

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

§2303-B. Clean fuel vehicle incentive

An insurer may credit or refund any portion of the premium charges for an insurance policy for a clean fuel vehicle in order to encourage its policyholders to use clean fuel vehicles if insurance premiums on other vehicles are not increased to fund these credits or refunds.

For purposes of this section, "clean fuel vehicle" has the same meaning as set out in Title 10, section 963-A, subsection 5-B.

Sec. 8. 38 MRSA §585-F is enacted to read:

§585-F. Motor vehicle emissions labeling program

The board may adopt rules to implement a motor vehicle emissions labeling program for all new vehicles sold within the State in order to educate the public about the types and amounts of motor vehicle emissions. Rules adopted pursuant to this section are routine technical rules under Title 5, chapter 375, subchapter II-A.

Sec. 9. Clean fuel vehicle working group established. The Commissioner of Environmental Protection shall convene a working group of interested parties to recommend a motor vehicle emissions incentives and education program in the State that educates the public concerning motor vehicle emissions, that may provide a rebate for less polluting light-duty passenger cars and trucks and that may require payment of a fee for those vehicles that are more polluting in a manner that is revenue neutral. The working group shall report its recommendations to the Legislature by February 1, 1998.

See title page for effective date.

CHAPTER 501

H.P. 204 - L.D. 257

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 §708, as amended by PL 1995, c. 582, §1, is further amended to read:

§708. Prohibited discounts and rebates

1. Certificate of approval holders. A certificate of approval holder may not offer to wholesale licensees any special discounts, volume discounts or other reduced prices or discounts, except bona fide price reductions under section 1408 offered to all wholesale licensees. A certificate of approval holder may offer depletion allowances to wholesale licensees

if the depletion allowance is posted in accordance with section 1408. A certificate of approval holder may not offer any free merchandise, rebate or gift ~~contingent on the purchase of malt liquor or wine to the purchaser of an alcoholic beverage.~~

2. Wholesale licensees. A wholesale licensee may not offer to retail licensees any special discounts, volume discounts, depletion allowances, other reduced prices or discounts, or refunds except bona fide price reductions under section 1408 offered to all retail licensees. A wholesale licensee may not offer any free merchandise, rebate, refund or gift ~~contingent on the purchase of malt liquor, wine or low-alcohol spirits to the purchaser of an alcoholic beverage.~~

3. Retail licensees. A retail licensee may not offer any free merchandise, rebate or gift ~~contingent on the purchase of malt liquor or wine. A retail licensee may not offer any free merchandise, rebate or gift contingent on the purchase of spirits, except for mail-in rebate coupons redeemed by the manufacturer to the purchaser of any alcoholic beverage.~~

5. Combination packages. Notwithstanding subsection 3, agency liquor store licensees may offer for sale any package or combination of packages of spirits that the commission has approved for sale in state liquor stores.

This section does not prohibit a certificate of approval holder from including a mail-in offer, a certificate or merchandise in a package of beer, wine or low-alcohol spirits for sale by an off-premise retailer. The package containing the mail-in offer, certificate or merchandise must be packaged by the certificate of approval holders at the brewery or winery.

This section does not prohibit the unconditional distribution of merchandise to the patrons of an on-premise establishment.

Sec. 2. 28-A MRSA §709, sub-§1, ¶A, as amended by PL 1993, c. 266, §16, is further amended to read:

A. No licensee or employee or agent of a licensee may:

- (1) Offer or deliver any free ~~drinks~~ liquor to any person or group of persons;
- (2) Deliver more than 2 drinks, or a pitcher of malt liquor or carafe of wine containing more than one liter or 33.8 ounces, to one person at one time;
- (3) Sell, offer to sell or deliver to any person or group of persons an unlimited num-

ber of drinks for a fixed price, except at private functions not open to the public;

(4) Encourage or permit, on the licensed premises, any game or contest ~~which that~~ involves drinking or the awarding of drinks as prizes; or

(5) Any other practice the specific purpose of which is to encourage customers of the licensee to drink to excess; and

Sec. 3. 28-A MRSA §1051, sub-§3, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

3. Liquor not to be consumed elsewhere. Except as provided in paragraphs A and B, no licensee for the sale of liquor to be consumed on the premises where sold may personally or by ~~his~~ an agent or employee, sell, give, furnish or deliver any liquor to be consumed elsewhere than upon the licensed premises. The service and consumption of liquor must be limited to areas that are clearly defined and approved in the application process by the bureau as appropriate for the consumption of liquor. Outside areas must be controlled by barriers and by signs prohibiting consumption beyond the barriers.

A. Subject to law and the rules of the ~~commission~~ bureau, hotel licensees may sell liquor in the original packages or by the drink to bona fide registered room guests. Any sale to a guest may be delivered to the guest's room only by a hotel employee.

B. A licensee may serve liquor at locations other than the licensed premises under the off-premise catering license issued under section 1052.

Sec. 4. 28-A MRSA §1652, sub-§2-B is enacted to read:

2-B. Failure to make payments. If a winery or brewery that has not filed an excise tax surety bond fails to make tax payments as required by this section, the bureau may immediately take back its license issued pursuant to section 1355, having the effect of voiding the license.

Sec. 5. 28-A MRSA §2077-A, as amended by PL 1993, c. 60, §3, is repealed.

Sec. 6. 28-A MRSA §2077-B is enacted to read:

§2077-B. Interstate shipping of liquor prohibited

1. Prohibition. A person may not sell, furnish, deliver or purchase liquor from an out-of-state company by mail order.

2. Penalty. A person who violates this section is subject to penalties listed in section 2075, subsection 4.

See title page for effective date.

CHAPTER 502

H.P. 1126 - L.D. 1582

An Act to Clarify and Amend the Storm Water Management Laws, the Erosion and Sedimentation Control Laws, and the Site Location of Development Laws

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

Sec. 1. 38 MRSA §420-C, first ¶, as enacted by PL 1995, c. 704, Pt. B, §2 and affected by Pt. C, §2, is amended to read:

A person who conducts, or causes to be conducted, an activity that involves filling, displacing or exposing soil or other earthen materials shall take measures to prevent unreasonable erosion of soil or sediment beyond the project site or into a protected natural resource as defined in section 480-B. Erosion control measures must be in place before the activity begins. Measures must remain in place and functional until the site is permanently stabilized. Adequate and timely temporary and permanent stabilization measures must be taken and the site must be maintained to prevent unreasonable erosion and sedimentation.

Sec. 2. 38 MRSA §420-D, sub-§§2 and 5, as enacted by PL 1995, c. 704, Pt. B, §2 and affected by Pt. C, §2, are amended to read:

2. Review. If the applicant is able to meet the standards for storm water using solely vegetative means, the department shall review the application within 30 calendar days. If structural means are used to meet those standards, the department shall review the application within 60 calendar days. The review period begins upon receipt of a complete application and may be extended pursuant to section 344-B or if a joint order is required pursuant to subsection 5. The department may request additional information necessary to determine whether the standards of this section are met. The application is deemed approved if the department does not notify the applicant within the applicable review period.

The department may allow a municipality or a quasi-municipal organization, such as a watershed management district, to substitute a management system for storm water approved by the department for the permit