

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2004 to March 30, 2005**

**FIRST SPECIAL SESSION**  
**April 4, 2005 to June 18, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 17, 2005**

**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**  
**2005**

meet the criteria established in Title 37-B, section 6 and other criteria for issuance of licenses. Each license is valid for the period described in Title 37-B, section 6. This subsection is repealed June 30, 2010.

**Sec. 3. 37-B MRSA §6** is enacted to read:

**§6. Issuance of free day use pass and licenses**

The Commissioner of Defense, Veterans and Emergency Management, in accordance with a memorandum of agreement entered into with the Commissioner of Conservation and this section, shall issue a free day use pass to state parks and historic sites to eligible veterans. The commissioner, in accordance with a memorandum of agreement entered into with the Commissioner of Inland Fisheries and Wildlife and this section, shall issue a free fishing license and free hunting license to eligible veterans who meet other criteria of the Department of Inland Fisheries and Wildlife for the issuance of licenses.

**1. Eligibility.** The Department of Defense, Veterans and Emergency Management shall determine, based on an examination of an individual's discharge certificate from active duty services, also known as the DD214, whether the following criteria are met:

A. The person is a resident of this State;

B. The person received an honorable discharge or general discharge under honorable conditions; and

C. Between October 1, 2001 and January 1, 2010, while a member of the Maine National Guard or an active or reserve member of the uniformed services as defined in 10 United States Code, Section 101(a)(5), the person served for a minimum of 3 continuous months outside the United States either:

(1) On an operational mission for which members of the reserve were ordered to active duty; or

(2) During a period of war declared by the United States Congress or a period of national emergency declared by the President of the United States or Congress.

**2. Duration of passes and licenses.** A license or pass issued in accordance with this section is valid for a minimum of 12 months from the date of an eligible veteran's discharge from active duty. The memoranda of agreement between the departments may allow issuance of passes or licenses for a period longer than 12 months.

**3. Responsibilities of commissioner.** The Commissioner of Defense, Veterans and Emergency

Management shall identify a point of contact within the department to issue licenses and passes in accordance with this section and the memoranda of agreement entered into with the Department of Conservation and the Department of Inland Fisheries and Wildlife. The commissioner shall periodically report to the Department of Conservation with a listing of the names and addresses of all persons receiving passes to state parks and historic sites and the expiration dates for those passes. The department shall periodically report to the Department of Inland Fisheries and Wildlife with a listing of the names and addresses of all persons receiving fishing licenses and hunting licenses and the expiration dates for those licenses.

**4. Repeal.** This section is repealed June 30, 2010.

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

Effective June 2, 2005.

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**CHAPTER 269**

**S.P. 463 - L.D. 1336**

**An Act To Promote Economic Development in Commercial and Downtown Areas of the State**

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

**Whereas,** this legislation needs to take effect before the expiration of the 90-day period to encourage economic development in commercial and downtown areas in the State, which is a vital component to the overall growth and success of the State; and

**Whereas,** a component of some commercial districts and downtown districts is the location of restaurants and bars in order to spur activity and growth in these districts; and

**Whereas,** the prohibition on issuance of new liquor licenses to businesses located within 300 feet of churches and schools is primarily designed to prevent businesses from locating near established churches and schools and selling liquor in close proximity to those locations; and

**Whereas,** the entry of a new school or church into a preexisting commercial zone where businesses are already allowed to obtain liquor licenses, or a downtown area, should not have the effect of disrupt-

ing the economic development plans of a municipality; 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. 28-A MRSA §701, sub-§1**, as amended by PL 1997, c. 373, §64, is further amended to read:

**1. Location within 300 feet of churches and schools.** Except as provided in ~~paragraph B paragraphs B and C~~, the bureau may not issue a new license for the sale of liquor to be consumed on the premises to new premises within 300 feet of a public or private school, school dormitory, church, chapel or parish house in existence as such at the time the application for the new license is made.

B. The bureau may after holding a public hearing near the proposed location issue licenses to premises that are either in or within 300 feet of a church, chapel, parish house or postsecondary school.

C. The restriction in this subsection does not apply if a public or private school, school dormitory, church, chapel or parish house:

(1) Locates in a commercial zone that includes restaurants or bars as permitted uses and that had been established pursuant to a zoning ordinance as defined in Title 30-A, section 4301, subsection 15-A prior to the public or private school, school dormitory, church, chapel or parish house locating in the commercial zone; or

(2) Is located in a downtown as defined in Title 30-A, section 4301, subsection 5-A.

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

Effective June 2, 2005.

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**CHAPTER 270**

**H.P. 990 - L.D. 1426**

**An Act To Amend Certain Milk and Milk Products Laws**

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

**Sec. 1. 7 MRSA §2900, sub-§5**, as enacted by PL 1999, c. 679, Pt. A, §1, is repealed.

**Sec. 2. 7 MRSA §2900, sub-§6**, as enacted by PL 1999, c. 679, Pt. A, §1, is amended to read:

**6. Heat treated.** "Heat treated" or "heat-treated" means processed by heating every particle of milk to a temperature of 145 degrees Fahrenheit for at least 30 minutes ~~using a double boiler~~.

**Sec. 3. 7 MRSA §2902-B**, as repealed and replaced by PL 2003, c. 452, Pt. B, §18 and affected by Pt. X, §2, is amended to read:

**§2902-B. Sale of unpasteurized milk and milk products**

**1. Sale of unpasteurized milk or milk product.** A person may not sell unpasteurized milk or a product made from unpasteurized milk, including heat-treated cheese, unless the label on that product contains the words "not pasteurized."

**2. Sale of unpasteurized milk or milk product at eating establishment.** Except as provided in subsection 4, a person may not sell unpasteurized milk or a product made from unpasteurized milk at an eating establishment as defined in Title 22, section 2491, subsection 7.

**3. Exception.** This section does not apply to ~~farm cheese or to~~ cheese that has been aged at a temperature above 35 degrees Fahrenheit for at least 60 days prior to sale.

**4. Sale of heat-treated cheese at eating establishment.** Notwithstanding subsection 2, heat-treated cheese may be offered for consumption at an eating establishment as defined in Title 22, section 2491, subsection 7 provided the menu identifies items on the menu that contain or are made with heat-treated cheese and provides notice that heat-treated cheese is not pasteurized using the words "not pasteurized" on the menu.

**Sec. 4. 7 MRSA §2904-A**, as amended by PL 1999, c. 418, §3, is repealed.

**Sec. 5. 7 MRSA §2906**, as amended by PL 1999, c. 679, Pt. A, §9, is further amended to read:

**§2906. Civil suits**

The district attorney for the county in which any violation of sections 2901-A to ~~2904-A~~ 2903-B has occurred shall, if requested, assist the commissioner in suits arising under those sections.