

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST SPECIAL SESSION**  
**August 21, 2003 to August 22, 2003**

**The General Effective Date For**  
**First Special Session**  
**Non-Emergency Laws Is**  
**November 22, 2003**

**SECOND REGULAR SESSION**  
**January 7, 2004 to January 30, 2004**

**The General Effective Date For**  
**Second Regular Session**  
**Non-Emergency Laws Is**  
**April 30, 2004**

**SECOND SPECIAL SESSION**  
**February 3, 2004 to April 30, 2004**

**The General Effective Date For**  
**Second Special Session**  
**Non-Emergency Laws Is**  
**July 30, 2004**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2004**

administration incurred by the Department of Public Safety.

(iv) The subject of a Federal Bureau of Investigation criminal history record check may obtain a copy of the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state criminal history record check may inspect and review the criminal history record information pursuant to Title 16, section 620.

(v) State and federal criminal history record information may be used by the department for the purpose of screening prospective adoptive parents in determining whether the adoption is in the best interests of the child.

(vi) Information obtained pursuant to this paragraph is confidential. The results of background checks received by the department are for official use only and may not be disseminated outside the department except to a court considering an adoption petition under subsection (a-1).

(2) Rules adopted by the department pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

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**CHAPTER 576**

**H.P. 1352 - L.D. 1829**

**An Act To Amend the Membership of the Children's Cabinet**

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

**Sec. 1. 5 MRSA §19131, sub-§2, ¶D,** as enacted by PL 1999, c. 785, §3 and amended by PL 2001, c. 354, §3, is further amended to read:

D. The Commissioner of Behavioral and Developmental Services; ~~and~~

**Sec. 2. 5 MRSA §19131, sub-§2, ¶E,** as enacted by PL 1999, c. 785, §3, is amended to read:

E. The Commissioner of Public Safety;:

**Sec. 3. 5 MRSA §19131, sub-§2, ¶¶F and G** are enacted to read:

F. The Commissioner of Labor; and

G. At the discretion of the Governor, a member of the public, appointed by the Governor.

See title page for effective date.

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**CHAPTER 577**

**H.P. 470 - L.D. 640**

**An Act To Reduce the Voting Age Qualification for State Primary Elections for Voters Who Will Reach 18 Years of Age by the Time of the General Election**

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

**Sec. 1. 21-A MRSA §111-A** is enacted to read:

**§111-A. Voting age qualification for primary elections**

Notwithstanding section 111, subsection 2, a person who has not yet reached 18 years of age but will be 18 years of age at the time of a general election and meets all other qualifications in order to vote in a primary election may vote in the primary election for the selection of candidates to be on the ballot at that general election.

See title page for effective date.

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**CHAPTER 578**

**H.P. 1408 - L.D. 1902**

**An Act To Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to the Review of Agencies under the State Government Evaluation Act**

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

**Sec. 1. 3 MRSA §959, sub-§1, ¶A,** as amended by PL 2001, c. 548, §1, is further amended to read:

A. The joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters shall use the following list as a guideline for scheduling reviews:

- (1) Baxter State Park Authority in ~~2003~~ 2009;
- (2) Department of Conservation in 2005;
- (3) Blueberry Advisory Committee in 2005;
- (4) Board of Pesticides Control in 2005;
- (5) Wild Blueberry Commission of Maine in 2005;
- (6) Seed Potato Board in 2005;
- (7) Maine Dairy and Nutrition Council in 2007;
- (8) Maine Dairy Promotions Board in 2007;
- (9) Maine Milk Commission in 2007;
- (10) State Harness Racing Commission in 2007;
- (11) Maine Agricultural Bargaining Board in 2003;
- (12) Department of Agriculture, Food and Rural Resources in ~~2003~~ 2009; and
- ~~(13) State Soil and Water Conservation Commission in 2003; and~~
- (14) Land for Maine's Future Board in 2007.

**Sec. 2. 7 MRSA §75-A, sub-§6, ¶B**, as amended by PL 2001, c. 668, §3, is further amended to read:

B. The Pull Events Commission consists of ~~4~~ 9 members:

- (1) Two members appointed by a statewide association representing owners of draft horses and oxen who participate in pulling events, one member appointed by an association representing owners of oxen who participate in pulling events and one member appointed by an association representing owners of ponies who participate in pulling events;
- ~~(2) An agricultural fair coordinator from the department;~~
- (3) One Fair Superintendent appointed by the Maine Association of Agricultural Fairs;

(4) One representative appointed by state humane organizations;

~~(5) The commissioner or a designated representative;~~

(6) One member, appointed by the commissioner, representing the general public;

(7) One member, appointed by the commissioner, representing the animal pulling industry; and

(8) One member appointed by the Animal Welfare Advisory Council.

