

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

the small distillery for off-premises consumption. A holder of a small distillery license shall record the quantity of spirits sold for off-premises consumption that were not transported to a warehouse as described in this paragraph and submit monthly reports of this information, along with the full amount of state liquor tax due as prescribed by chapter 65, to the bureau in a manner prescribed by the bureau.

Sec. 2. 28-A MRSA §1355-A, sub-§5, ¶H is enacted to read:

H. Notwithstanding paragraph D, a holder of a small distillery license licensed under paragraph E to operate a location licensed under chapter 43 for on-premises consumption may pay the bureau the difference between the distillery's price charged to the bureau and the discounted list price charged by the bureau when a distillery purchases its own spirits to be sold at its on-premises location. A small distillery is not required to transport spirits that will be sold for on-premises consumption under paragraph E to a warehouse operated by the bureau or by a wholesaler contracted by the bureau under section 90 for distribution to the location where the small distillery is authorized to sell spirits produced by the small distillery for on-premises consumption. A holder of a small distillery license shall record the quantity of spirits sold for on-premises consumption that were not transported to a warehouse as described in this paragraph and submit monthly reports of this information, along with the full amount of state liquor tax due as prescribed by chapter 65, to the bureau in a manner prescribed by the bureau.

See title page for effective date.

CHAPTER 441

H.P. 1148 - L.D. 1678

An Act To Change the Definition of "Hard Cider" for Consistency with Federal Law

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

Sec. 1. 28-A MRSA §2, sub-§12-A, as amended by PL 2009, c. 652, Pt. A, §41, is further amended to read:

12-A. Hard cider. "Hard cider" means liquor produced by fermentation of the juice of apples or pears, including, but not limited to, flavored, sparkling or carbonated cider, that contains not less than 1/2 of 1% alcohol by volume and not more than ~~7%~~ 8.5% alcohol by volume.

Sec. 2. Effective date. This Act takes effect January 1, 2017.

Effective January 1, 2017.

CHAPTER 442

S.P. 682 - L.D. 1668

An Act To Facilitate Internal Hiring by Reforming the Use of Registers in the State Civil Service System

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

Sec. 1. 5 MRSA §7036, sub-§5, as amended by PL 1999, c. 668, §10, is further amended to read:

5. Be responsible for development and implementation of system of registers of eligibles. Be responsible for the development and use of registers of eligibles and the updating of these registers.

~~The~~ After meeting and consulting with collective bargaining representatives of affected employees, the director shall implement the procedures authorized by this subsection with the goal to establish an efficient hiring process that meets the satisfaction of the agencies that the office serves;

Sec. 2. 5 MRSA §7051, sub-§6, ¶B, as amended by PL 2007, c. 466, Pt. A, §15, is further amended to read:

B. The director shall establish a policy to protect persons in temporary positions from remaining in a temporary position for an unreasonable period of time, ~~not to exceed one year that may not exceed one year except that an extension may be granted to an individual by the director when unusual circumstances warrant that extension.~~

Sec. 3. 5 MRSA §7062, sub-§§1 and 3, as enacted by PL 1985, c. 785, Pt. B, §38, are amended to read:

1. Placement of names on register. In establishing registers of eligible persons pursuant to this section, the names of all persons attaining the minimum final earned ratings established by the director ~~shall~~ must be placed on the register ~~in order of their ratings.~~

3. Removal from list prohibited under certain circumstances. ~~No~~ A person may not be removed from a register of eligibles for:

- A. Specifying the conditions under which the applicant will accept employment in a classification;
- B. Specifying a department, bureau or division in which the applicant will accept employment in a classification; or

C. Specifying a department, bureau or division in which the applicant will not accept employment in a classification;

~~D. Failure to respond in less than 3 months' time to a written inquiry of the director or some other appointing authority relative to availability for appointment, except as provided by section 7034, subsection 5, with respect to the annual update of registers of eligibility. In this case, the register may be closed in the event that the person does not respond expeditiously, but the person's name shall not be removed from the register except in accordance with this paragraph; or~~

~~E. Failure to be appointed to a position following certification regardless of the number of certifications an applicant has received.~~

See title page for effective date.

CHAPTER 443

S.P. 593 - L.D. 1531

An Act To Protect Victims of Human Trafficking

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

Sec. 1. 5 MRSA §4651, sub-§2, ¶C, as amended by PL 2001, c. 134, §1, is further amended to read:

C. A single act or course of conduct constituting a violation of section 4681; Title 17, section 2931; or Title 17-A, ~~sections~~ section 201, 202, 203, 204, 207, 208, 209, 210, 210-A, 211, 253, 301, 302, 303, 506-A, 511, 556, 802, 805 ~~or~~ 806, 852 or 853.

Sec. 2. 5 MRSA §4654, sub-§4, ¶F, as amended by PL 1995, c. 650, §6, is further amended to read:

- F. Repeatedly and without reasonable cause:
 - (1) Following the plaintiff; or
 - (2) Being at or in the vicinity of the plaintiff's home, school, business or place of employment; ~~or~~

Sec. 3. 5 MRSA §4654, sub-§4, ¶G, as enacted by PL 1995, c. 650, §7, is amended to read:

G. Having any direct or indirect contact with the plaintiff; ~~or~~

Sec. 4. 5 MRSA §4654, sub-§4, ¶H is enacted to read:

H. Destroying, transferring or tampering with the plaintiff's passport or other immigration document in the defendant's possession.

Sec. 5. 5 MRSA §4655, sub-§1, ¶¶E and F, as amended by PL 1993, c. 475, §2, are further amended to read:

- E. Ordering the defendant to pay court costs or reasonable attorney's fees; ~~and~~
- F. Entering any other orders determined necessary or appropriate in the discretion of the court; ~~and~~

Sec. 6. 5 MRSA §4655, sub-§1, ¶G is enacted to read:

G. Prohibiting the defendant from destroying, transferring or tampering with the plaintiff's passport or other immigration document in the defendant's possession.

Sec. 7. 5 MRSA §4659, sub-§1, as amended by PL 1993, c. 469, §2, is further amended to read:

1. Crime committed. Violation of a temporary, emergency, interim or final protective order, an order of a tribal court of the Passamaquoddy Tribe or the Penobscot Nation or a court-approved consent agreement, when the defendant has prior actual notice of the order or agreement, is a Class D crime, except when the only provision that is violated concerns relief authorized under section 4655, subsection 1, paragraphs D to F G. Violation of these paragraphs must be treated as contempt and punished in accordance with law.

Sec. 8. 17-A MRSA §1201, sub-§1, ¶A-1, as amended by PL 2013, c. 194, §11, is further amended to read:

- A-1. The conviction is for a Class D or Class E crime other than:
 - (1) A Class D or Class E crime relative to which, based upon both the written agreement of the parties and a court finding, the facts and circumstances of the underlying criminal episode giving rise to the conviction generated probable cause to believe the defendant had committed a Class A, Class B or Class C crime in the course of that criminal episode and, as agreed upon in writing by the parties and found by the court, the defendant has no prior conviction for murder or for a Class A, Class B or Class C crime and has not been placed on probation pursuant to this subparagraph on any prior occasion;
 - (2) A Class D crime that the State pleads and proves was committed against a family or household member or a dating partner under chapter 9 or 13 or section 554, 555 or 758. As used in this subparagraph, "family or