

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

§1412-C. Bureau of Rehabilitation Services; Division of Vocational Rehabilitation

The commissioner shall establish within the department the Bureau of Rehabilitation Services, ~~which~~. Within the bureau, the Division of Vocational Rehabilitation, as the designated state unit under the federal Rehabilitation Act of 1973, shall administer that group of rehabilitation services to nonblind and nonvisually impaired individuals specifically related to the federal vocational rehabilitation programs.

Sec. 14. 26 MRSA §1412-E, as enacted by PL 1995, c. 560, Pt. F, §13, is amended to read:

§1412-E. Rules

The department is authorized to establish rules required for the proper administration of a vocational rehabilitation program under the ~~Federal federal~~ Rehabilitation Act of 1973 and acts amendatory and additional to the ~~Federal federal~~ Rehabilitation Act of 1973. These rules must include procedures for ensuring access to records by the protection and advocacy agencies designated under Title 5, Part 24 pursuant to an investigation of alleged rights violations.

Sec. 15. 26 MRSA §1413-C, first ¶, as amended by PL 2009, c. 652, Pt. A, §40, is further amended to read:

~~Within the Department of Labor, Bureau of Rehabilitation Services, Division for the Deaf, Hard of Hearing and Late Deafened department, the Commission for the Deaf, Hard of Hearing and Late Deafened, as established under Title 5, section 12004-J, subsection 17, consists of 24 up to 23 members and 3 members at large appointed by the Governor and representing equally consumers, professionals and the public. Members serve 3-year terms and may serve multiple terms without limit. Members are entitled to compensation in accordance with Title 5, chapter 379.~~

Sec. 16. 26 MRSA §1418-C, as enacted by PL 1995, c. 560, Pt. F, §13, is amended to read:

§1418-C. Program established; Division for the Blind and Visually Impaired

The division, as the designated state unit under the federal Rehabilitation Act of 1973, shall administer services related to blind and visually impaired individuals. The division shall provide a program of services for the blind persons, including prevention of blindness, locating of blind persons, vocational guidance and training of the blind persons, placement of blind persons in employment, assistance to local schools in meeting the special needs of blind students, instruction of adult blind persons in their homes and other social services to the blind persons.

See title page for effective date.

**CHAPTER 142
H.P. 514 - L.D. 761**

An Act To Authorize Free Samples of Liquor by a Restaurant

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

Sec. 1. 28-A MRSA §709, sub-§2, ¶¶J and K, as enacted by PL 2011, c. 629, §15, are amended to read:

J. Providing samples authorized under section 1355-A, 1402, 1402-A or 1504; ~~or~~

K. Donations authorized under section 708-B; ~~or~~

Sec. 2. 28-A MRSA §709, sub-§2, ¶L is enacted to read:

L. Licensees offering complimentary samples of wine under section 1055.

Sec. 3. 28-A MRSA §1055 is enacted to read:

§1055. Liquor samples at restaurants

1. Liquor samples at restaurants. A restaurant licensed by the bureau as a Class A restaurant or a Class A restaurant/lounge may offer complimentary samples of malt liquor, wine or spirits to a customer, subject to the following conditions:

A. A sample may not be given to a person under 21 years of age;

B. A person may not be provided more than 3 samples per day, and samples are subject to the following size limits:

(1) A sample of malt liquor may not exceed 3 ounces;

(2) A sample of wine may not exceed one ounce; and

(3) A sample of spirits may not exceed 1/2 of one ounce;

C. A person who is visibly intoxicated may not be served;

D. The sampling must be conducted during regular business hours of the Class A restaurant or Class A restaurant/lounge and must take place on the licensed premises only in areas of the Class A restaurant or Class A restaurant/lounge where liquor is normally served to customers;

E. Samples may be provided only by employees of the Class A restaurant or Class A restaurant/lounge;

F. Wine or malt liquor served as a sample must be purchased from a wholesale licensee; and

G. Spirits served as a sample must be purchased from the State or the State's contracted wholesaler.

See title page for effective date.

**CHAPTER 143
H.P. 979 - L.D. 1435**

An Act Regarding Ethanol-free Motor Fuel

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

Sec. 1. 10 MRSA §1457, sub-§4 is enacted to read:

4. Ethanol-free motor fuel. A motor fuel distributor, franchisor or refiner may not impose any condition, restriction, agreement or understanding that prohibits or limits the sale, resale, transfer or purchase of conventional, ethanol-free motor fuel products in the State. This subsection applies to contracts entered into or renewed after the effective date of this subsection.

See title page for effective date.

**CHAPTER 144
S.P. 313 - L.D. 868**

An Act To Remove Limitations on Reciprocity for Concealed Handguns Permits

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

Sec. 1. 25 MRSA §2001-A, sub-§2, ¶F, as repealed and replaced by PL 2011, c. 691, Pt. A, §24, is repealed and the following enacted in its place:

F. A handgun carried by a person to whom a valid permit to carry a concealed handgun has been issued by that person's state of residence if that person's state of residence honors a permit to carry a concealed handgun issued under this chapter:

Sec. 2. 25 MRSA §2003, sub-§11, as amended by PL 2011, c. 298, §7, is further amended to read:

11. Permit to be in permit holder's immediate possession. Every permit holder, including a nonresident who holds a permit issued by the nonresident's state of residence, shall have the holder's permit in the holder's immediate possession at all times when carrying a concealed handgun and shall display the same on

demand of any law enforcement officer. A person charged with violating this subsection may not be adjudicated as having committed a civil violation if that person produces in court the concealed handgun permit that was valid at the time of the issuance of a summons to court or, if the holder exhibits the permit to a law enforcement officer designated by the summoning officer not later than 24 hours before the time set for the court appearance, a complaint may not be issued.

See title page for effective date.

**CHAPTER 145
H.P. 411 - L.D. 598**

An Act To Strengthen the Maine Agriculture Protection Act

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

Sec. 1. 7 MRSA §152, sub-§2, as enacted by PL 2007, c. 649, §3, is amended to read:

2. Agricultural products. "Agricultural products" means those plants and animals and their products that are useful to humans and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, bees and bees' products, livestock and livestock products, manure and compost and fruits, berries, vegetables, flowers, seeds, grasses and other similar products, or any other plant, animal or plant or animal products that supply humans with food, feed, fiber or fur. "Agricultural products" does not include trees grown and harvested for forest products.

Sec. 2. 7 MRSA §154, as enacted by PL 2007, c. 649, §3, is amended to read:

§154. Violation of municipal ordinances

~~A method of farm operation used by a farm or farm operation or agricultural composting operation~~ located in an area where agricultural activities are permitted may not be considered a violation of a municipal ordinance if the ~~method of operation constitutes farm operation or agricultural composting operation~~ conforms to best management practices as determined by the commissioner in accordance with section 153, subsection 1.

Sec. 3. 7 MRSA §155, as enacted by PL 2007, c. 649, §3, is amended to read:

§155. Application; municipal ordinances

This chapter does not affect the application of state and federal laws. A municipality must provide the commissioner with a copy of any proposed ordi-