

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

A. The ballot question or title of each direct initiative of legislation or people's veto referendum for which the petition organization will receive compensation;

B. Contact information for the petition organization, including the name of the petition organization, street address or post office box, telephone number and e-mail address; ~~and~~

C. The name and signature of a designated agent for the petition organization; ~~and~~

D. A list containing the names of all individuals hired by the petition organization to assist in circulating petitions or in organizing, supervising or managing the circulation. The list must be updated and resubmitted to the Secretary of State when the petitions are filed pursuant to the Constitution of Maine, Article IV, Part Third, Section 17 or 18.

The information contained in the registration form must be made available for public inspection and must be posted on the publicly accessible website of the Secretary of State.

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

Effective May 24, 2015.

CHAPTER 100

H.P. 283 - L.D. 416

An Act To Provide for Direct Appeals under the Maine Juvenile Code to the Supreme Judicial Court

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

Sec. 1. 15 MRSA §1, sub-§2, ¶D, as enacted by PL 1999, c. 731, Pt. ZZZ, §9 and affected by §42, is repealed.

Sec. 2. 15 MRSA §3401, sub-§1, as repealed and replaced by PL 1979, c. 512, §8, is amended to read:

1. Structure. Except as otherwise provided, appeals from the juvenile court ~~shall be~~ are to the ~~Superior Supreme Judicial Court and appeals from the Superior Court shall be to the Law Court.~~

Sec. 3. 15 MRSA §3402, as amended by PL 2013, c. 234, §11, is further amended to read:

§3402. Appeals to Supreme Judicial Court

1. Matters for appeal. Appeals of the following matters may be taken from the juvenile court to the

~~Superior~~ Supreme Judicial Court by a party specified in subsection 2:

A. An adjudication, ~~provided that no~~ as long as the appeal shall be ~~is~~ taken ~~until~~ after an order of disposition;

B. An order of disposition, or of any subsequent order modifying disposition, for an abuse of discretion; and

D. A detention order entered pursuant to section 3203-A, subsection 5 or any refusal to alter a detention order upon petition of the juvenile pursuant to section 3203-A, subsection 11, for abuse of discretion, provided that the appeal must be handled expeditiously.

2. Who may appeal. An appeal may be taken by the following parties:

A. The juvenile; or

B. The juvenile's parents, guardian or legal custodian on behalf of the juvenile, if the juvenile is not emancipated and the juvenile does not wish to appeal.

2-A. Appeal from a bind-over order of the juvenile court. A bind-over order of the juvenile court by a party specified in subsection 2 may be reviewed only by the Supreme Judicial Court pursuant to an appeal of a judgment of conviction following bind-over.

3. Appeals by the State. The State may appeal from a decision or order of the juvenile court to the Supreme Judicial Court to the same extent and in the same manner as in criminal cases under section 2115-A. The State may appeal from the juvenile court to the ~~Superior~~ Supreme Judicial Court for the failure of the juvenile court to order a bind-over.

4. Stays and releases. On an appeal pursuant to subsection 1, paragraphs A and B, the ~~Superior~~ Supreme Judicial Court shall consider a stay of execution and release pending the appeal.

5. Time for appeals. An appeal from the juvenile court to the ~~Superior~~ Supreme Judicial Court must be taken within ~~7~~ 21 days after the entry of an order of disposition or other appealed order or such further time as the Supreme Judicial Court may provide pursuant to a rule of court.

Sec. 4. 15 MRSA §3403, as repealed and replaced by PL 1979, c. 512, §10, is amended to read:

§3403. Rules for appeals

Procedure for appeals from the juvenile court to the ~~Superior~~ Supreme Judicial Court, including provision for a record, subject to section 3405, ~~shall be~~ is as provided by rule ~~promulgated~~ adopted by the Supreme Judicial Court.

Sec. 5. 15 MRSA §3405, as amended by PL 1997, c. 645, §14, is further amended to read:

§3405. Scope of review on appeal; record

1. Scope of review. Review on all appeals from juvenile court to ~~Superior~~ the Supreme Judicial Court ~~shall be~~ is for errors of law or abuses of discretion. The ~~Superior~~ Supreme Judicial Court may affirm, reverse or modify any order of the ~~Juvenile Court~~ juvenile court or remand for further proceedings. The ~~Superior~~ Supreme Judicial Court ~~shall~~ may enter a new order of disposition if it finds that the ~~Juvenile Court's~~ juvenile court's disposition was an abuse of discretion.

2. Record on appeals. In appeals taken pursuant to section 3402, subsection 1, paragraphs A and B, review must be on the basis of the record of the proceedings in ~~Juvenile Court~~ juvenile court. In the interest of justice, the ~~Superior~~ Supreme Judicial Court may order that the record ~~must~~ consist of:

- A. The untranscribed sound recording of the proceedings; or
- B. An agreed or settled statement of facts with the consent of the parties.

3. Record on appeals of detention orders. In appeals taken pursuant to section 3402, subsection 1, paragraph D, the court shall order a review by the most expeditious of the following methods that is consistent with the interests of justice:

- A. The untranscribed sound recording of the detention hearing;
- B. Evidence presented to the ~~Superior Court~~ trial court, ~~provided as long as~~ the scope of review ~~shall be~~ is as specified in subsection 1;
- C. A transcribed record; or
- D. A record consisting of a statement of facts as described in subsection 2, paragraph B.

Sec. 6. 15 MRSA §3407, as amended by PL 1997, c. 645, §§15 and 16, is repealed.

See title page for effective date.

CHAPTER 101

S.P. 192 - L.D. 523

**An Act To Amend the Laws
Regarding the Sale of Liquor**

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

Sec. 1. 28-A MRSA §1070, as amended by PL 1997, c. 373, §§94 and 95, is further amended to read:

§1070. Civic auditoriums

1. Issuance of licenses. The bureau may issue licenses to civic auditoriums as defined in section 2, subsection 15, paragraph C under this section for the sale of spirits, wine and malt liquor to civic auditoriums as defined in section 2, subsection 15, paragraph C. The license may be issued to the owner of the civic auditorium, the operator of the civic auditorium or the entity providing alcoholic beverages to the public in the civic auditorium.

2. Events on licensed premises only. Licenses issued to civic auditoriums may be used only in conjunction with a function or event held on the licensed premises.

3. No sales during events for minors. Licensees may not sell spirits, wine or malt liquor during any school activities or events primarily attended by minors in the rooms where these activities are taking place.

4. ~~Licensee must notify bureau.~~ ~~The civic auditorium licensee shall give written notice to the bureau at least 24 hours before a function or event.~~

5. Bottle service of spirits; designated areas. A civic auditorium licensee may sell spirits in original containers for service in a civic auditorium club suite under the following conditions:

- A. Spirits to be consumed in the club suite are provided exclusively by the civic auditorium licensee;
- B. Spirits containers provided for consumption in the club suite must remain in the club suite for the duration of the event for which they were provided;
- C. The number of spirits containers provided for consumption in the club suite may not exceed 6; and
- D. The registered tenant of the club suite or individual specifically granted access to the club suite by the civic auditorium signs a contract with the civic auditorium agreeing that no person under 21 years of age will be provided or served alcoholic beverages in the club suite.

For purposes of this subsection, "club suite" means a designated area within a civic auditorium designed to provide premium viewing of an event in the auditorium and to which access is limited to registered tenants, invited guests and those who have been specifically granted access by the operator of the civic auditorium and is not accessible to the general public or civic auditorium patrons with tickets that provide for general admission to that event at the auditorium. A club suite must have a clearly designated point of access for the registered tenant or person specifically granted access by the operator of the civic auditorium