

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
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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
1999

(e) ~~Served in the Armed Forces in the United States at any time and was killed or died as a result of hostile action and was a resident of the State at the time of entering military service, at the time of death or at the time of the death of an eligible dependent.~~

(3) ~~"Federally recognized period of conflict" means World War I, April 6, 1917 to November 11, 1918, or March 31, 1920 if service was in Russia; World War II, December 7, 1941 to December 31, 1946; Korean Conflict, June 27, 1950 to January 31, 1955; the Vietnam War, August 5, 1964 to May 7, 1975; and the Persian Gulf War, August 7, 1990 to April 11, 1991.~~

See title page for effective date.

CHAPTER 518

H.P. 767 - L.D. 1090

An Act to Change the Tax Treatment of Truck Campers

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

Sec. 1. 36 MRSA §1764, as amended by PL 1997, c. 133, §2, is further amended to read:

§1764. Tax against certain casual sales

The tax imposed by chapters 211 to 225 must be levied upon all casual sales involving the sale of camper trailers, truck campers, motor vehicles, special mobile equipment except farm tractors and lumber harvesting vehicles or loaders, livestock trailers, watercraft or aircraft except those sold for resale at retail sale or to a corporation, partnership, limited liability company or limited liability partnership when the seller is the owner of a majority of the common stock of the corporation or of the ownership interests in the partnership, limited liability company or limited liability partnership.

Sec. 2. 36 MRSA §1765, sub-§9, as enacted by PL 1987, c. 402, Pt. A, §180, is amended to read:

9. Camper trailers and truck campers. Camper trailers and truck campers.

See title page for effective date.

CHAPTER 519

S.P. 320 - L.D. 954

An Act to Improve Alcohol Server Education Courses

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

Sec. 1. 28-A MRSA §2515, sub-§1, ¶A, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

A. The server's and server's employees attendance at a an approved server education training course; and

Sec. 2. 28-A MRSA §2519, sub-§2, ¶D, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

D. A representative of the ~~Department of Human Services~~ Office of Substance Abuse;

Sec. 3. 28-A MRSA §2519, sub-§2, ¶E, as amended by PL 1989, c. 700, Pt. A, §117, is further amended to read:

E. A representative of the ~~Department of Education~~ education community;

Sec. 4. 28-A MRSA §2519, sub-§3-A is enacted to read:

3-A. Precourse evaluation waiver. After review of a course, the advisory committee may exempt that course from evaluating its participants prior to taking the course.

Sec. 5. 28-A MRSA §2519, sub-§5, as amended by PL 1997, c. 373, §167, is further amended to read:

5. Fee. The fee for enrollment in a bureau alcohol server education course is \$28 per participant. The fees collected must be retained by the bureau to cover the costs related to alcohol server education training.

Sec. 6. 28-A MRSA §2519, sub-§6, as amended by PL 1997, c. 373, §168, is further amended to read:

6. Instructor training. Each instructor providing instruction in an approved alcohol server education course shall biennially attend a seminar on the liquor laws of the State provided by an employee officer of the bureau. The instructor shall attend the seminar prior to teaching an approved alcohol server education course in this State. If the instructor meets the requirements of subsection 6-A, the instructor

must receive an alcohol server instructor's certificate. There is a \$5 \$10 fee for the seminar to offset expenses incurred in carrying out this subsection. The instructor of each course provided shall supply the bureau with the name, address and telephone number of each attendant.

Sec. 7. 28-A MRSA §2519, sub-§§6-A and 6-B are enacted to read:

6-A. Instructor qualifications. In order to qualify for an alcohol server instructor's certificate, an instructor shall:

- A. Attend a seminar biennially as provided in subsection 6;
- B. Apply for a certificate for each approved course to be instructed; and
- C. Provide a letter from the administrator of the course approved by the advisory committee to train instructors acknowledging that the instructor is in good standing with the approved course; and

In addition to the requirements of paragraphs A to C, an instructor seeking recertification shall conduct a minimum of 4 courses during the previous certification term for the course for which the instructor is seeking recertification.

6-B. Suspension of certificate. The commissioner may suspend or revoke an alcohol server instructor's certificate upon the recommendation of the advisory committee. The following are grounds for an action to suspend or revoke a certificate:

- A. Repeated instances of failure to provide timely, accurate or legible information required by subsection 7;
- B. Repeated instances of failure to follow the course outline or cover the course criteria that were used to gain approval; or
- C. Receipt of a request to suspend or revoke a certificate from the administrator of the course approved by the advisory committee to train instructors.

Sec. 8. 28-A MRSA §2519, sub-§7, as amended by PL 1997, c. 373, §168, is further amended to read:

7. Course accountability. The chief may appoint an ~~employee~~ officer of the bureau to monitor each alcohol server education course to ensure that the course presents proper training and meets the approved criteria. The bureau shall maintain a record of the participants who have completed an alcohol server training course. Each instructor of an approved

course shall provide the chief with the names, addresses, dates of birth and the driver's license numbers, state identification card numbers or social security numbers of students who complete the course and the date of completion. The instructors shall forward \$3 ~~of the enrollment fee~~ to the bureau for every name submitted. The amounts collected must be retained by the bureau to cover costs ~~incurred in carrying out this subsection~~ related to alcohol server education training.

Sec. 9. 28-A MRSA §2519-A is enacted to read:

§2519-A. Rules

The bureau may adopt rules for the purpose of waiving the fee for the alcohol server education course in the event of demonstrated need and inability to pay. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

Sec. 10. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	1999-00	2000-01
PUBLIC SAFETY, DEPARTMENT OF Liquor Enforcement		
All Other	\$10,125	\$13,500
Allocates funds for the costs of administering a certification process for alcohol server course instructors.		

See title page for effective date.

CHAPTER 520

H.P. 1053 - L.D. 1484

An Act to Conform the Maine Tax Laws for 1998 With the United States Internal Revenue Code

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

Whereas, the 90-day period would delay the processing of the 1998 income tax returns; and

Whereas, legislative action is immediately necessary to ensure continued and efficient administration