

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

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

Augusta, Maine
2011

not transmitted to the registry of deeds within 60 days, the owner and any such servicer are jointly and severally liable to an aggrieved party for damages equal to exemplary damages of \$200 per week after expiration of the 60 days, up to an aggregate maximum of \$5,000 for all aggrieved parties or the actual loss sustained by the aggrieved party, whichever is greater. If multiple aggrieved parties seek exemplary damages, the court shall equitably allocate the maximum amount. If the release is not sent by first class mail to the mortgagor's address as listed in the mortgage agreement or to an address specified in writing by the mortgagor for this purpose within 30 days after receiving the recorded release, the mortgagee is liable to an aggrieved party for damages equal to exemplary damages of \$500. The mortgagee is also liable for court costs and reasonable attorney's fees in any successful action to enforce the liability imposed under this paragraph. The mortgagee may charge the mortgagor for any recording fees incurred in recording the release of mortgage and any postage fees incurred in sending the release to the mortgagor.

See title page for effective date.

CHAPTER 147

H.P. 919 - L.D. 1228

**An Act To Streamline the
Liquor Licensing Reporting
Procedure**

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

Sec. 1. 28-A MRSA §1364, as amended by PL 1997, c. 373, §119, is further amended to read:

§1364. Invoices and reports

1. Furnish invoices. All certificate of approval holders shall promptly file with the bureau a copy of every invoice sent to wholesale licensees and the original copy of the Maine purchase order. The invoice must include the licensee's name and the purchase number.

2. File monthly reports. All certificate of approval holders shall furnish a monthly report on or before the ~~40th~~ 15th day of each calendar month in the form prescribed by the bureau.

3. Certification that excise tax paid. ~~No~~ A certificate of approval holder may not ship or cause to be transported into the State any malt liquor or wine until the bureau has certified that:

- A. The excise tax has been paid; or
- B. The Maine wholesale licensee, to whom shipment is to be made, has filed a bond to guarantee

payment of the excise tax as provided in section 1405.

4. Reports of low-alcohol spirits products. Each certificate of approval holder that manufactures low-alcohol spirits products shall submit to the bureau, on or before the ~~40th~~ 15th day of each calendar month, a form specifying the number of gallons of low-alcohol spirits product sold to wholesale licensees in the State with a copy of each invoice relating to each such sale.

Sec. 2. 28-A MRSA §1405, sub-§3, ¶A, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

A. The wholesale licensee shall pay the excise tax and premium by the ~~40th~~ 15th day of the calendar month following the month in which shipment occurs.

Sec. 3. 28-A MRSA §1652, sub-§2-A, as enacted by PL 1987, c. 623, §17, is amended to read:

2-A. Payment due. On the ~~40th~~ 15th day of each month, every brewery and winery shall pay the excise taxes and premium due on malt liquor and wine ~~which~~ that that brewery or winery removed from areas required to be bonded by the Federal Government.

See title page for effective date.

CHAPTER 148

H.P. 983 - L.D. 1342

**An Act To Amend the
Washington County
Development Authority**

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

Sec. 1. 5 MRSA §13083-C, sub-§1, ¶F-4 is enacted to read:

F-4. Enter into a memorandum of understanding with a municipality to perform the function of a local development corporation under section 13120-B, subsection 9;

Sec. 2. 5 MRSA §13120-B, sub-§9, as enacted by PL 2001, c. 703, §6, is amended to read:

9. Local development corporation. "Local development corporation" means any nonprofit organization created by a municipality that is incorporated under Title 13, chapter 81 or that is incorporated under Title 13-B or otherwise chartered by the State, which is designed to foster, encourage and assist the settlement or resettlement of industrial, manufacturing, fishing, agricultural, recreational and other business enterprises within the State. A majority vote of the municipal officers is sufficient to form a local development

corporation, notwithstanding Title 13, chapter 81. "Local development corporation" also means any non-profit organization that is incorporated under Title 13, chapter 81 or that is incorporated under Title 13-B or otherwise chartered by the State, and is designed to foster, encourage and assist the settlement or resettlement of industrial, manufacturing, fishing, agricultural, recreational and other business enterprises within the State that applies for financial assistance for a project under this article, as long as that application is formally endorsed by a vote of the governing body of the municipality in which the project is to be located. "Local development corporation" also means a development authority under subchapter 3 that is acting under the authority of a memorandum of understanding with a municipality to carry out the authorized activities of a local development corporation under this subsection.

