

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2010 to April 12, 2010

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 12, 2010

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

Augusta, Maine
2010

mercury-added button cell battery identified in this paragraph:

- (1) A zinc-air button cell battery;
- (2) An alkaline manganese button cell battery; or
- (3) A silver oxide button cell battery stamped with the designation ~~SR357, SR364, SR371, SR377 or SR395~~ 357, 364, 371, 377, 395, SR44W, SR621SW, SR626SW, SR920SW or SR927SW or a silver oxide button cell battery that is interchangeable with a battery that is stamped with one of those designations; and

Sec. 23. ~~38 MRSA §1664, sub-§2~~, as repealed and replaced by PL 2003, c. 640, §1, is repealed.

Sec. 24. ~~38 MRSA §1665-B, sub-§2-A~~, as enacted by PL 2009, c. 277, §10, is amended to read:

2-A. Wholesaler responsibility. A wholesaler may not sell a thermostat in the State unless the wholesaler acts as a collection site for thermostats that contain mercury. A wholesaler may meet the requirements of this subsection by participating as a collection site in a manufacturer collection and recycling program under subsection 2. A wholesaler shall post in a prominent location open to public view a notice about the financial incentive plan developed pursuant to subsection 4. The notice must be approved by the department and supplied by the manufacturer at no cost to the wholesaler.

Sec. 25. ~~PL 1995, c. 704, Pt. A, §24, 2nd ¶~~ is amended to read:

Unless a transfer of the permit-granting authority to the Department of Transportation occurs earlier, and notwithstanding any other provision of law, beginning June 30, 1999, the Department of Transportation has permit-granting authority relating to traffic. In the event of a transfer, a proposed development subject to review under the Maine Revised Statutes, Title 38, chapter 3, subchapter I, article 6, solely because it meets the traffic threshold provisions of Title 38, section 482, subsection 2, is subject only to the jurisdiction of the ~~Maine~~ Department of Transportation. ~~Projects subject to review under Title 38, chapter 3, subchapter I, article 6 on grounds including, but not limited to, the traffic threshold are subject to the joint jurisdiction of the Department of Environmental Protection and the Department of Transportation and this joint jurisdiction must be exercised through a consolidated proceeding.~~

See title page for effective date.

CHAPTER 502

H.P. 1085 - L.D. 1541

An Act To Protect Consumers from Charges after a Free Trial Period

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

Sec. 1. ~~10 MRSA §1210~~, as enacted by PL 2001, c. 210, §1 and amended by c. 471, Pt. E, §1, is repealed and the following enacted in its place:

§1210. Charges after free trial period

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

A. "Established business relationship" means a prior or existing relationship formed by a voluntary 2-way communication between a seller and a consumer with an exchange of consideration on the basis of the consumer's purchase from or transaction with the seller within the 18 months immediately preceding the date of a free offer.

B. "Free offer" means an offer of a rebate or of products or services without cost to a consumer by a seller under which, as a result of accepting the rebate, products or services, the consumer is required to contact the seller to avoid incurring a financial obligation for receiving additional products or services.

2. Prohibition. A seller may not make a free offer to a consumer in the State unless, at the time the consumer agrees to the free offer:

A. The seller obtains directly from the consumer information necessary for billing the consumer; and

B. The seller provides the consumer with clear and conspicuous information regarding the terms of the free offer, including any additional financial obligations that may be incurred as a result of accepting the free offer.

Sec. 2. ~~10 MRSA §1210-A~~, as enacted by PL 2001, c. 210, §1, is amended to read:

§1210-A. Violation

A merchant who seller that violates this chapter commits an unfair and deceptive act and a violation of Title 5, section 207.

Sec. 3. ~~10 MRSA §1210-B, sub-§1~~, as enacted by PL 2001, c. 471, Pt. E, §2, is repealed.

Sec. 4. ~~10 MRSA §1210-B, sub-§1-A~~ is enacted to read:

1-A. Established business relationships. A free offer when the seller and the consumer have an established business relationship. The consumer's established business relationship with the seller does not extend to affiliates of the seller, unless the consumer would reasonably expect an affiliate to be included given the nature and type of goods or services offered by the affiliate and the identity of the affiliate;

See title page for effective date.

CHAPTER 503

H.P. 1072 - L.D. 1522

An Act To Streamline the Renewal Process for a Permit To Carry a Firearm

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

Sec. 1. 15 MRSA §393, sub-§2, as amended by PL 2007, c. 670, §7, is further amended to read:

2. Application after 5 years. A person subject to the provisions of subsection 1, paragraph A-1 or C as a result of a conviction or adjudication may, after the expiration of 5 years from the date that the person is finally discharged from the sentences imposed as a result of the conviction or adjudication, apply to the commissioner for a permit to carry a firearm subject to subsection 4. That person may not be issued a permit to carry a concealed firearm pursuant to Title 25, chapter 252. A permit issued pursuant to this subsection is valid for 4 years from the date of issue unless sooner revoked for cause by the commissioner. For purposes of this subsection, "firearm" does not include a firearm defined under 18 United States Code, Section 921(3).

Sec. 2. 15 MRSA §393, sub-§4, as amended by PL 2007, c. 670, §8, is further amended to read:

4. Notification, objection and decision. Upon receipt of an application, the commissioner shall determine if ~~the application~~ is in proper form. If the application is proper, the commissioner shall within 30 days notify in writing the sentencing or presiding judge, the Attorney General, the district attorney for the county where the applicant resides, the district attorney for the county where the conviction occurred, the law enforcement agency that investigated the crime, the chief of police and sheriff in the municipality and county where the crime occurred and the chief of police and sheriff in the municipality where the applicant resides as of the filing of the application. The commissioner may direct any appropriate investigation to be carried out. ~~If, within 30 days of the sending of notice, any person so notified objects in writing to the issuance of a permit, a permit may not be issued. The~~

~~commissioner may deny an application even if no objection is filed.~~

A. If, within 30 days of the sending of notice, a person notified objects in writing to the commissioner regarding the initial issuance of a permit and provides the reason for the objection, the commissioner may not issue a permit. The reason for the objection must be communicated in writing to the commissioner in order for it to be the sole basis for denial.

B. If, within 30 days of the sending of notice, a person notified objects in writing, including the reason for the objection, to the commissioner regarding a 2nd or subsequent issuance of a permit, the commissioner shall take the objection and its reason into consideration when determining whether to issue a 2nd or subsequent permit to the applicant, but need not deny the issuance of a permit based on an objection alone.

The commissioner may deny any application for a permit even if no objection is filed.

See title page for effective date.

CHAPTER 504

H.P. 1158 - L.D. 1630

An Act To Clarify the Laws Governing Instant Redeemable Coupons Included with a Spirits Product

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

Sec. 1. 28-A MRSA §708, sub-§7, as enacted by PL 2009, c. 145, §1, is amended to read:

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 by the manufacturer or attached to the package by the manufacturer, manufacturer's agent or manufacturer's sales representative. Instant redeemable coupons provided by the manufacturer's agent or manufacturer's sales representative must be made available to all agency store licensees electing to offer the coupon in an amount equal to the agency store's inventory of spirits products that are subject to the coupon promotion. Instant redeemable coupons attached to spirits sold to on-premise retail licensees