**Sec. 3. 7 MRSA §75-A, sub-§6, ¶D**, as enacted by PL 2001, c. 421, Pt. B, §4 and affected by Pt. C, §1, is amended to read:

~~D. With the exception of the commissioner and the fair coordinator, appointments~~ Appointments must be for terms of 2 years. The appointing authority fills a vacancy for a full 2-year term. The appointing authority may remove a commission member for cause, which includes poor attendance. The chair shall make recommendations to the appointing authority concerning a removal.

**Sec. 4. 7 MRSA §75-A, sub-§6, ¶G** is enacted to read:

G. The agricultural fair coordinator from the department shall serve as secretary to the Pull Events Commission.

**Sec. 5. 7 MRSA §2102**, as amended by PL 1977, c. 694, §131, is repealed and the following enacted in its place:

**§2102. Certification and inspection fee**

A grower of potato, vegetable, forage crop or grain seeds may make application to the commissioner for inspection and certification of a crop growing or to be grown in this State. The grower shall provide the commissioner with the location and a description of the land on which the crop is grown and any additional information required by the commissioner. The grower shall enter into an agreement to pay inspection and certification fees determined by the commissioner to cover the cost of inspection and certification. Upon entering into an agreement with a grower, the commissioner or an agent of the commissioner shall list that grower's crops to be inspected and shall inspect and certify the crops in accordance with rules adopted pursuant to this chapter. All certification and inspection fees received in accordance with this section must be deposited in the Certified Seed Fund established in section 2107.

**Sec. 6. 7 MRSA §2106**, as enacted by PL 1999, c. 4, Pt. E, §1, is amended to read:

**§2106. Working capital advance**

The State Controller is authorized to advance \$300,000 from the General Fund unappropriated surplus to the ~~Division of Plant Industry program in the department~~ Certified Seed Fund established in section 2107 during any state fiscal year, if requested in writing by the Director of the Division of Plant Industry, to be used to provide cash necessary to meet current expenditures of the seed certification program. These funds must be returned to the General Fund unappropriated surplus before the close of the state fiscal year in which the advance was made. The State Controller shall report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs within 30 days of making any working capital advance for this purpose.

**Sec. 7. 7 MRSA §2107** is enacted to read:

**§2107. Certified Seed Fund**

There is established the Certified Seed Fund. The fund receives all certification and inspection fees paid in accordance with section 2102 and all other funds received in support of operating a statewide seed certification program. All money deposited in the fund must be used for the management and operation of the seed certification program. Unexpended balances in the fund do not lapse and must be carried forward to be used for the purposes specified in this section. Any interest earned on the revenue deposited in the fund accrues to the fund.

**Sec. 8. 10 MRSA §1023-J, first ¶**, as amended by PL 2003, c. 120, §3, is further amended to read:

The Agricultural Marketing Loan Fund, referred to in this section as the "fund," is created. The fund must be deposited with and maintained by the Finance Authority of Maine. The fund must be administered by the Commissioner of Agriculture, Food and Rural Resources in accordance with Title 7, chapter 101, subchapter 1-D. All money received by the Finance Authority of Maine from any source for the development and implementation of an improved agricultural marketing loan program must be credited to the fund. Any money credited to the fund from the issuance of bonds on behalf of the State for financing loans for agricultural enterprises may be used only for the following purposes: to provide assistance to agricultural enterprises in this State for the design, construction or improvement of commodity and storage buildings and packing and marketing facilities; for the purchase, construction or renovation of buildings, equipment, docks, wharves, piers or vessels used in connection with a commercial agricultural enterprise;

for the purchase of land in connection with development of new cranberry acreage; for the purchase of land for irrigation reservoirs or to provide direct access to water for irrigation; for the purchase of land necessary for the start-up of a new agricultural enterprise; for the expansion of an existing agricultural enterprise when the land acquisition is necessary to comply with land use regulations; for the development of a business plan in accordance with the provisions of Title 7, section 436-A; for improvements to pastureland, including seeding and actions to promote rotational grazing; or, if the commissioner so approves at the time of loan insurance commitment, to pledge money in the fund as security for, and to apply money in the fund to, payment of principal, interest and other amounts due on any term loans insured by the Finance Authority of Maine to an eligible dairy farmer. Repayment of these loans and interest on these loans must be credited to the fund and may be used for the purposes stated in this section or Title 7, section 436. Interest earned on money in the fund and interest earned on loans made from the fund may be used to pay the administrative costs of processing loan applications, to the extent that these costs exceed the fee for administrative costs established by Title 7, section 435, subsection 4.

