

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**September 27, 2011**

**SECOND REGULAR SESSION**  
**January 4, 2012 to May 31, 2012**

**THE EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**LAWS IS**  
**SEPTEMBER 28, 2011**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 30, 2012**

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

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**Augusta, Maine**  
**2012**

missioner's representatives and agents or authorized municipal officials.

**2. Display of prohibition against sales to juveniles.** All licensees shall post notice of the prohibition on tobacco sales to juveniles pursuant to section 1555-B. Notices must be publicly and conspicuously displayed in the licensee's place of business in letters at least 3/8 inches high. Signs required by this section must be provided at cost by the department. Any person who violates this subsection commits a civil violation for which a forfeiture of not less than \$50 nor more than \$200 may be adjudged for any one offense.

**Sec. 2. 22 MRSA §2167, first ¶,** as amended by PL 2003, c. 452, Pt. K, §15 and affected by Pt. X, §2, is further amended to read:

A person, firm, corporation or copartnership may not operate a food establishment; or a food salvage establishment or act as a salvage broker unless licensed for that purpose by the commissioner. In the case of retail food establishments, licenses issued must be ~~displayed in a place visible to~~ made available at the retail food establishment for inspection by customers or other persons using a ~~licensed~~ the retail food establishment.

**Sec. 3. 28-A MRSA §604,** as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

**§604. Production of licenses**

All licensees shall ~~publicly display~~ make available for inspection their licenses ~~on~~ at the premises to which ~~they~~ those licenses apply.

**Sec. 4. 30-A MRSA §3703** is enacted to read:

**§3703. Production of licenses or permits**

The municipal officers may not require a licensee or permittee to publicly display the licensee's or permittee's license or permit on the premises to which that license or permit applies. The municipal officers may require a licensee or permittee to make available for inspection the license or permit at the premises to which the license or permit applies.

**Sec. 5. 36 MRSA §1754-B, sub-§2,** as amended by PL 2009, c. 496, §17, is further amended to read:

**2. Registration certificates.** Application forms for sales tax registration certificates must be prescribed and furnished free of charge by the assessor. The assessor shall issue a registration certificate to each applicant that properly completes and submits an application form. A separate application must be completed and a separate registration certificate issued for each place of business. A registration certificate issued pursuant to this section is nontransferable and is not a license within the meaning of that term in the Maine Administrative Procedure Act. Each application for a registration certificate must contain a state-

ment as to the type or types of tangible personal property that the applicant intends to purchase for resale and the type or types of taxable services that the applicant intends to sell, and each retailer registered under this section must inform the assessor in writing of any changes to the type or types of tangible personal property that it purchases for resale or to the type or types of taxable services that it sells.

If the retailer maintains a place of business in this State, the retailer shall make available a copy of the registration certificate ~~must be conspicuously displayed at~~ issued for that place of business at that place of business for inspection by the assessor, the assessor's representatives and agents or authorized municipal officials. If the retailer does not have a fixed place of business and makes sales from one or more motor vehicles, each motor vehicle is deemed to be a place of business.

See title page for effective date.

**CHAPTER 536**

**S.P. 627 - L.D. 1815**

**An Act To Establish "The Dirigo March" as the Official March of the State**

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

**Sec. 1. 1 MRSA §210-A** is enacted to read:

**§210-A. State march**

The official march of the State is the march entitled "The Dirigo March," written by Leo Pepin.

See title page for effective date.

**CHAPTER 537**

**H.P. 1212 - L.D. 1603**

**An Act To Amend the Law Relating to Concealed Firearms Locked in Vehicles**

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

**Sec. 1. 26 MRSA §600, sub-§1,** as enacted by PL 2011, c. 393, §1, is amended to read:

**1. Firearms in vehicles.** An employer or an agent of an employer may not prohibit an employee who has a valid permit to carry a concealed firearm under Title 25, chapter 252 from keeping a firearm in the employee's vehicle as long as the vehicle is locked and the firearm is not visible. This subsection applies

to the State as an employer when a state employee's vehicle is on property owned or leased by the State. This subsection does not authorize an employee or state employee to carry a firearm in a place where carrying a firearm is prohibited by law. For purposes of this section, "state employee" means an employee of the State within the executive branch, the legislative branch or the judicial branch performing services within the scope of that employee's employment.

See title page for effective date.

## CHAPTER 538

### H.P. 1283 - L.D. 1738

#### An Act To Make Minor Adjustments to Laws Administered by the Department of Environmental Protection

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

**Sec. 1. 38 MRSA §341-H, sub-§1**, as enacted by PL 2011, c. 304, Pt. H, §14, is amended to read:

**1. Rule-making authority of the board.** Notwithstanding any other provision of this Title, and except as provided in this subsection, the board shall adopt, amend or repeal only those rules of the department designated as major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A. The board shall also adopt, amend and repeal routine technical rules as necessary for the conduct of the department's board's business, including the processing of applications, the conduct of hearings and other administrative matters.

**Sec. 2. 38 MRSA §342, sub-§11-B**, as enacted by PL 2011, c. 304, Pt. H, §17, is amended to read:

**11-B. Revoke or suspend licenses and permits.** After written notice and opportunity for a hearing pursuant to Title 5, chapter 375, subchapter 4, the commissioner may act to revoke or suspend a license or ~~recommend that the board modify or take corrective action on a license~~ whenever the commissioner finds that:

- A. The licensee has violated any condition of the license;
- B. The licensee has obtained a license by misrepresenting or failing to disclose fully all relevant facts;
- C. The licensed discharge or activity poses a threat to human health or the environment;
- D. The license fails to include any standard or limitation legally required on the date of issuance;

E. There has been a change in any condition or circumstance that requires revocation or suspension of a license;

F. There has been a change in any condition or circumstance that requires a corrective action or a temporary or permanent modification of the terms of the license;

G. The licensee has violated any law administered by the department; or

H. The license fails to include any standard or limitation required pursuant to the federal Clean Air Act Amendments of 1990.

For the purposes of this subsection, "license" includes any license, permit, order, approval or certification issued by the department and "licensee" means the holder of the license.

**Sec. 3. 38 MRSA §342, sub-§11-C** is enacted to read:

**11-C. Modification or corrective action.** The commissioner may recommend that the board modify or take corrective action on a license in accordance with section 341-D, subsection 3.

**Sec. 4. 38 MRSA §344, sub-§9**, as enacted by PL 1989, c. 890, Pt. A, §27 and affected by §40, is amended to read:

**9. License or permit renewals, amendments, revisions, surrenders and transfers.** For purposes of this section, a request for a license or permit renewal, amendment, revision, surrender or transfer is considered an application that, unless specifically exempted by law, is subject to a decision by the department.

**Sec. 5. 38 MRSA §347-A, sub-§5**, as amended by PL 2007, c. 292, §12, is further amended to read:

**5. Enforcement.** All orders of the department and administrative consent agreements entered into by the department may be enforced by the Attorney General and or the department. If any order of the department is not complied with, the commissioner shall immediately notify the Attorney General.

**Sec. 6. 38 MRSA §347-A, sub-§6, ¶A**, as enacted by PL 1997, c. 794, Pt. A, §5, is amended to read:

A. In the case of an administrative consent ~~agreements~~ agreement, notice of the proposed agreement and the proposed agreement must be ~~filed with the board and notice of the filing must be placed on the board's agenda posted on the department's publicly accessible website~~ posted on the department's publicly accessible website at least 30 days before the ~~board~~ commissioner takes any action on the agreement. The Attorney General and the department shall receive and consider, ~~and the department shall provide the board with summa-~~