

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

CHAPTER 145
H.P. 912 - L.D. 1309

**An Act To Clarify the Use of
Instant Redeemable Coupons
with Alcoholic Beverages**

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

Sec. 1. 28-A MRSA §708, as amended by PL 2005, c. 503, §§1 and 2, is further amended to read:

§708. Prohibited discounts and rebates

1. Certificate of approval holders. A certificate of approval holder may not offer to wholesale licensees any special discounts, volume discounts or other reduced prices or discounts, except bona fide price reductions under section 1408 offered to all wholesale licensees. A certificate of approval holder may offer depletion allowances to wholesale licensees if the depletion allowance is posted in accordance with section 1408. ~~A~~ Except as provided by this section, a certificate of approval holder may not offer any free merchandise, rebate or gift to the purchaser of an alcoholic beverage.

2. Wholesale licensees. A wholesale licensee may not offer to retail licensees any special discounts, volume discounts, depletion allowances, other reduced prices or discounts, or refunds except bona fide price reductions under section 1408 offered to all retail licensees. A wholesale licensee may not offer any free merchandise, rebate, refund or gift to the purchaser of an alcoholic beverage.

3. Retail licensees. A retail licensee may not offer any free merchandise, rebate or gift to the purchaser of any alcoholic beverage.

5. Combination packages. Notwithstanding subsection 3, agency liquor store licensees may offer for sale any package or combination of packages of spirits that the commission has approved for sale in this State.

6. Marketing and mail-in promotions. Upon approval by the commission, promotional materials, including mail-in rebates, designed to encourage a consumer to purchase a spirits product to be attached to or displayed near the spirits product where it is offered for sale for off-premises consumption may be offered by those whose spirits products are listed by the commission. Mail-in rebates approved by the commission must be redeemed by the manufacturer and not by the retail licensee and may not exceed the purchase price of the spirits product. Mail-in rebates, certificates or merchandise included with a spirits product must be inserted in the package or attached to the package by the manufacturer.

7. Instant marketing promotions. A manufacturer or supplier of spirits listed for sale by the commission may offer monetary rebates in the form of instant redeemable coupons attached to the spirits product as approved by the commission in accordance with conditions or rules established by the commission. Agency store licensees may redeem the coupons only upon proof of purchase and in accordance with the terms listed on the coupon. Instant redeemable coupons included with a spirits product must be inserted in the package or attached to the package by the manufacturer. Instant redeemable coupons attached to spirits sold to on-premise retail licensees by reselling agents are for the benefit of the on-premise retail licensee.

This section does not prohibit a certificate of approval holder from including a mail-in offer, a certificate, instant redeemable coupon or merchandise in or on a package of beer, wine or low-alcohol spirits for sale by an off-premise retailer. The package containing the mail-in offer, certificate, instant redeemable coupon or merchandise must be packaged by the certificate of approval holders at the brewery or winery.

This section does not prohibit the unconditional distribution of merchandise to the patrons of an on-premise establishment.

See title page for effective date.

CHAPTER 146
S.P. 65 - L.D. 179

**An Act To Clarify
Expenditures and the Use of
Department-generated
Revenues within the
Department of Inland
Fisheries and Wildlife**

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

Sec. 1. 12 MRSA §10203, sub-§1, ¶A, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §46 and affected by Pt. B, §422, is further amended to read:

A. All fees, fines, penalties and officers' costs and all other money received, collected or recovered by the court or the department under any provisions of this Part except section 10206, subsections 1 and 3; section 10259; section 10353, subsection 3; section 11157; chapter 925, subchapter 3; and chapter 929; and

Sec. 2. 12 MRSA §10203, sub-§1, ¶B, as affected by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

B. Any fees, fines and penalties recovered by the court from any prosecution by wardens pursuant to their acting, under section 10353, subsection 3, with the same powers and duties as sheriffs; ~~and,~~

Sec. 3. 12 MRSA §10203, sub-§1, ¶C, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

Sec. 4. 12 MRSA §10203, sub-§7 is enacted to read:

7. Department-owned property. Money received from the sale, lease or rental of department-owned property or products must be deposited into the program account that originally expended funds for that property.

Sec. 5. 12 MRSA §10262 is enacted to read:

§10262. Warden Service Aircraft Fund

1. Fund established. The Warden Service Aircraft Fund, referred to in this section as "the fund," is established through the Office of the State Controller as a nonlapsing fund under the jurisdiction of the Bureau of Warden Service within the department, referred to in this section as the "bureau," to ensure the viability of its aviation program.

2. Funding. The bureau may assess charges consisting of direct operating costs of the aircraft to agencies of the State for the use of the bureau's aircraft resources for purposes other than warden service activities and shall deposit any such money received into the fund. The bureau may apply for and accept any appropriation, grant, gift or service made available from any public or private source consistent with the purpose of this section and shall deposit any such money into the fund.

3. Fund uses. The bureau may use the fund to purchase aviation equipment and pay for operational expenses, including but not limited to maintenance, repairs, fuel and spare parts, in accordance with the bureau's plan to diversify and modernize its aviation program.

Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF

Enforcement Operations - Inland Fisheries and Wildlife 0537

Initiative: Provides funding for aviation equipment and operational expenses.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$20,000	\$20,000

OTHER SPECIAL	\$20,000	\$20,000
REVENUE FUNDS TOTAL		

See title page for effective date.

CHAPTER 147

H.P. 140 - L.D. 161

An Act To Amend the Special Education, School Health and School Nutrition Laws Regarding Scoliosis Screening, the School Lunch Program, Transitional Services, Gifted and Talented Education Programs and the Maine Mentoring Partnership Grant Program

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

Sec. 1. 20-A MRSA §6452, as amended by PL 1989, c. 730 and PL 2003, c. 689, Pt. B, §§6 and 7, is repealed.

Sec. 2. 20-A MRSA §7801, first ¶, as amended by PL 2007, c. 539, Pt. JJJJ, §1, is further amended to read:

It is the purpose of this chapter to plan, coordinate and implement service for ~~youth~~ students with handicaps disabilities, 14 years of age or older and under 26 years of age, who are in transition from school to the community. It is also the purpose of this chapter to provide for an efficient and streamlined system of services across state agencies to include local and private entities that effectively deliver a combination of services that meet the needs of ~~youth~~ students with handicaps disabilities by:

Sec. 3. 20-A MRSA §7802, sub-§2, as enacted by PL 1985, c. 768, §1, is amended to read:

2. Students with disabilities in transition. ~~"Handicapped youths~~ Students with disabilities in transition" are those ~~youths~~ students with disabilities who have attained the age of 14 years and meet the eligibility criteria as defined in the United States Rehabilitation Act, Public Law 93-112, Section 504, as amended.

Sec. 4. 20-A MRSA §7802, sub-§3, as amended by PL 2007, c. 539, Pt. JJJJ, §3, is further amended to read:

3. Services. "Services" means those activities undertaken to provide special education, habilitation, rehabilitation, vocational and related services to ~~handicapped persons~~ students with disabilities in tran-