

# 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**

**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.**

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**Augusta, Maine**  
**2013**

**Sec. 1. 32 MRSA §14051, sub-§5**, as enacted by PL 1991, c. 468, §4, is amended to read:

**5. Superintendent.** "Superintendent" means the Superintendent of ~~Insurance~~ Consumer Credit Protection.

**Sec. 2. 32 MRSA §14054, sub-§2**, as enacted by PL 1991, c. 468, §4, is repealed and the following enacted in its place:

**2. Treatment of fees.** Fees provided for by this chapter are appropriated for the use of the Bureau of Consumer Credit Protection. Any balance of these funds does not lapse but must be carried forward to be expended for the same purpose in the following year.

**Sec. 3. 32 MRSA §14055, sub-§1, ¶B**, as amended by PL 1991, c. 885, Pt. E, §42 and affected by §47, is further amended to read:

B. The ~~superintendent~~ Superintendent of Insurance shall adopt rules governing the provision of workers' compensation insurance as required by Title 39-A, chapter 9 for workers provided by an employee leasing company to any client company. These rules must be consistent with subsection 2 and reflect consideration of the needs and operational efficiencies of employee leasing companies and the costs to the workers' compensation system. If either the employee leasing company or the client company has secured the payment of compensation in conformity with former Title 39, chapter 1 or Title 39-A, chapter 9, the immunity from liability described in that chapter extends to and is binding on the client company, the employee leasing company, all employees leased to any client company and any other employees of the employee leasing company or the client company. An employee leasing company is not responsible for securing the payment of compensation in conformity with Title 39-A nor deprived of the defenses listed in Title 39-A, section 103 with respect to those persons for whom the provision of benefits is not required under Title 39-A in the absence of an employee leasing arrangement.

**Sec. 4. 32 MRSA §14055, sub-§2, ¶A**, as amended by PL 1991, c. 885, Pt. E, §43 and affected by §47, is further amended to read:

A. Under rules adopted pursuant to subsection 1, paragraph B, the ~~superintendent~~ Superintendent of Insurance may provide a determination of the circumstances and conditions, if any, under which an employee leasing company may be the policyholder of a workers' compensation insurance policy providing coverage to employees leased to client companies. Additionally or alternatively, the ~~superintendent~~ Superintendent of Insurance may require by rule that:

(1) The employee leasing company purchase separate policies through the Maine Employers' Mutual Insurance Company, established pursuant to Title 24-A, section 3703, for client companies subject to Title 39-A; and

(2) The policies be assigned to one servicing carrier and, to the extent practical, administered on a unified basis. The ~~superintendent~~ Superintendent of Insurance also may provide by rule that the employee leasing company or the President of the Maine Employers' Mutual Insurance Company request from the ~~superintendent~~ Superintendent of Insurance a waiver of a rule adopted pursuant to this subparagraph if it is impractical for one servicing carrier to service all the client companies of an employee leasing company.

**Sec. 5. 32 MRSA §14055, sub-§5**, as amended by PL 1997, c. 29, §2, is further amended to read:

**5. Disclosure.** The employee leasing company shall disclose to client companies services to be rendered, including costs, and the respective rights and obligations of the parties prior to entering into or receiving a leasing arrangement. This disclosure must include a statement that the client company may take complaints to the Bureau of ~~Insurance~~ Consumer Credit Protection.

**Sec. 6. 32 MRSA §14059** is enacted to read:

**§14059. Rules**

The superintendent may adopt rules to administer the provisions of this chapter for the protection of client companies, including rules regarding the ability of the Bureau of Consumer Credit Protection to receive and respond to complaints. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

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**CHAPTER 258**

**S.P. 359 - L.D. 1042**

**An Act To Increase the Opportunities for Taste-testing Events for On-premises Liquor Licensees**

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

**Sec. 1. 28-A MRSA §1051, sub-§8** is enacted to read:

**8. Liquor taste-testing events for general public on retail licensee's premises.** The bureau may

authorize an on-premise retail licensee to conduct taste testings of liquor open to the public on the licensed premises. Taste-testing events under this subsection must be conducted during hours that are authorized by the bureau for the sale of liquor on the licensed premises and may be held in collaboration with a certificate of approval holder, sales representative licensed under section 1502 or wholesale licensee. The following conditions apply to all taste-testing events conducted under this subsection.

A. Liquor may not be served to persons who have not yet attained 21 years of age.

B. A person may not be served more than a total of 12 ounces of malt liquor having an alcohol content of 6% or less; for malt liquor having an alcohol content greater than 6% but less than 12%, a person may not be served more than a total of 6 ounces; or, for malt liquor having an alcohol content of 12% or greater, a person may not be served more than a total of 3 ounces.

C. A person may not be served more than a total of 5 ounces of wine having an alcohol content of 14% or less; or, for wine having an alcohol content greater than 14%, a person may not be served more than a total of 3 ounces of wine.

D. A person may not be served more than a total of 1 1/2 ounces, in 1/2 ounce servings, of distilled spirits having an alcohol content of 80 proof or less; or, for distilled spirits containing an alcohol content of greater than 80 proof, a person may not be served more than a total of 3/4 of an ounce in 1/4 ounce servings.

E. A person may not be charged a fee for any liquor served as part of a taste-testing event.

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

G. A taste-testing event must be conducted within the hours of retail sale established in this Title.

H. The retail licensee must obtain the written permission of the bureau before conducting a taste-testing event.

I. The retail licensee may conduct no more than one taste-testing event per month.

J. A taste-testing event is not allowed in any municipality where on-premises and off-premises sales are not allowed pursuant to chapter 5.

