

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

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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

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Sec. 6. 15 MRSA §3407, as amended by PL 1997, c. 645, §§15 and 16, is repealed.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

to ensure that persons present in the suite are limited to invited guests and employees providing services to the club suite.

Sec. 2. Bureau of Alcoholic Beverages and Lottery Operations to amend rule. No later than December 1, 2015, the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations shall amend its rules governing the presence of a person under 18 years of age when that person is providing entertainment as part of an entertainment performance group at a licensed premises where alcoholic beverages are sold or consumed. The rule must allow for a person under 18 years of age to be present at a Class A restaurant, club, civic auditorium or hotel function room when part of an entertainment performance group and may require that a person under 17 years of age when part of an entertainment performance group be supervised by a parent or legal guardian or by a responsible adult designated as a guardian.

See title page for effective date.

CHAPTER 102

H.P. 462 - L.D. 681

An Act To Increase the Effectiveness of the Legislature

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

Sec. 1. 3 MRSA §161, as amended by PL 1979, c. 127, §5, is repealed and the following enacted in its place:

§161. Legislative Council

1. Establishment; membership. The Legislative Council, consisting of 10 members, 5 of whom are members of the Senate and 5 of whom are members of the House of Representatives, is established. The members of the Legislative Council are:

- A. The President of the Senate;
- B. The Speaker of the House of Representatives;
- and
- C. The majority and minority leaders and assistant leaders of the 2 political parties with the greatest number of members in each body.

Only a person who holds an office specified in paragraph A, B or C may be a member of the Legislative Council and is a member only during the term of the Legislature in which that office is held. The Legislative Council shall elect a chair from within its own membership.

The Legislative Council shall exercise such powers and duties as may be delegated by law or by rule of the

Legislature. Any action by the Legislative Council requires the affirmative votes of a majority of the members.

The Legislative Council shall meet at least once monthly when the Legislature is not in session, unless the chair determines that a meeting is not necessary, and at such other times as the membership or the chair determines necessary.

Sec. 2. 3 MRSA §162, sub-§6, as amended by PL 1985, c. 501, Pt. B, §2, is further amended to read:

6. Appointment of directors and office directors. ~~To~~ By a vote of no fewer than 8 members present at a public meeting of the Legislative Council, to appoint an Executive Director of the Legislative Council, a State Law Librarian and such other office directors as the council deems considers necessary. Each director shall must be chosen without reference to party affiliations and solely on the grounds of fitness to perform the duties of his the office; each to be appointed for a term of 3 years from the date of his appointment. Reappointment shall be based on performance in the office and shall be considered in accordance with policies and procedures established by the Legislative Council. The Executive Director, the State Law Librarian and the office directors appointed pursuant to this subsection serve at the pleasure of the Legislative Council and may be removed from office only by a vote of no fewer than 8 members present at a public meeting of the Legislative Council;

Sec. 3. 3 MRSA §162, sub-§6-A, as corrected by RR 1997, c. 2, §4, is repealed.

Sec. 4. 3 MRSA §163, sub-§2, as amended by PL 1985, c. 501, Pt. B, §4, is further amended to read:

2. Supervision. ~~To assign~~ coordinate, direct and supervise oversee, subject to the control of the council ~~Legislative Council~~, the activities of the nonpartisan legislative staff offices and to direct and supervise the administrative functions of legislative staff offices in accordance with the policies and procedures established by the Legislative Council. The Executive Director ~~shall have no~~ does not have any supervisory authority with respect to any persons employed pursuant to chapter 1 or section 168 ~~of this title;~~

Sec. 5. 3 MRSA §163, sub-§2-A, as amended by PL 1985, c. 785, Pt. B, §4, is further amended to read:

2-A. Appointment of nonpartisan legislative staff. To appoint, upon recommendation of the appropriate office director and subject to the approval of the Legislative Council and in accordance with the policies and procedures established by the council, qualified persons to nonpartisan legislative staff positions based solely on their ability to perform their duties and without regard to party affiliation. The general duties and compensation of these positions shall must be