

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2014 to July 16, 2015

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 15, 2015

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

Augusta, Maine
2015

W. Enter into an interstate reciprocity agreement regarding postsecondary distance education, administer the agreement and approve or disapprove an application to participate in the agreement from a postsecondary institution that has its principal campus in the State.

See title page for effective date.

CHAPTER 73

H.P. 301 - L.D. 462

An Act To Clarify Rulemaking for Transportation of Public School Students

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

Sec. 1. 20-A MRSA §5401, sub-§17, as enacted by PL 2007, c. 572, Pt. A, §5, is amended to read:

17. Rules; federal or state requirements for public preschool transportation. The department may adopt rules to implement the provisions of this section. ~~A rule authorized or provisionally adopted by the department pursuant to this subsection or Title 29-A, section 2311 after January 1, 2008 that concerns the transportation of public preschool students is a major substantive rule and subject to legislative review in accordance with Title 5, chapter 375, subchapter 2-A. An amendment to a rule adopted pursuant to this subsection or Title 29-A, section 2311 prior to January 1, 2008 is considered a major substantive rule when the amendment concerns the transportation of public preschool students, and it is subject to legislative review in accordance with Title 5, chapter 375, subchapter 2-A. Should the Federal Government or the State require transportation of public preschool children, the department shall develop and adopt rules regarding such transportation, and those rules are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.~~

Sec. 2. 29-A MRSA §2311, as amended by PL 2007, c. 572, Pt. A, §17, is further amended to read:

§2311. Rules

The Commissioner of Education may adopt or amend rules consistent with this Title and in accordance with the Maine Administrative Procedure Act, concerning school bus construction, equipment, operation and identification. ~~Rules adopted pursuant to this section that concern the transportation of public preschool students are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. Should the Federal Government or the State require transportation of public preschool children, the Department of Education shall develop and adopt rules regarding such~~

transportation, and those rules are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 74

H.P. 465 - L.D. 684

An Act To Amend the Authorized Hours during Which Liquor May Be Sold and Purchased

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

Sec. 1. 28-A MRSA §4, sub-§1, as amended by PL 2013, c. 476, Pt. A, §5, is further amended to read:

1. Hours for sale of liquor. Except as provided in paragraphs A to B and D, licensees may sell or deliver liquor from 5 a.m. on any day until 1 a.m. of the following day.

~~A. Licensees may not sell liquor on Sunday between the hours of 5 a.m. and 9 a.m., except on March 17th, when a licensee may sell liquor beginning at 6 a.m.~~

B. Licensees may sell liquor on January 1st of any year from 12 midnight to 2 a.m.

(1) In areas in which liquor may be sold except on Sundays, if January 1st falls on a Monday, licensees may sell or deliver liquor between 9 p.m. Sunday, December 31st and 2 a.m. January 1st, notwithstanding any local option decisions to the contrary.

D. Wholesale licensees may sell or deliver liquor to licensed establishments from 4 a.m. on any day until 1 a.m. the following day.

Sec. 2. 28-A MRSA §4, sub-§§5 and 6, as enacted by PL 1987, c. 45, Pt. A, §4, are repealed.

Sec. 3. 28-A MRSA §353, as amended by PL 2013, c. 476, Pt. A, §14 and affected by §36, is further amended to read:

§353. Business hours

Agency liquor stores may be open for the sale and delivery of spirits and fortified wine between the hours of ~~6~~ 5 a.m. and 1 a.m. in municipalities and unincorporated places that have voted in favor of the operation of agency liquor stores under local option provisions. Notwithstanding any local option decisions to the contrary, agency liquor stores may be open from 9 5 a.m. Sunday to 1 a.m. the next day.

Sec. 4. 28-A MRSA §353-A, as enacted by PL 2013, c. 476, Pt. B, §1 and affected by §6, is amended to read:

§353-A. Business hours

Agency liquor stores may be open for the sale and delivery of spirits as provided in section 4, subsection 1 in municipalities and unincorporated places that have voted in favor of the operation of agency liquor stores under local option provisions. Notwithstanding any local option decisions to the contrary ~~and except as provided by section 4, subsection 1, paragraph A~~, agency liquor stores may be open from 9 5 a.m. Sunday to 1 a.m. the following day.

Sec. 5. 28-A MRSA §1077, sub-§2, ¶C, as amended by PL 1997, c. 656, §3, is further amended to read:

C. A vessel licensed to sell liquor under this section may sell liquor on Sundays only between the hours of 9:00 5 a.m. and ~~midnight~~ 1 a.m. the following day on inland waters and when operated within the 3-mile limit on coastal waters.

Sec. 6. 28-A MRSA §1355-A, sub-§2, ¶E, as enacted by PL 2011, c. 629, §22, is amended to read:

E. A licensee may serve complimentary samples of liquor on Sunday after the hour of 9 5 a.m. and may sell liquor on Sunday after the hour of 9 5 a.m. if the municipality in which the licensed premises is located has authorized the sale of liquor on Sunday for consumption off the premises under chapter 5.

See title page for effective date.

CHAPTER 75

H.P. 392 - L.D. 568

**An Act To Protect Maine
Lakes**

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

Sec. 1. 38 MRSA §418-B is enacted to read:

**§418-B. Prohibition on application of fertilizers
near great ponds**

Notwithstanding any other provision of law, a person may not apply a fertilizer containing phosphorus or nitrogen within 25 feet of the normal high-water line of a great pond, except that a person may apply a fertilizer containing phosphorus or nitrogen within 25 feet but not closer than 10 feet of the normal high-water line of a great pond if applying the fertilizer using a drop spreader, rotary spreader with a deflector or targeted spray liquid. As used in this section, "fertil-

izer" has the same meaning as in section 419, subsection 1, paragraph A-3.

See title page for effective date.

CHAPTER 76

H.P. 871 - L.D. 1275

**An Act Regarding Notice to the
Public Pertaining to a Resident
Person Deported from Canada
to the United States for
Committing a Sex Offense
against a Child**

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

Sec. 1. 25 MRSA c. 409 is enacted to read:

CHAPTER 409

**PUBLIC NOTICE OF CONVICTION OF SEX
OFFENSE AGAINST A CHILD**

**§3831. Notice to the public regarding conviction in
Canada of a sex offense against a child**

A law enforcement agency, referred to in this section as "the agency," that obtains from the United States Customs and Border Protection, upon request or otherwise, written documentation that a person resident in the jurisdiction of the agency has been deported from Canada to the United States because the person was convicted in Canada of a sex offense against a child may provide notice to the public as determined by the agency to be appropriate to ensure the public safety. Neither the failure to perform the actions permitted by this section nor actions taken in compliance with this section subject any state, municipal or county official or employee to liability in a civil action.

See title page for effective date.

CHAPTER 77

H.P. 223 - L.D. 329

**An Act To Allow Equipment
Rental Companies To Sell
Insurance**

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

Sec. 1. 24-A MRSA §1413, sub-§9 is enacted to read:

9. Equipment rental company. A rental company as defined in section 3043, subsection 1, paragraph C that solicits or sells insurance in connection