K. The retail licensee must notify the bureau of the date and time scheduled for a taste-testing event.

L. Liquor served at a taste-testing event may be provided by the retail licensee purchasing the liquor from a wholesale licensee or agency liquor store. A record of a transaction under this para-

graph must be maintained and made available to the bureau.

M. The retail licensee shall establish a designated area in which to conduct a taste-testing event in accordance with this section and shall make reasonable attempts to ensure that tastings are confined to the designated area.

N. The retail licensee, with prior approval from the bureau, may conduct an invitation-only taste-testing event at the licensed premises in place of or to coincide with a taste-testing event that is open to the public.

O. After a taste-testing event is concluded, the retail licensee may return any unused portion of liquor used to conduct the taste-testing event to the licensee's existing stock.

P. A certificate of approval holder, licensed sales representative or wholesale licensee who participates in a taste-testing event may provide and distribute food or snacks to be consumed in conjunction with the liquor to be tasted at no cost to the public or the retail licensee if the total cost for the food or snacks does not exceed \$200 per event. Any remaining food or snacks provided in conjunction with a taste-testing event must be removed by the certificate of approval holder, licensed sales representative or wholesale licensee from the licensed premises at the conclusion of the event.

Q. A certificate of approval holder, licensed sales representative or wholesale licensee who participates in a taste-testing event may provide material to advertise the liquor being offered at the taste-testing event or for the promotion of responsible use of alcohol. A certificate of approval holder, licensed sales representative or wholesale licensee may use the advertising material only for promotional display on the licensed premises. Advertising material related to the taste-testing event may include signs, coasters, napkins, table tents and items of like value and must be removed by the certificate of approval holder, licensed sales representative or wholesale licensee from the licensed premises at the conclusion of the event.

R. A certificate of approval holder, licensed sales representative or wholesale licensee who participates in a taste-testing event may distribute novelties to the public during the event at a cost not to exceed \$3 per novelty. All remaining novelties under this paragraph must be removed by the certificate of approval holder, licensed sales representative or wholesale licensee from the licensed premises at the conclusion of the taste-testing event.

The bureau may adopt rules to implement this subsection. Rules adopted pursuant to this subsection are

routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. Report.** By February 15, 2015, the division within the Department of Public Safety responsible for administering the laws relating to liquor licensing and enforcement shall submit a report to the joint standing committee of the Legislature having jurisdiction over alcoholic beverage matters regarding the administration of taste-testing events conducted in accordance with the Maine Revised Statutes, Title 28-A, section 1051, subsection 8. The report must include information pertaining to the enforcement of the laws governing taste-testing events and any administrative or enforcement concerns reported to or encountered by the division. The committee is authorized to report out a bill after consideration of the report and any recommendations made by the division.

See title page for effective date.

## CHAPTER 259

### H.P. 793 - L.D. 1121

#### An Act To Promote the Production of Maine Beverages

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

**Sec. 1. 32 MRSA §1866-E, sub-§6,** as enacted by PL 2003, c. 499, §8, is amended to read:

**6. Small manufacturers, bottlers and brewers exempt.** Except as otherwise provided in this subsection, a manufacturer who produces no more than 50,000 gallons of its product in a calendar year is exempt from the requirements of this section for that year. A brewer who produces no more than 50,000 gallons of its product or a bottler of water who sells no more than 250,000 containers each containing no more than one gallon of its product in a calendar year is exempt from the requirements of this section for that year.

See title page for effective date.

## CHAPTER 260

### H.P. 800 - L.D. 1135

#### An Act To Provide Consistency in the Regulation of Motorized Recreational Gold Prospecting

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

**Sec. 1. 38 MRSA §480-Q, sub-§5-A** is enacted to read:

**5-A. Motorized recreational gold prospecting.** Notwithstanding section 480-C, a permit is not required for motorized recreational gold prospecting as long as the provisions of this subsection are met.

A. A person may perform motorized recreational gold prospecting only from June 15th to September 15th and only with written permission of the relevant landowner.

B. A person may not perform motorized recreational gold prospecting that causes an undue adverse effect on natural resources. The area in which the motorized recreational gold prospecting is performed must be kept free of litter, trash and any other materials that may constitute a hazardous or nuisance condition.

C. The following provisions limit the use of equipment in motorized recreational gold prospecting.

(1) Equipment may not have any fuel, oil or hydraulic leaks or cause any unlicensed discharge.

(2) Motorized equipment may not exceed 7 horsepower.

(3) The inside diameter of a suction dredge intake nozzle and hose may not exceed 4 inches.

(4) The area of a sluice may not exceed 10 square feet.

(5) A flume may not be used to transport water outside of a stream channel.

D. A person may not use mercury, nitric acid or other chemicals for extraction in motorized recreational gold prospecting.

E. A person may not perform motorized recreational gold prospecting in a manner that:

(1) Disturbs a stream bank, including but not limited to digging into the bank or dredging or altering water flow within a stream channel in a manner that causes the bank to erode or collapse;

(2) Removes or damages vegetation or woody debris such as root wads, stumps or logs within a stream channel, on the bank or on nearby upland, including cutting or abrasion of trees;

(3) Diverts, dams or otherwise obstructs a stream;

(4) Deposits soil, rocks or any other foreign material from outside of the channel into a stream; or

(5) Deposits stream bottom sediments or rocks onto the bank or upland.