

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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Lewiston, Maine
2005

dum will appear on the ballot. The fiscal impact estimate must summarize the aggregate impact that the constitutional resolution or referendum will have on the General Fund, the Highway Fund, Other Special Revenue Funds and the amounts distributed by the states to local units of government. The Secretary of State shall publish ~~this~~ the explanatory statement and the fiscal estimate in each daily newspaper of the State, not more than 10 and not less than 7 days prior to the voting. ~~The explanatory statement~~ This information may be published in the English language in a foreign language newspaper.

Sec. 2. 1 MRSA §354 is enacted to read:

§354. Public comment on proposed amendments and statewide referenda; rules; fees

The Secretary of State shall adopt rules regarding the publication of public comment by proponents and opponents of constitutional resolutions or statewide referenda. These rules must include, but are not limited to, a word limit, the labeling of public comment as supporting or opposing a measure and the identification of the person or persons responsible for the comment. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. Beginning with the November 2006 election and every election thereafter, the Secretary of State shall publish the public comment, along with the explanatory statement and fiscal estimate required under section 353, on a publicly accessible site on the Internet and in pamphlets distributed to the municipalities of the State. A person filing a public comment for publication shall pay a fee of \$500 to the Secretary of State. Fees collected pursuant to this section must be deposited in the Public Comment Publication Fund established under Title 5, section 90-D.

Sec. 3. 5 MRSA §90-D is enacted to read:

§90-D. Public Comment Publication Fund

The Public Comment Publication Fund, referred to in this section as "the fund," is established as a nonlapsing fund within the Department of the Secretary of State. The fund consists of fees for public comment on constitutional resolutions and statewide referenda received by the Secretary of State pursuant to Title 1, section 354. The money in the fund must be used for the purpose of publishing the informational pamphlet that includes the public comment, explanatory statement and fiscal estimate pursuant to Title 1, section 354. The unobligated and unencumbered balance of the fund in excess of \$5,000 as of December 1st of each year must be transferred to the General Fund.

Sec. 4. Appropriations and allocations.

The following appropriations and allocations are made.

SECRETARY OF STATE, DEPARTMENT OF THE

Bureau of Administrative Services and Corporations 0692

Initiative: Provides initial allocations for the Public Comment Publication Fund.

OTHER SPECIAL REVENUE FUNDS	2005-06	2006-07
All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

See title page for effective date.

CHAPTER 317

S.P. 208 - L.D. 653

An Act To Improve Warranty Practices for Farm Machinery Dealerships

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

Sec. 1. 10 MRSA §1293, sub-§1, ¶¶A and B are enacted to read:

A. A dealer that performs warranty work as provided for in this section must be compensated for the dealer's labor in an amount that is not less than the reasonable and customary amount of time required to complete such work, expressed in hours and fractions of hours, multiplied by the dealer's established hourly labor rate. Prior to filing a claim for warranty work, the dealer shall notify the supplier of the dealer's hourly retail labor rate.

B. A dealer that performs warranty work as provided for in this section must be compensated for parts used in fulfilling such warranty work in an amount that is not less than the dealer's costs for such parts plus 15%, including all freight and handling charges applicable to such parts, to reimburse the dealer's reasonable costs of doing business and providing such warranty service on behalf of the supplier. If the warranty work is provided on behalf of the supplier on a product sold by a nonservicing dealer, the compensation for parts used in fulfilling such warranty work must be at an amount that is not less than the supplier's suggested list price or dealer's cost plus

30%, whichever is greater, plus freight and handling charges applicable to such parts.

See title page for effective date.

CHAPTER 318

S.P. 163 - L.D. 537

An Act Relating to Animals in Food Stores and Restaurants

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

Sec. 1. 17 MRSA §3966, as enacted by PL 1973, c. 625, §94, is amended to read:

§3966. Animals in food stores

It is unlawful for any person, other than the owner or manager, to bring ~~any~~ an animal into a store where food is sold for human consumption or into a restaurant where food is prepared and served on the premises. This section ~~shall~~ does not apply to ~~any~~ a person requiring the services of a ~~seeing-eye dog~~ service animal.

For the purposes of this section, "service animal" means an animal that has been prescribed for an individual with a disability by a physician, psychiatrist or psychologist and a guide dog, signal dog or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair or fetching items.

See title page for effective date.

CHAPTER 319

H.P. 886 - L.D. 1289

An Act Allowing Spirits Tasting Events

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

Sec. 1. 28-A MRSA §709, sub-§2, ¶¶G and H, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

G. Licensees offering reduced prices for prearranged private parties on the premises of the licensee; ~~or~~

H. Licensees whose licensed premises include more than one room charging different prices for the same drink served in the different rooms; ~~or~~

Sec. 2. 28-A MRSA §709, sub-§2, ¶I is enacted to read:

I. Conducting the taste testing of spirits under section 1051, subsection 6.

Sec. 3. 28-A MRSA §1051, sub-§6 is enacted to read:

6. Spirits taste-testing events on retail licensee's premises. A distiller, licensed distilled spirits sales representative and the State's wholesale liquor provider, with the written permission of the bureau, may rent or lease an area or room from an on-premises retail licensee for the purpose of inviting retail licensees to taste test spirits. Spirits taste-testing events must be conducted during hours that are authorized by the bureau for the sale of the product on the premises. The following conditions apply to all taste testing conducted under this subsection.

A. The distiller, licensed distilled spirits sales representative or the State's wholesale liquor provider may provide the products for taste testing only if the retail price has been paid and a record of the transaction is maintained and made available to the bureau.

B. The taste-testing activity may be conducted only within a special designated area or room.

C. The taste-testing activity may be open only to invited retail licensees or their authorized agents and not to family members, guests or the general public.

D. After the taste-testing activity is concluded, the distiller, licensed distilled spirits sales representative or wholesale liquor provider, as applicable, shall remove all products supplied for the taste-testing activity from the retail licensee's premises.

See title page for effective date.

CHAPTER 320

H.P. 973 - L.D. 1409

An Act To Assist in the Investigation and Prosecution of Theft Offenses

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

Sec. 1. 30-A MRSA §2671, sub-§2-B, as enacted by PL 1993, c. 594, §2, is amended to read: