

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
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Augusta, Maine
2013

safety of the community, the department, municipality or law enforcement agency may bring a forfeiture action in the county in which the violations occurred under Title 14, section 506. In an action brought under this subsection, the burden of proof is on the department, municipality or law enforcement agency. If a court determines that a repeated violation of this section jeopardizes the public health, welfare or safety of the community, the court may order any animal that is the subject of the violation sold in a commercially reasonable manner and apply the proceeds to any fine, fee, restitution or cost owed by the owner or keeper under this section with any remaining balance returned to the owner or keeper of the animal.

See title page for effective date.

CHAPTER 349

H.P. 957 - L.D. 1340

An Act To Ensure Maine's Preparedness for Hazardous Oil Spills

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

Sec. 1. 38 MRSA §551, sub-§4, as amended by PL 1997, c. 364, §26 and 27, is further amended to read:

4. Funding. The Maine Coastal and Inland Surface Oil Clean-up Fund is funded pursuant to this subsection.

A. License fees are 3¢ per barrel of unrefined crude oil and all other refined oil, including #6 fuel oil, #2 fuel oil, kerosene, gasoline, jet fuel and diesel fuel, transferred by the licensee during the licensing period and must be paid monthly by the licensee on the basis of records certified to the commissioner. License fees must be paid to the department and upon receipt by it credited to the Maine Coastal and Inland Surface Oil Clean-up Fund.

D. Any person required to register under section 545-B and who first transports oil in Maine shall pay 3¢ per barrel for all crude and refined oil, including #6 fuel oil, #2 fuel oil, kerosene, gasoline, jet fuel, diesel fuel and liquid asphalt transported by the registrant during the period of registration. Fees must be paid monthly by the registrant on the basis of records certified to the commissioner. Fees must be paid to the department and upon receipt by it credited to the Maine Coastal and Inland Surface Oil Clean-up Fund. The registrant shall make available to the commissioner and the commissioner's authorized representatives all documents relating to the oil transported by the

registrant during the period of registration. This paragraph does not apply to waste oil transported into Maine in any motor vehicle that has a valid license issued by the department for the transportation of waste oil pursuant to section 1319-O and is subject to fees established under section 1319-I.

E. When the commissioner projects that the fund balance will reach \$6,000,000, the commissioner shall provide a 15-day notice that the per barrel fees assessed under this subsection will be suspended. The \$6,000,000 fund limit may be exceeded to accept transfer fees assessed or received after the 15-day notice has been issued. Following any suspension of fees assessed under this subsection, the commissioner shall provide a 15-day advance notice to licensees before fees are re-imposed.

See title page for effective date.

CHAPTER 350

H.P. 861 - L.D. 1216

An Act To Amend the Freedom of Access Act

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

Sec. 1. 1 MRSA §408-A, sub-§3, as enacted by PL 2011, c. 662, §5, is amended to read:

3. Acknowledgment; clarification; time estimate; cost estimate. The agency or official having custody or control of a public record shall acknowledge receipt of a request made according to this section ~~within a reasonable period of time, 5 working days of receiving the request~~ and may request clarification concerning which public record or public records are being requested. ~~The~~ Within a reasonable time of receiving the request, the agency or official shall provide a good faith, nonbinding estimate of the time within which the agency or official will comply with the request, as well as a cost estimate as provided in subsection 9. The agency or official shall make a good faith effort to fully respond to the request within the estimated time.

Sec. 2. 1 MRSA §408-A, sub-§4, as enacted by PL 2011, c. 662, §5, is amended to read:

4. Refusals; denials. If a body or an agency or official having custody or control of any public record refuses permission to inspect or copy or abstract a public record, the body or agency or official shall provide written notice of the denial, stating the reason for the denial, within 5 working days of the receipt of the request for inspection or copying. Failure to comply with this subsection is considered failure to allow in-

spection or copying and is subject to appeal as provided in section 409.

Sec. 3. 1 MRSA §409, sub-§1, as amended by PL 2011, c. 559, Pt. A, §1 and c. 662, §6, is repealed and the following enacted in its place:

1. Records. Any person aggrieved by a refusal or denial to inspect or copy a record or the failure to allow the inspection or copying of a record under section 408-A may appeal the refusal, denial or failure within 30 calendar days of the receipt of the written notice of refusal, denial or failure to any Superior Court within the State as a trial de novo. The agency or official shall file an answer within 14 calendar days. If a court, after a trial de novo, determines such refusal, denial or failure was not for just and proper cause, the court shall enter an order for disclosure. Appeals may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require.

See title page for effective date.

CHAPTER 351

S.P. 529 - L.D. 1447

An Act To Grow the Maine Economy by Promoting Maine's Small Breweries and Wineries

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

Sec. 1. 28-A MRSA §1052-B, sub-§1, as amended by PL 2011, c. 629, §17, is further amended to read:

1. Special taste-testing festival license. ~~Malt liquor manufacturers licensed under section 1401 and manufacturers~~ Manufacturers of malt liquor or wine licensed as ~~small~~ breweries or small wineries under section 1355-A or a similarly licensed brewery or winery in another state may apply jointly for an additional license to participate in a special taste-testing festival under this section. The special taste-testing festival license is valid for no more than 3 consecutive days and may be issued ~~once up to 5 times~~ annually.

Sec. 2. 28-A MRSA §1052-B, sub-§§2 and 3, as enacted by PL 1999, c. 677, §2, are amended to read:

2. Fee. The license fee for the special taste-testing festival license is ~~\$20~~ \$50 for each manufacturer of malt liquor and each manufacturer of wine.

3. Application. ~~The licensees must apply jointly~~ Applications for a special taste-testing festival license must be submitted by filing a written application with the bureau at least 5 days, not including Saturdays,

Sundays or legal holidays, before the event. The application must include the following:

- A. Name and address of each ~~licensee~~ applicant;
- B. Title and purpose of the event;
- C. Date, time and duration of the event;
- D. Location of the event;
- E. The method by which the ~~licensees~~ applicants will monitor the number of samples served to each person attending the festival; and
- F. Approval by the municipal officers or a municipal official designated by the municipal officers of the municipality where the proposed special taste-testing festival will be located, which, notwithstanding section 653, may be granted without public notice.

See title page for effective date.

CHAPTER 352

H.P. 662 - L.D. 938

An Act To Update the Laws Relating to the Tri-state Lotto and the Payment of Prizes to Minors

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

Sec. 1. 8 MRSA §371, sub-§4-A is enacted to read:

4-A. Electronic funds transfer. "Electronic funds transfer" means a transaction using an electronic device for the purpose of ordering, instructing or authorizing a financial institution to debit or credit an account.

Sec. 2. 8 MRSA §374, sub-§1, ¶A, as enacted by PL 1987, c. 505, §2, is amended to read:

- A. The types of lotteries to be conducted and which, if any, will be sold as part of the Tri-state Lotto Compact under chapter 16;

Sec. 3. 8 MRSA §385, as corrected by RR 1993, c. 1, §18, is amended to read:

§385. Persons under 18 years; payment of prizes

~~If the person entitled to a prize or any winning ticket is under the age of 18 years and the prize is less than \$5,000, the director may direct payment of the prize by delivery of a check or draft payable to the order of the minor to an adult member of the minor's family or a guardian of the minor. If the person entitled to a prize or on any winning ticket is under the age of 18 years and the prize is \$5,000 or more of age, the director or the director's designee may direct make~~