**Sec. 9. Report on Baxter State Park's reservation system.** The Baxter State Park Authority shall submit a report to the joint standing committee of the Legislature having jurisdiction over state parks and lands matters no later than January 2, 2006. The report must include a description of the rolling reservation system scheduled to go into effect January 1, 2005, a preliminary evaluation of the effectiveness of the rolling reservation system in fairly and efficiently allocating campsites and any modifications to the rolling reservation system that have been adopted or are being contemplated.

**Sec. 10. Appropriations and allocations.** The following appropriations and allocations are made.

**AGRICULTURE, FOOD AND RURAL RESOURCES,  
DEPARTMENT OF**

**Certified Seed Fund**

Initiative: Allocates funds to reflect the establishment of the new Certified Seed Fund program.

<b>Other Special Revenue Funds</b>	<b>2003-04</b>	<b>2004-05</b>
Positions - Legislative Count	(0.000)	(11.500)
Positions - FTE Count	(0.000)	(6.149)
Personal Services	\$0	\$567,672
All Other	0	257,379
	<hr/>	<hr/>
Other Special Revenue		
Funds Total	\$0	\$825,051

**Division of Plant Industry 0831**

Initiative: Deallocates funds to reflect the establishment of the new Certified Seed Fund program.

<b>Other Special Revenue Funds</b>	<b>2003-04</b>	<b>2004-05</b>
Positions - Legislative Count	(0.000)	(-11.500)
Positions - FTE Count	(0.000)	(-6.149)
Personal Services	\$0	(\$567,672)
All Other	0	(257,379)
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Other Special Revenue Funds Total	\$0	(\$825,051)

<b>AGRICULTURE, FOOD AND RURAL RESOURCES,</b>		
<b>DEPARTMENT OF</b>		
<b>DEPARTMENT TOTALS</b>		
	<b>2003-04</b>	<b>2004-05</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$0</b>
<hr/>		
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$0</b>

See title page for effective date.

**CHAPTER 579**

**H.P. 486 - L.D. 656**

**An Act to Allow Beverage Sales from Mobile Service Bars on Golf Courses**

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

**Sec. 1. 28-A MRSA §1012, sub-§4** is enacted to read:

**4. Golf course mobile service bar.** A licensee who is the owner of a golf course may apply for a license to sell malt liquor from a mobile service bar as provided in section 1075-A. The license fee per calendar year is \$100.

This subsection is repealed January 1, 2006.

**Sec. 2. 28-A MRSA §1075, sub-§2,** as enacted by PL 1995, c. 195, §2, is repealed and the following enacted in its place:

**2. Sales for consumption on slopes or courses prohibited.** This section does not permit a ski area to sell liquor for consumption on the slopes away from the licensed area. Except as provided in section 1075-A, a golf course may not sell liquor for consumption on the course away from the licensed area.

This subsection is repealed January 1, 2006.

**Sec. 3. 28-A MRSA §1075, sub-§2-A** is enacted to read:

**2-A. Sales for consumption on slopes or courses prohibited.** This section does not permit a

ski area to sell liquor for consumption on the slopes away from the licensed area or a golf course to sell liquor for consumption on the course away from the licensed area.

This subsection takes effect January 1, 2006.

**Sec. 4. 28-A MRSA §1075-A** is enacted to read:

**§1075-A. Golf course mobile service bar**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Mobile service bar" means a golf cart or other similar vehicle staffed by an employee of the golf course and outfitted for storage, cooling or refrigeration and sale and service of malt liquor in cans or bottles.

**2. License.** The bureau may issue a license for a mobile service bar to a licensee who owns a golf course or may issue a license for a mobile service bar to a Class A restaurant, Class A restaurant/lounge or Class I hotel located at a golf course and to a golf course owner. The licensee shall ensure that:

A. All individuals selling, serving or dispensing malt liquor from a mobile service bar are employees of the golf course;

B. All malt liquor possessed and consumed on the golf course is sold by the licensee;

C. A sufficient number of employees are deployed to adequately control and ensure adherence to laws applying to the serving, sale and consumption of malt liquor on the golf course;

D. Service or consumption of any liquor is not allowed in parking lots except as otherwise provided in this chapter;

E. A licensee or licensee's employees do not allow patrons to leave the golf course with any liquor;

F. Only one standard serving of malt liquor is served to an individual at a time;

G. Signs are posted that state that a patron may not bring alcoholic beverages onto the premises of the golf course;

H. Signs are placed on the mobile service bar that state that service or consumption of any liquor by a person under 21 years of age is prohibited;