

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

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

Penmor Lithographers
Lewiston, Maine
2003

Federal Expenditures Fund	2003-04	2004-05
Positions - FTE Count	(2,000)	(2,000)
Personal Services	\$76,378	\$76,378
All Other	20,000	20,000
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Federal Expenditures Fund Total	\$96,378	\$96,378

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

Effective May 29, 2003.

CHAPTER 349

S.P. 151 - L.D. 433

An Act to Expand Payment Options on Sales of Alcoholic Beverages by Licensees

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

Sec. 1. 28-A MRSA §705, sub-§1, as amended by PL 1993, c. 266, §9, is repealed and the following enacted in its place:

1. Sales for cash. Except as provided in subsection 1-B, a wholesale licensee, the employee of a wholesale licensee or a reselling agent as defined by section 2, subsection 27-A may not sell or offer to sell any liquor except for cash or payment by check or electronic funds transfer as provided in subsection 1-A.

Sec. 2. 28-A MRSA §705, sub-§§1-A to 1-E are enacted to read:

1-A. Electronic funds transfer. For the purposes of this section, "electronic funds transfer" means using an electronic device for the purpose of ordering, instructing or authorizing a financial institution to debit or credit an account.

A. Electronic funds transfers are permissible under the following conditions:

(1) Any agreement to engage in electronic funds transfer for payment for beer or wine between manufacturers, wholesale licensees or retail licensees must be voluntary and in writing. A manufacturer, wholesale licensee or retail licensee may not refuse to do business with or otherwise limit business with another manufacturer, wholesale licensee or retail licensee for declining to pay for beer or wine by electronic funds transfer;

(2) When electronic funds transfer is the form of payment, the form of payment must be noted on the invoice at the time of delivery and acknowledged in writing by the buyer or the buyer's employee. The note on the invoice constitutes an irrevocable promise to pay. All parties to electronic funds transfer transactions will maintain records of those transactions for 2 years from the date of the transaction and make those records available for inspection by the bureau upon request;

(3) Initiation of the electronic funds transfer must occur on the next business day after the delivery of the product;

(4) Parties engaging in electronic funds transfers under this section pay their own costs associated with electronic funds transfers; and

(5) Any electronic funds transfer transaction that is not completed due to insufficient funds is subject to the provisions of the Uniform Commercial Code.

1-B. Sales on credit. Credit may be extended:

A. By a hotel or club to bona fide registered guests or members;

B. By a hotel or Class A restaurant to the holder of a credit card that authorizes the holder to charge goods or credits; and

C. By an on-premises licensee to the host of a private, prearranged function without a credit card.

1-C. Right of action. A right of action does not exist to collect claims for credits extended contrary to this section.

1-D. Credit for deposits. This section does not prohibit a licensee from giving credit to a purchaser for the actual amount of the deposit on beverage containers as defined in Title 32, section 1862, subsection 2 or on the packages or original containers as a credit on any sale or from paying the amount actually charged for such a deposit on the packages or original containers.

1-E. Goods in exchange for product prohibited; exception. A wholesale licensee or a wholesale licensee's employee or agent may not sell, offer to sell or furnish any liquor to any person on a passbook or store order or receive from any person any goods, wares, merchandise or other articles in exchange for liquor. This paragraph does not apply to beverage container deposits on packages or original containers

that were originally purchased from that licensee by the person returning the packages or original containers.

See title page for effective date.

CHAPTER 350

H.P. 902 - L.D. 1228

An Act To Address Concerns Regarding the Breeding and Sale of Certain Small Mammals

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

Whereas, significant health and animal welfare concerns exist regarding the breeding and sale of small mammals as pets; and

Whereas, certain breeders and sellers of certain small mammals are not currently regulated at either the state or federal level; and

Whereas, children are often in contact with these animals in both home and school settings; 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. 7 MRSA §3933, sub-§3 is enacted to read:

3. Records. A person maintaining a pet shop, as defined in section 3907, shall keep a record of each animal received by the pet shop, except for mice and fish. The record must include the name and address of the person or company from whom the animal was received and the name and address of the person buying or otherwise acquiring the animal from the pet shop. The record must be kept on file for a period of 2 years following the sale or other disposition of the animal by the pet shop.

Sec. 2. Report on and recommendations for regulation of breeders and sellers of small mammals. The Commissioner of Agriculture, Food and Rural Resources shall report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than December 31, 2003 on the need for additional regulation of breeders and sellers of small

mammals commonly kept as pets. The commissioner or the commissioner's designee shall include in the report a summary of state and federal statutes and regulations that currently apply to breeders and sellers of small mammals commonly kept as pets, including gerbils, hamsters, guinea pigs, ferrets, rats and mice. The commissioner shall make recommendations regarding the need for additional authority to regulate the breeding and sale of small mammals to address public health and consumer protection concerns as well as animal welfare issues. The Joint Standing Committee on Agriculture, Conservation and Forestry may report out a bill during the Second Regular Session of the 121st Legislature to implement recommendations regarding the regulation of breeders and sellers of small mammals.

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

Effective May 30, 2003.

CHAPTER 351

H.P. 655 - L.D. 878

An Act To Provide Peer Support and Advocacy Services To Participants in the ASPIRE-TANF Program and the Parents as Scholars Program

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

Sec. 1. 22 MRSA §3789-E is enacted to read:

§3789-E. Peer support and advocacy demonstration project

1. Project established. The department shall establish a peer support and advocacy demonstration project, referred to in this section as "the project," to provide information, support and advocacy services for participants in the ASPIRE-TANF program, as established in section 3781-A, and the Parents as Scholars Program, as established in section 3790, subsection 1.

2. Project design. The department shall establish in 4 of its offices peer support and advocacy groups made up of ASPIRE-TANF program and Parents as Scholars Program participants who, on a volunteer basis, are available to assist their peers in the programs by answering questions or assisting them in resolving problems they may be having in either of the programs. The peer support and advocacy groups shall meet regularly with the management of the ASPIRE-TANF program and Parents as Scholars Program to discuss systemic issues and methods of