

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2016 to April 29, 2016

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 29, 2016

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

Augusta, Maine
2016

Maine Board of Dental Examiners or any of its administrative units or officers in effect on the effective date of this Act remain in effect.

6. All contracts, agreements and compacts in effect immediately prior to the effective date of this Act with regard to the Maine Board of Dental Examiners continue in effect.

7. Any positions authorized and allocated subject to the personnel laws to the former Maine Board of Dental Examiners are transferred to the Board of Dental Practice and continue to be authorized.

8. All records, property and equipment previously belonging to or allocated for the use of the former Maine Board of Dental Examiners become, on the effective date of this Act, the property of the Board of Dental Practice.

9. All forms, licenses, letterheads and similar items bearing the name of or referring to the Maine Board of Dental Examiners may be used by the Board of Dental Practice until existing supplies of those items are exhausted.

Sec. 25. Board of Dental Practice to study the dental practice laws and recommend changes. The Board of Dental Practice, in consultation with interested parties, shall conduct a study of the Maine Revised Statutes, Title 32, chapter 143 and any rules adopted by the board and recommend changes to the scopes of practice of dental practitioners, practice settings and delivery models and any other dental practice issues. The board shall report its recommendations to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters on or before March 1, 2017. The joint standing committee may report out a bill to the Second Regular Session of the 128th Legislature related to the board's report.

See title page for effective date.

CHAPTER 430

S.P. 565 - L.D. 1467

An Act Regarding Maine Spirits

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, legislative action is immediately necessary to ensure continued and efficient administration of the state liquor contract; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following

legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 28-A MRSA §84, sub-§4, as amended by PL 2013, c. 368, Pt. V, §61, is further amended to read:

4. Confer with commissioner. Confer regularly as necessary or desirable and not less than once a month with the Commissioner of Administrative and Financial Services on the operation and administration of the bureau and make available for inspection by the Commissioner of Administrative and Financial Services, upon request, all books, records, files and other information and documents of the bureau; ~~and~~

Sec. 2. 28-A MRSA §84, sub-§5, as amended by PL 2013, c. 588, Pt. B, §1, is further amended to read:

5. Certification. Certify monthly to the Treasurer of State and the Commissioner of Administrative and Financial Services a complete statement of revenues and expenses for liquor sales for the preceding month and submit an annual report that includes a complete statement of the revenues and expenses for the bureau to the Governor and the Legislature, together with recommendations for changes in this Title; ~~and~~

Sec. 3. 28-A MRSA §84, sub-§6 is enacted to read:

6. Implement a spirits sales data reporting system. Collect from reselling agents data on spirits sales made by each reselling agent to establishments licensed to sell spirits for on-premises consumption. The data must include, but is not limited to, the amount and date of sale of each product code sold to on-premises licensees by the reselling agent. For the purposes of this subsection, "product code" has the same meaning as in section 461. For the purposes of collecting on-premises spirits sales data from reselling agents, the director shall enter into a contract with a trade association representing states that control and manage the sale of spirits. The contract must require that neither the bureau nor the trade association may make publicly available any information that would specifically identify the reselling agent, including, but not limited to, the reseller's name, the name of the reseller's agency liquor store, the reseller's agency liquor store's address or the address of any associated storage facility of the reselling agent.

Sec. 4. 28-A MRSA §453-C, sub-§4 is enacted to read:

4. Reporting of spirits sales to on-premises licensees. Beginning October 15, 2016, a licensed reselling agent shall report on a monthly basis all spirits

sales made to establishments licensed to sell spirits for on-premises consumption.

A. A report under this subsection must be made to a trade association contracted by the bureau to collect spirits sales data from reselling agents as described in section 84, subsection 6.

B. The bureau shall ensure that reports under this subsection may be made by electronic transmission through a secure website established by the bureau. A reselling agent that is not reasonably able to use the website may submit a report under this subsection on paper or by using other methods approved by the bureau.

C. The bureau may provide a stipend or reimbursement to reselling agents licensed and actively selling spirits to on-premises licensees as of July 1, 2016 to mitigate the costs of compliance with this subsection.

D. The bureau may adopt rules regarding mitigating the costs incurred by reselling agents in complying with this subsection. Rules adopted pursuant to this paragraph are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Sec. 5. 28-A MRSA §606, sub-§2, as amended by PL 2011, c. 380, Pt. PPPP, §1 and PL 2013, c. 368, Pt. V, §61, is repealed.

Sec. 6. 28-A MRSA §755, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

§755. Records confidential

All Except for on-premises spirits sales data required to be reported by reselling agents in accordance with section 453-C, subsection 4, all business and financial records of licensees are confidential.

Sec. 7. Bureau to adopt rules. No later than October 1, 2016, the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations shall adopt rules to mitigate the costs incurred by reselling agents in complying with the reporting requirements of the Maine Revised Statutes, Title 28-A, section 453-C, subsection 4.

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

Effective April 5, 2016.

**CHAPTER 431
H.P. 1108 - L.D. 1632**

**An Act To Make Certain
Statutory Changes in Light of
the New Maine Rules of
Unified Criminal Procedure**

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

Sec. 1. 1 MRSA §71, sub-§12, as amended by PL 1983, c. 606, is further amended to read:

12. Statutory time periods. The statutory time period for the performance or occurrence of any act, event or default ~~which that~~ is a prerequisite to or is otherwise involved in or related to the commencement, prosecution or defense of any civil or criminal action or other judicial proceeding or any action or proceeding of the Public Utilities Commission ~~shall be~~ is governed by and computed under Rule 6(a) of the Maine Rules of Civil Procedure as amended from time to time, when the nature of such action or proceeding is civil, and under Rule 45(a) of the Maine Rules of Unified Criminal Procedure, as amended from time to time, when the nature of such action or proceeding is criminal.

Sec. 2. 14 MRSA §3142, sub-§3, as amended by PL 2003, c. 193, §3, is further amended to read:

3. Purge of contempt. The court shall provide an opportunity for the defendant to purge the contempt by complying with the court's order to pay or ~~to~~ with an amended order to pay. The provisions of the Maine Rules of Civil Procedure, Rule 66 and the Maine Rules of Unified Criminal Procedure, Rule 42 do not apply to proceedings initiated under this section.

Sec. 3. 15 MRSA §1, sub-§2, as amended by PL 2015, c. 100, §1, is repealed.

Sec. 4. 15 MRSA §101-D, sub-§2, as enacted by PL 2009, c. 268, §3, is amended to read:

2. Insanity; abnormal condition of the mind. The court may for cause shown order that the defendant be evaluated with reference to insanity or abnormal condition of the mind as provided in this subsection.

A. Upon motion by the defendant or by the State, a court having jurisdiction in any criminal case may for cause shown order that the defendant be examined by the State Forensic Service for evaluation of the defendant's mental state at the time of the crime with reference to criminal responsibility under Title 17-A, section 39 and abnormal condition of the mind under Title 17-A, section 38.

(1) When ordered to evaluate a defendant under this paragraph, the State Forensic Ser-