

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

(3) For all subsequent offenses, a forfeiture of \$500 must be imposed and that forfeiture may not be suspended. The judge, in addition to the forfeiture permitted by this subparagraph, may assign the violator to perform specified work for the benefit of the State, the municipality or other public entity or a charitable institution.

C. A person who violates subsection 6 commits a civil violation for which a forfeiture of not less than \$50 nor more than \$200 may be adjudged for any one offense.

9. Distribution of fines. Fines and forfeitures collected pursuant to subchapter I and this subchapter must be credited as follows: one half to the General Fund and 1/2 to be deposited in a nonlapsing account to be paid to law enforcement agencies.

10. Affirmative defense. It is an affirmative defense to prosecution for a violation of subsection 1, 2 or 4 that the defendant sold, furnished, gave away or offered to sell, furnish or give away a tobacco product to a person under 18 years of age in reasonable reliance upon a fraudulent proof of age presented by the purchaser.

Sec. 6. 22 MRSA §1556-A, sub-§2, as repealed and replaced by PL 1995, c. 593, §4, is amended to read:

2. Enforcement; jurisdiction. Enforcement of criminal offenses may be carried out by written summons pursuant to Title 17-A filed in the District Court. Enforcement of civil violations set forth in section ~~4555~~ 1555-B, subsection 2 may be carried out by complaint filed in District Court. All other civil violations under this chapter are within the jurisdiction of the Administrative Court pursuant to section 1557, subsection 1.

See title page for effective date.

CHAPTER 306

H.P. 997 - L.D. 1389

An Act to Allow Partially Consumed Bottles of Wine to be Taken from Restaurants

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

Sec. 1. 28-A MRSA §1051, sub-§§4 and 5 are enacted to read:

4. Partially consumed bottles of wine. Notwithstanding subsection 3, any establishment licensed

by the State to sell wine on the premises may permit a person who has purchased a full course meal, and purchased and partially consumed a bottle of table wine with the meal, to remove the partially consumed bottle from the premises upon departure, provided that the person is not visibly intoxicated as provided in section 2503, subsection 7, and the bottle of table wine is removed and transported in a manner consistent with subsection 5.

5. Transporting partially consumed bottles. A partially consumed bottle of table wine that is removed from the premises under subsection 4 must be securely sealed and bagged by the licensee, either to be in conformance with any applicable open container law for those patrons on foot or transported in the trunk of a motor vehicle. If the vehicle is not equipped with a trunk, the securely sealed opened table wine bottle may be transported in that compartment of the vehicle that is the least accessible to the driver.

Sec. 2. 28-A MRSA §2074, sub-§1, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

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

See title page for effective date.

CHAPTER 307

S.P. 285 - L.D. 893

An Act to Conform the Provisions of the Maine Business Corporation Act Regarding Derivative Proceedings to the Provisions of the Revised Model Business Corporation Act

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

Sec. 1. 13-A MRSA §627, as amended by PL 1973, c. 455, is repealed.

Sec. 2. 13-A MRSA §§628 to 635 are enacted to read:

§628. Definitions

As used in sections 628 to 635, unless the context otherwise indicates, the following terms have the following meanings.

1. Derivative proceeding. "Derivative proceeding" means a civil suit in the right of a domestic