

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

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

Augusta, Maine
2011

**CHAPTER 62
S.P. 17 - L.D. 2**

**An Act To Allow Farm
Wineries To Charge for Wine
Tastings**

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

Sec. 1. 28-A MRSA §1355, sub-§3, ¶B, as amended by PL 1993, c. 730, §46, is further amended to read:

B. A holder of a farm winery license may serve complimentary samples of wine and sell, during regular business hours, wines produced at the winery by the bottle, by the case or in bulk on the premises of the winery to persons who are not minors. A holder of a farm winery license may serve complimentary samples of wine on Sunday after the hour of 12 noon and may sell wines on Sunday after the hour of 12 noon if the municipality in which the winery is located has authorized the sale of wines on Sunday for consumption off the premises under chapter 5. A farm winery may charge for samples of wine served in accordance with paragraph B-1.

Sec. 2. 28-A MRSA §1355, sub-§3, ¶B-1 is enacted to read:

B-1. A farm winery that wishes to charge for samples shall otherwise comply with the conditions in paragraph B and shall file a form as prescribed by the bureau. After submission of the form to the bureau, each sample poured is subject to a charge in an amount determined by the farm winery and is subject to the sales tax for alcoholic beverages in accordance with Title 36, section 1811. A farm winery shall maintain a record of wine samples subject to a charge and maintain those records for a period of 2 years. A farm winery that charges for samples of wine may not offer complimentary samples until the bureau has been notified that samples are no longer subject to a charge. This paragraph is repealed February 1, 2014.

See title page for effective date.

**CHAPTER 63
S.P. 41 - L.D. 86**

**An Act To Provide Certainty to
Businesses and Development**

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

Sec. 1. 30-A MRSA §3007, sub-§6 is enacted to read:

6. Restriction on nullification of final permit. A municipality may not nullify or amend a municipal land use permit by a subsequent enactment, amendment or repeal of a local ordinance after a period of 45 days has passed after:

A. The permit has received its lawful final approval; and

B. If required, a public hearing was held on the permit.

For purposes of this subsection, "municipal land use permit" includes a building permit, zoning permit, subdivision approval, site plan approval, conditional use approval, special exception approval or other land use permit or approval. For the purposes of this subsection, "nullify or amend" means to nullify or amend a municipal land use permit directly or to nullify or amend any other municipal permit in a manner that effectively nullifies or amends a municipal land use permit. This subsection does not alter or invalidate any provision of a municipal ordinance that provides for the expiration or lapse of a permit or approval granted pursuant to that permit following the expiration of a certain period of time.

See title page for effective date.

**CHAPTER 64
H.P. 313 - L.D. 387**

**An Act To Amend the Natural
Resources Protection Act
Regarding Coastal Sand Dune
Systems**

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

Sec. 1. 38 MRSA §480-B, sub-§2-E is enacted to read:

2-E. Footprint. "Footprint" means the outline that would be created on the ground by extending the exterior walls of a building to the ground surface.

Sec. 2. 38 MRSA §480-B, sub-§5-B is enacted to read:

5-B. Impervious area. "Impervious area" means an area that is a building, parking lot, roadway or similar constructed area. "Impervious area" does not mean a deck or patio.

Sec. 3. 38 MRSA §480-Q, sub-§28, as amended by PL 2009, c. 75, §4, is amended to read:

28. Release of water from dam after petition by owner for release from dam ownership or water