this section. The special taste-testing festival license is valid for no more than 3 consecutive days and is issued annually.

2. Fee. The license fee for the special taste-testing festival license is \$100.

3. Application. The licensee must apply for a special taste-testing festival license by filing a written application with the commission at least 24 hours before the event. The application must include the following:

A. Name and address of the applicant;

B. Title and purpose of the event;

C. Date, time and duration;

D. Location; and

E. Approval by the municipal officers or a municipal official designated by the municipal officers of the municipality where the proposed special taste-testing festival will be located, which, notwithstanding section 653, may be granted without public notice.

4. Ruling on application. Upon receipt of the application, the commission may immediately approve or deny the application. The commission shall advise the applicant that the license may be revoked and suspended under chapter 33.

5. Conditions on taste-testing activities. The following conditions apply to taste-testing activities under this section:

A. Taste-testing must be limited to a designated area;

B. Persons who are not at least 21 years of age may attend the special taste-testing festival but are not allowed in the designated taste-testing area;

C. Taste-testing must be conducted within the hours of retail sale established in this Title;

D. A person may not be charged a fee for any malt liquor served as part of a taste-testing activity;

E. Each out-of-state manufacturer is limited to serving 200 gallons of malt liquor; and

F. A person may not be served who is visibly intoxicated.

6. Excise tax on malt liquor; premiums. Each licensee must pay the appropriate excise taxes and premiums under sections 1652 and 1703 before the scheduled calendar date of the special taste-testing festival.

See title page for effective date.

CHAPTER 260

H.P. 792 - L.D. 1078

An Act Amending the Liquor License Laws

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

Sec. 1. 28-A MRSA §1052, sub-§1, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

1. Off-premise catering license for sale of liquor off-premise. Class A restaurants, Class A lounges, hotels and clubs licensed to sell spirits, wine and malt liquor may apply for an additional license to conduct off-premises catering of spirits, wine and malt liquor at planned events or gatherings to be held at locations other than the licensee's premises under this section.

See title page for effective date.

CHAPTER 261

H.P. 644 - L.D. 875

An Act to Improve Access of Injured Workers to Medical Care

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

Sec. 1. 39-A MRSA §210, sub-§9, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

9. Penalties. Any health facility or health care provider that knowingly submits false or misleading records or other information to an insurance carrier, self-insurer or group self-insurer or the board is guilty of a Class D crime.

See title page for effective date.

CHAPTER 262

S.P. 111 - L.D. 312

An Act to Establish a Surplus Energy Program

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

Whereas, the State's electric utilities have or have access to surplus energy that, if sold at an incentive rate, may benefit all ratepayers of this State; and

Whereas, the opportunity to use this surplus energy in a manner that helps the ratepayers of this State presents itself now and any delay may significantly reduce the benefits to the ratepayers in this State that an incentive rate may provide; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 35-A MRSA §3154, sub-§8 is enacted to read:

8. Incentive rates. Upon petition or on its own motion, the commission shall consider and, if it finds a utility has substantial surplus energy or capacity, shall adopt an incentive rate tariff consistent with the following.

A. The incentive rate is offered only on a short-term basis.

B. The incentive rate is offered only while the utility has surplus energy or capacity and is discontinued when there is no longer a surplus.

C. The incentive rate is available only for incremental uses of electricity, as defined by the commission. The rate may not be designed to encourage the installation of electric resistance space heating systems.

D. The incentive rate is interruptible and terminable to ensure that only surplus energy or capacity is sold at an incentive rate.

E. The incentive rate is priced so as to cover the costs of serving each customer who receives the rate and includes a contribution to fixed costs above the cost of service.

All net revenues from sales of electricity under rates established under this subsection must be used to benefit ratepayers.

The incentive rate may be used to encourage demonstration fleets of electric cars, provided the rate is consistent with this subsection.