See title page for effective date.

CHAPTER 149

H.P. 803 - L.D. 1068

An Act To Protect the Privacy of Maine Residents under the Driver's License Laws

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

Sec. 1. 1 MRSA §402, sub-§3, ¶P, as corrected by RR 2009, c. 1, §2, is amended to read:

P. Geographic information regarding recreational trails that are located on private land that are authorized voluntarily as such by the landowner with no public deed or guaranteed right of public access, unless the landowner authorizes the release of the information; ~~and~~

Sec. 2. 1 MRSA §402, sub-§3, ¶Q, as reallocated by RR 2009, c. 1, §3, is amended to read:

Q. Security plans, staffing plans, security procedures, architectural drawings or risk assessments prepared for emergency events that are prepared for or by or kept in the custody of the Department of Corrections or a county jail if there is a reasonable possibility that public release or inspection of the records would endanger the life or physical safety of any individual or disclose security plans and procedures not generally known by the general public. Information contained in records covered by this paragraph may be disclosed to state and county officials if necessary to carry out the duties of the officials, the Department of Corrections or members of the State Board of Corrections under conditions that protect the information from further disclosure; ~~and~~

Sec. 3. 1 MRSA §402, sub-§3, ¶R is enacted to read:

R. Social security numbers in the possession of the Secretary of State.

Sec. 4. 29-A MRSA §1301, sub-§6-A is enacted to read:

6-A. Confidentiality. Except as authorized under 18 United States Code, Section 2721, the Secretary of State may not disseminate information collected under subsection 6 to any entity without specific authorization from the Legislature. For every willful violation of this subsection, a person commits a civil violation for which a fine of not more than \$500 may be adjudged.

Sec. 5. 29-A MRSA §1401, sub-§6, as enacted by PL 1999, c. 470, §24, is repealed and the following enacted in its place:

6. Storage, recording, retention and distribution of digital images and digitized signatures. Digital images and digitized signatures used to produce a license are confidential and may be distributed only for use by a law enforcement agency in carrying out its functions or as otherwise authorized under the provisions of 18 United States Code, Section 2721. The Secretary of State may store, record and retain digital images and digitized signatures used only for the purpose of producing a license. A violation of this subsection is a violation of section 2103, subsection 4.

Sec. 6. 29-A MRSA §1401, sub-§9 is enacted to read:

9. Use of biometric technology. The Secretary of State may not use biometric technology, including, but not limited to, retinal scanning, facial recognition or fingerprint technology, to produce a license or non-driver identification card. This subsection does not apply to digital images.

Sec. 7. 29-A MRSA §1410, sub-§5, as enacted by PL 1997, c. 437, §40, is repealed and the following enacted in its place:

5. Storage, recording, retention and distribution of digital images and digitized signatures. Digital images and digitized signatures used to produce a nondriver identification card are confidential and may be distributed only for use by a law enforcement agency in carrying out its functions or as otherwise authorized under the provisions of 18 United States Code, Section 2721. The Secretary of State may store, record and retain digital images and digitized signatures used only for the purpose of producing a nondriver identification card. A violation of this subsection is a violation of section 2103, subsection 4.

Sec. 8. PL 2007, c. 648, §9 is repealed.

Sec. 9. Allocation of funds. Cost savings as a result of this Act must be allocated to the Highway and