

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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
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in accordance with subsection 4. This subsection does not apply if the State pleads and proves criminal threatening or attempted criminal threatening, as defined in section 209, or terrorizing or attempted terrorizing, as defined in section 210, subsection 1, paragraph A.

See title page for effective date.

CHAPTER 29

S.P. 57 - L.D. 86

An Act to Increase the Fee Amount that an Unorganized Territory is Allowed to Retain as an Agent of the State Collecting Excise Taxes

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

Sec. 1. 36 MRSA §1487, sub-§2, as amended by PL 1993, c. 557, §1, is further amended to read:

2. State Tax Assessor. In the unorganized territory, the State Tax Assessor shall appoint agents to collect the excise tax. Agents, including municipalities designated as agents, are allowed a fee of \$2 ~~\$4 for each tax receipt issued, except that municipalities designated as agents are allowed a fee of \$4 for each tax receipt issued.~~ Agents shall deposit the remainder on or before the 20th day of each month following receipt with the Treasurer of State. The Treasurer of State shall make quarterly payments to each county in an amount that is equal to the receipts for that period from each county. Those payments must be made at the same time as payments under section 1606. County receipts under this section must be deposited in the county's unorganized territory fund.

See title page for effective date.

CHAPTER 30

H.P. 62 - L.D. 98

An Act to Allow Wine Tasting in Fine Wine Stores and at Special Festivals

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

Whereas, a wine taste-testing festival held this summer would increase revenues to the State and its tourist industry; and

Whereas, the changes in taste-testing laws need to be implemented immediately so that planning for a summer taste-testing festival can begin; 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. 28-A MRSA §1052-A, sub-§1, as enacted by PL 1993, c. 259, §1, is amended to read:

1. Special taste-testing festival license. Manufacturers of malt liquor and wine 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.

Sec. 2. 28-A MRSA §1052-A, sub-§5, ¶¶D and E, as enacted by PL 1993, c. 259, §1, are amended to read:

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

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

Sec. 3. 28-A MRSA §1052-A, sub-§6, as enacted by PL 1993, c. 259, §1, is amended to read:

6. Excise taxes; premiums. ~~Each~~ A 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.

Sec. 4. 28-A MRSA §1205, sub-§1, as enacted by PL 1989, c. 488, is amended to read:

1. Taste testing on off-premise retail licensee's premises; fine wine stores. Subject to the conditions in subsection 2, the commission may authorize an off-premise retail licensee, 50% or more of whose gross income is derived from the sale of wine or malt liquor, or a fine wine store to conduct taste testings of wine on that licensee's premises. Any other consumption of alcoholic beverages on an off-premise retail licensee's premises is prohibited.

Sec. 5. 28-A MRSA §1205, sub-§2, ¶E, as enacted by PL 1989, c. 488, is amended to read:

E. Taste testing ~~shall be~~ is limited to a designated area. In a fine wine store, the taste testing must be conducted in an area that is separate from the retail sales floor and not readily accessible to the general public;

Sec. 6. 28-A MRSA §1205, as enacted by PL 1989, c. 488, is amended by adding at the end a new paragraph to read:

For the purposes of this section, "fine wine store" means a store that sells wine from at least 50% of the world's wine regions and carries at least 500 different wine labels.

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

Effective April 18, 1995.

CHAPTER 31

H.P. 133 - L.D. 181

An Act to Allow Municipalities to Dispose of Abandoned Bicycles

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

Sec. 1. 33 MRSA §1871, sub-§3 is enacted to read:

3. Disposal of bicycles; exempt. For the purposes of this subchapter, a local legislative body in a municipality may dispose of bicycles determined to be abandoned, as defined in section 1803, in a manner decided by that body and is exempt from all other provisions of this subchapter.

See title page for effective date.

CHAPTER 32

H.P. 160 - L.D. 208

An Act to Simplify the Procedure for Making Anatomical Gifts under the Motor Vehicle Laws

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

Sec. 1. 22 MRSA §2906, sub-§2, as amended by PL 1991, c. 823, §1 and affected by §7, is further amended to read:

2. Revocation. ~~Except as provided in subsection 4, any~~ Any document of gift that has not been delivered to the donee may be revoked by the donor in the manner set out in subsection 1 or by destruction, cancellation or mutilation of the document and all executed copies of the document.

Sec. 2. 22 MRSA §2906, sub-§4, as enacted by PL 1991, c. 823, §2 and affected by §7, is repealed.

Sec. 3. 29-A MRSA §1402, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. 4. 29-A MRSA §1402-A is enacted to read:

§1402-A. Anatomical gifts

1. Statement on anatomical gifts. A licensee may make a statement expressing the licensee's willingness to make an anatomical gift under Title 22, chapter 710 by affixing an organ donor decal provided by the Secretary of State to the back of the license.

2. Organ donor decal. The Secretary of State shall make available without additional fee an organ donor decal to a licensed driver 16 years of age or older. The statement on the organ donor decal must read: "The decal affixed hereto indicates the licensee is willing to make an anatomical gift upon death and has discussed this willingness with next of kin."

Sec. 5. Transition provision. Notwithstanding the Maine Revised Statutes, Title 29-A, section 1402-A, the Secretary of State may continue to provide organ donor decals printed prior to the effective date of this Act that read as follows: "The decal affixed hereto indicates a willingness on the part of the licensee to make an anatomical gift upon his/her death."

See title page for effective date.

CHAPTER 33

S.P. 114 - L.D. 289

An Act to Clarify the Status of Certain Gifts to Legislators under the Governmental Ethics Laws

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

Sec. 1. 1 MRSA §1012, sub-§4, ¶¶B and C, as enacted by PL 1989, c. 561, §4, are amended to read:

B. A bequest or other form of inheritance; ~~and~~