

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 2016 to August 2, 2017

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2017

~~safety or welfare, or would violate municipal ordinances or rules and regulations.~~

6. Issuance or denial of permit. Within 15 days of receiving the permit application, the municipal officers shall give the applicant written notice of their decision.

A. If the municipal officers deny a licensee a permit, they shall provide the licensee with the reasons for the denial in writing.

B. The licensee may not reapply for a permit within 30 days after denial of an application for a permit.

7. Municipal suspension or revocation of a permit. After a public hearing preceded by notice to interested parties, the municipal officers may suspend or revoke any permits which they have issued under this section on the grounds that the music, dancing or entertainment permitted constitutes a detriment to the public health, safety or welfare, or violates municipal ordinances or regulations.

8. Appeal procedure. Any licensee who has applied for a permit and has been denied, or whose permit has been revoked or suspended, may appeal the decision to the municipal board of appeals, as defined in Title 30-A, section 2691, within 30 days of the denial, suspension or revocation. The municipal board of appeals, if the municipality has such a board, may grant or reinstate the permit if it finds that:

A. The permitted activities would not constitute a detriment to the public health, safety or welfare, or violate municipal ordinances or regulations; or

B. The denial, revocation or suspension was arbitrary and capricious.

~~**9. Admission.** A licensee who has been issued an amusement permit may charge admission in designated areas approved by the special amusement permit.~~

~~**10. Definition of entertainment.** For the purposes of this section, "entertainment" includes any amusement, performance, exhibition or diversion for patrons or customers of the licensed premises, whether provided by professional entertainers or by full-time or part-time employees of the licensee whose incidental duties include activities with an entertainment value.~~

11. Municipal ordinances or regulations. A municipality shall adopt ordinances or authorize the municipal officers to establish written regulations governing the following aspects of the permits.

A. These ordinances or regulations ~~shall~~ must govern:

(1) The issuance, suspension and revocation of these permits;

(2) The classes of permits and fees for the issuance of these permits;

(3) The music, dancing or entertainment permitted under each class; and

(4) Other limitations on these activities required to protect the public health, safety and welfare.

B. These ordinances or regulations may specifically determine:

(1) The location and size of premises to which the permits may apply;

(2) The facilities that may be required for the permitted activities on those premises;

(3) The hours during which the permitted activities may take place; and

(4) The lighting level required, which may be lowered when the entertainment is provided.

12. Unincorporated place. If a licensed ~~premise~~ is premises are located in an unincorporated place, the county commissioners of the county in which the unincorporated place is located shall grant, suspend or revoke permits in the same manner and with the same authority as municipal officers. The county commissioners shall adopt regulations in the same manner as municipal officers.

See title page for effective date.

CHAPTER 14

S.P. 51 - L.D. 132

An Act To Authorize Podiatrists To Perform Certain Routine Procedures

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

Sec. 1. 32 MRSA §3551, sub-§4, as enacted by PL 1993, c. 600, Pt. A, §229, is amended to read:

4. Practice of podiatric medicine. "Practice of podiatric medicine" means the diagnosis and treatment of maladies of the human foot and ankle by medical, surgical or mechanical means. ~~Practice of podiatric medicine~~ "Practice of podiatric medicine" includes the performance of a history and physical on a podiatrist's preoperative patient and upon the patient's admission into a hospital or ambulatory surgical center. "Practice of podiatric medicine" includes the administration of local anesthesia in conjunction with the practice of podiatry. The use of general anesthesia is permitted in conjunction with the practice of podiatry when administered or supervised by a medical or osteopathic physician who assumes responsibility for the administra-

tion of that anesthesia to a patient being treated by a podiatrist.

See title page for effective date.

CHAPTER 15
S.P. 207 - L.D. 592

**An Act To Enable the Maine
Employers' Mutual Insurance
Company To Better Serve
Maine Employers by
Eliminating the High-risk
Program**

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

Sec. 1. 24-A MRSA §3714, sub-§7, as enacted by PL 2001, c. 350, §10, is repealed.

Sec. 2. 24-A MRSA §3714, sub-§§8 and 9 are enacted to read:

8. Filing of retrospective rating plans. The board may file with the superintendent retrospective rating plans that, after hearing, may be imposed on an employer with a demonstrated record of repeated serious violations of workplace health and safety rules and regulations such as those adopted under Title 26, chapter 6 or 29 United States Code, Chapter 15, whichever is applicable.

9. Availability of retrospective rating plans. The board shall develop and file with the superintendent and, if not disapproved by the superintendent, make available to policyholders on a voluntary basis retrospective rating plans.

See title page for effective date.

CHAPTER 16
H.P. 59 - L.D. 72

**An Act To Clarify the Tax
Laws for Title to Real Estate
by Releasing Inheritance Tax
Liens**

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

Sec. 1. 36 MRSA §175-A, sub-§5 is enacted to read:

5. Inheritance tax. Notwithstanding the other provisions of this Title, a lien for inheritance tax resulting from the operation of former section 3404 with

regard to real property of a decedent who died prior to July 1, 1986 is released.

See title page for effective date.

CHAPTER 17
S.P. 90 - L.D. 304

**An Act To Authorize Auxiliary
Liquor Licenses at Disc Golf
Courses**

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

Whereas, the economic opportunities associated with the sport of disc golf are limited to the seasons of summer and early fall; and

Whereas, delaying the opportunity for disc golf courses to provide full-service recreation means a loss of those economic opportunities and a loss of potential revenue to the State; 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 §2, sub-§15, ¶F-1 is enacted to read:

F-1. "Disc golf course" means any commercially operated facility offering disc golfing to the general public for a fee, food for sale and adequate facilities for the sale and consumption of liquor. A disc golf course consists of no less than 18 disc holes with a total distance of no less than 5,000 feet per 18 disc holes and has a value of not less than \$50,000.

Sec. 2. 28-A MRSA §1001, sub-§3, ¶F-1 is enacted to read:

F-1. Disc golf courses;

Sec. 3. 28-A MRSA §1003, sub-§3, ¶F-1 is enacted to read:

F-1. Disc golf courses;

Sec. 4. 28-A MRSA §1004, sub-§3, ¶F-1 is enacted to read:

F-1. Disc golf courses;

Sec. 5. 28-A MRSA §1005, sub-§3, ¶F-1 is enacted to read: