

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

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

A. A sales representative licensed in accordance with section 1502 of a manufacturer that has been issued a license under this section may pour or provide a taste-testing sample of any product the manufacturer is licensed to manufacture under this Title.

B. A certificate of approval holder may pour or provide a taste-testing sample of any malt liquor, wine or fortified wine product the certificate of approval holder is licensed to distribute under this Title.

C. A minor is prohibited from attending the event unless accompanied by a parent or guardian or the alcohol served at the event is confined to a segregated area where minors are prohibited.

D. Taste-testing must be conducted within the hours of retail sale established in this Title.

E. A person who is visibly intoxicated may not be served.

7. Additional provision for wine. A sales representative licensed in accordance with section 1502 may provide wine that is not registered with the bureau but has been registered with the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau to a caterer licensed to serve alcoholic beverages at the food and beverage industry taste-testing event for the purpose of promoting that wine for distribution and sale in the State.

8. Excise taxes; premiums. A licensee under this section must pay the appropriate excise taxes and premiums under sections 1652 and 1703 before the scheduled date of the special food and beverage industry taste-testing event.

Sec. 3. Waiver. Notwithstanding the Maine Revised Statutes, Title 28-A, section 1052-C, subsection 3, until August 1, 2011, the bureau may issue a special food and beverage industry taste-testing event license regardless of whether or not the application for the event license was submitted 30 days before the event.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 8, 2011.

CHAPTER 260

S.P. 189 - L.D. 609

An Act To Declare Certain Records of the Maine Commission on Indigent Legal Services Confidential

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

Sec. 1. 4 MRSA §1806 is enacted to read:

§1806. Information not public record

Disclosure of information and records in the possession of the commission is governed by this section.

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

A. "Individual client information" means name, date of birth, social security number, gender, ethnicity, home address, home telephone number, home facsimile number, home e-mail address, personal cellular telephone number, personal pager number and any information protected under the attorney-client relationship.

B. "Personal contact information" means home address, home telephone number, home facsimile number, home e-mail address, personal cellular telephone number, personal pager number, date of birth and social security number.

C. "Request for funds for expert or investigative assistance" means a request submitted to the commission by an indigent party or by an attorney on behalf of an indigent client seeking authorization to expend funds for expert or investigative assistance, which includes, but is not limited to, the assistance of a private investigator, interpreter or translator, psychiatrist, psychologist or other mental health expert, medical expert and scientific expert.

2. Confidential information. The following information and records in the possession of the commission are not open to public inspection and do not constitute public records as defined in Title 1, section 402, subsection 3.

A. Individual client information that is submitted by a commission-rostered attorney or a court is confidential, except that the names of criminal defendants and the names of juvenile defendants charged with offenses that if committed by an adult would constitute murder or a Class A, Class B or Class C crime are not confidential.

B. Information subject to the lawyer-client privilege set forth in the Maine Rules of Evidence, Rule 502 or that constitutes a confidence or secret under the Maine Rules of Professional Conduct, Rule 1.6 is confidential.

C. Personal contact information of a commission-rostered attorney is confidential.

D. Personal contact information of a member of the commission or a commission staff member is confidential.

E. A request for funds for expert or investigative assistance that is submitted by an indigent party or by an attorney on behalf of an indigent client is confidential. The decision of the executive director of the commission hired pursuant to section 1804, subsection 1, or the executive director's designee, to grant or deny such a request is not confidential after a case has been completed. A case is completed when the judgment is affirmed on appeal or the period for appeal has expired.

F. Any information obtained or gathered by the commission when performing an evaluation of an attorney is confidential, except that it may be disclosed to the attorney being evaluated.

See title page for effective date.

CHAPTER 261

S.P. 324 - L.D. 1091

An Act To Expand the Availability of Natural Gas to the Citizens of Maine

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

Sec. 1. 10 MRSA §963-A, sub-§12, as enacted by PL 1985, c. 344, §7, is amended to read:

12. Energy distribution system project. "Energy distribution system project" means an energy distribution system owned, in whole or in part, by an individual, municipality, corporation or other governmental entity or business association and ~~which~~ that uses biomass, peat, solar, waste, water and related dams, wind, wood, coal or natural gas or that distributes or transmits natural gas.

Sec. 2. 10 MRSA §1043, sub-§2, ¶M, as amended by PL 2009, c. 517, §8, is further amended to read:

M. In the case of an Efficiency Maine project, as defined in section 963-A, subsection 10-A, there is a reasonable likelihood that the income, proceeds, revenues and funds of Efficiency Maine Trust derived from or held for activities under Title 35-A, chapter 97 or otherwise pledged to payment of the bonds will be sufficient to pay the principal, the interest and all other amounts that may at any time become due and payable under the bonds. In making this determination, the authority shall consider Efficiency Maine Trust's analysis of the proposed bond issue and the revenues to make payments on the bonds and may require such information, projections, studies and independent analyses as it considers necessary or desirable and may charge Efficiency Maine Trust reasonable fees and expenses. The authority may

require that it be indemnified, defended and held harmless by Efficiency Maine Trust for any liability or cause of action arising out of or with respect to the bonds. The principal and interest of bonds must be made payable solely from the income, proceeds, revenues and funds of Efficiency Maine Trust derived from or held for activities under Title 35-A, chapter 97 or other provision of law. Payment of the principal and interest of bonds may be further secured by a pledge of a loan, grant or contribution from the Federal Government or other source in aid of activities of Efficiency Maine Trust under Title 35-A, chapter 97; ~~and~~

Sec. 3. 10 MRSA §1043, sub-§2, ¶N, as enacted by PL 2009, c. 517, §9, is amended to read:

N. In the case of recovery zone facility bonds, the project will benefit the county or counties in which it is located; ~~and~~

Sec. 4. 10 MRSA §1043, sub-§2, ¶O is enacted to read:

O. In the case of an energy distribution system project regulated by the Public Utilities Commission with respect to rates or terms of service or that requires, for construction or operation, authorization or certification from the commission, the following conditions are met.

(1) The energy distribution system project has received all authorizations or certifications from the Public Utilities Commission necessary for construction and operation of the project. The authority may issue a certificate of approval for a project that has received conditional approvals or certifications from the commission, except that the authority's certificate becomes legally effective only upon fulfillment of the conditional provisions of the commission's certificates or approvals. If the commission has approved rates to be charged by the project or has issued a certificate of public convenience and necessity for the project, the authority shall take into consideration any findings and conclusions of law of the commission, including any findings and conclusions pertaining to the need for the project and the financial viability of the project.

(2) The authority has reviewed and considered any comments provided by the Director of the Governor's Office of Energy Independence and Security and the Public Advocate.

(3) The authority has determined that the applicant is creditworthy and that there is a reasonable likelihood that the revenue obligation securities will be repaid through the revenues of the project and any other sources of reve-