

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-SIXTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2012 to July 10, 2013

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 9, 2013

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

Augusta, Maine
2013

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, research projects are ongoing at the Maine State Museum; and

Whereas, in order to protect individuals' personally identifiable information, it is imperative that this Act take effect immediately; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 27 MRSA §86-B is enacted to read:

§86-B. Confidentiality of certain research and personal information

1. Draft research and materials. Museum draft research, publications and exhibit materials, including scientific, archaeological and historical findings, are confidential and not public records for the purposes of Title 1, chapter 13, subchapter 1 until complete and presented to the public. The Museum Director may authorize disclosure before publication or presentation to the public.

2. Personal history research and materials. Personal information contained in any record about the individual that is obtained by the Maine State Museum in the course of a historical research project is confidential and not a public record for the purposes of Title 1, chapter 13, subchapter 1 until:

A. The individual authorizes the release of the personal information as a public record; or

B. The death of the individual, except that the Museum Director may, at the request of the individual, designate in writing that personal information about the individual remain confidential for a specified period, not to exceed 25 years after the death of the individual, to protect the privacy of the individual or the privacy of the parent or child of the individual.

For the purposes of this section, "personal information" means any information about an individual's personal history, including, but not limited to, medical, psychiatric, employment, counseling and other information of a personal or private nature.

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

Effective June 5, 2013.

CHAPTER 206

H.P. 405 - L.D. 586

**An Act To Enable
Municipalities To Establish
Business Development Loan
Programs Using Municipally
Raised or Appropriated Money**

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

Sec. 1. 30-A MRSA §5726, sub-§13, as enacted by PL 2001, c. 78, §2, is amended to read:

13. Elderly housing. Provide municipally owned rental housing for the elderly; ~~and~~

Sec. 2. 30-A MRSA §5726, sub-§14, as enacted by PL 2001, c. 78, §2, is amended to read:

14. Affordable housing. Facilitate affordable housing; ~~and~~

Sec. 3. 30-A MRSA §5726, sub-§15 is enacted to read:

15. Job creation and retention. Establish revolving loan fund programs to assist in job creation and retention for local for-profit and nonprofit enterprises if approved by a municipal referendum election pursuant to sections 2528, 2529 and 2532, even if the municipality or plantation has not accepted the provisions of section 2528.

See title page for effective date.

CHAPTER 207

S.P. 457 - L.D. 1318

**An Act To Clarify the Law
Regarding Advertising Signs
outside Premises Licensed To
Sell Alcohol**

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

Sec. 1. 28-A MRSA §710, sub-§1, as amended by PL 1997, c. 373, §69, is further amended to read:

1. Advertising outside of licensed premises. A person, except wholesale licensees and certificate of approval holders, may not advertise or permit to be

advertised, by more than ~~one sign~~ 2 signs, on the outside of any licensed premises, or on any building, ground or premises under that person's control and contiguous or adjacent to the licensed premises:

- A. The fact that the licensee has liquor or any brand of liquor for sale;
- B. The price at which liquor is sold by the licensee; or
- C. Any other advertisement that indicates any reference to liquor.

For agency liquor stores, one of the 2 signs permitted by this subsection is an agency liquor store sign as described by rule.

See title page for effective date.

CHAPTER 208

H.P. 493 - L.D. 721

**An Act To Provide
Transparency in Public-private
Partnerships for
Transportation Projects**

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

Sec. 1. 23 MRSA §4251, sub-§4, ¶L, as enacted by PL 2009, c. 648, Pt. A, §1, is repealed.

Sec. 2. 23 MRSA §4251, sub-§10, as enacted by PL 2009, c. 648, Pt. A, §1, is repealed and the following enacted in its place:

10. Information in public record. Except as provided in subsection 10-A, information obtained by the department under this subchapter is a public record pursuant to Title 1, chapter 13, subchapter 1.

Sec. 3. 23 MRSA §4251, sub-§10-A is enacted to read:

10-A. Confidential information. Information submitted to the department relating to a public-private partnership proposal under this subchapter is confidential and not a public record under Title 1, chapter 13, subchapter 1 if the private entity submitting the information designates the information as being only for the confidential use of the department and if:

- A. The information is a trade secret as defined in Title 10, section 1542, subsection 4; or
- B. Disclosure of the information would result in a business or competitive disadvantage, loss of business, invasion of privacy or other significant detriment to the private entity to whom the record belongs or pertains.

If legal action is filed to gain access to the information designated as confidential under this subsection, the private entity must defend its designation and the department shall release the information in accordance with the order of the reviewing court. Failure to defend the designation under this subsection constitutes a waiver of confidentiality by the private entity and the department shall release the information.

See title page for effective date.

CHAPTER 209

H.P. 909 - L.D. 1270

**An Act To Provide That
Innkeepers and Certain
Campground Operators Are
Not Considered Landlords**

Emergency preamble. **Whereas**, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the summer tourist season is approaching; and

Whereas, it is imperative that this legislation take effect immediately so that innkeepers and campground operators are ready for the tourist season; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 30-A MRSA §3801, sub-§1, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

1. Innkeeper. "Innkeeper" means a person who keeps an inn, hotel or motel to provide lodging to travelers and others for compensation and who maintains the sleeping accommodations. An innkeeper is not a landlord pursuant to the landlord and tenant laws as provided in Title 14.

Sec. 2. 30-A MRSA §3821, sub-§1, as amended by PL 2005, c. 185, §2, is further amended to read:

1. Register of guests. Every person conducting a hotel or lodging house shall have a register kept and maintained in the hotel or lodging house at all times. The name of every guest or person renting a room or rooms in the hotel or lodging house must be written in