

MAINE STATE LEGISLATURE

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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

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2013

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 A, §1, is repealed.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 A, §1, is repealed and the following enacted in its place: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

the register. The person renting the room or rooms, or someone under that person's direction, shall sign the register. The proprietor of the hotel or lodging house, or the proprietor's agent, shall then write the number of each room assigned to each guest, together with the date that room is rented, opposite the name or names so registered. A guest of a hotel or lodging house is not a tenant pursuant to the landlord and tenant laws as provided in Title 14.

Sec. 3. 30-A MRSA §3837, first ¶, 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:

The owner or manager of an inn, hotel, restaurant, lodging house, camping area or boardinghouse may request that any person on the premises of that establishment who is causing unnecessary disturbance to other persons on the premises or who is damaging or destroying property belonging to or in use by the inn, hotel, restaurant, lodging house, camping area or boardinghouse leave the premises immediately. If any person who is requested to leave the premises under this section fails or refuses to do so, the owner or manager may use a reasonable degree of force against that person to remove that person from the premises. If any person who is requested to leave the premises under this section fails or refuses to do so, the owner or manager may request a law enforcement officer to remove that person from the premises.

Sec. 4. 30-A MRSA §3838, first ¶, as amended by PL 1997, c. 59, §1, is further amended to read:

An innkeeper or campground owner may refuse or deny any accommodations, facilities or privileges of a hotel, lodging house or campground to or may eject from the hotel, lodging house or campground premises or may request a law enforcement officer to remove from the premises:

Sec. 5. 33 MRSA §589, sub-§§6 and 8, as enacted by PL 1985, c. 390, are amended to read:

6. Membership camping operator. "Membership camping operator" means any person who offers camping or outdoor recreational opportunities through the use of camping sites and who solicits membership camping contracts paid for in cash, by installment or periodic payments, including annual fees, by which the purchasers of memberships obtain the right to use camping sites or other camping or recreational facilities of the membership camping operator. "Membership camping operator" does not include mobile home parks as defined in Title ~~22~~ 10, section ~~2491~~ 9081. A membership camping operator is not a landlord pursuant to the landlord and tenant laws as provided in Title 14.

8. Purchaser. "Purchaser" means a person who enters into a membership camping contract and ob-

tains the right to use the facilities of a membership camping operator. A purchaser is not a tenant pursuant to the landlord and tenant laws as provided in Title 14.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect July 1, 2013.

Effective July 1, 2013.

CHAPTER 210 H.P. 1004 - L.D. 1408

An Act To Amend the Laws Relating to Secession by a Municipality from a County

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

Whereas, a municipality must hold a referendum on the question of whether the citizens of the municipality wish to secede from one county and join another county before the municipality may file legislation with the Legislature; and

Whereas, it is an expense for a municipality to hold a referendum; and

Whereas, if the Legislature fails to pass legislation allowing the secession of a municipality, the municipality has incurred an undue expense; and

Whereas, if a municipality is allowed to file legislation and then hold a referendum after the results of the legislation have been determined, the expense of the referendum would be warranted; and

Whereas, Legislative Document 27, An Act To Enable the Town of Livermore Falls To Withdraw from Androscoggin County and Join Franklin County, is now before the Legislature and the procedure for secession was not followed; and

Whereas, it is imperative to have this legislation take effect immediately so that Legislative Document 27 can proceed; 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 §2174-A is enacted to read: