

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
NOVEMBER 1, 2017

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

Augusta, Maine
2017

CHAPTER 34
S.P. 129 - L.D. 388

**An Act Regarding the Sale of
Alcohol by a Manufacturer
with an On-premises Retail
License**

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

Sec. 1. 28-A MRSA §1355-A, sub-§2, ¶¶D and I, as enacted by PL 2011, c. 629, §22, are amended to read:

D. A licensee under this section may sell from the licensed premises where liquor is produced by the licensee liquor produced by the licensee for consumption off the licensed premises.

(1) Sales made in accordance with this paragraph do not require a licensee under this section to obtain an additional retail license under chapter 45.

(2) Liquor sold in accordance with this paragraph may not be consumed anywhere on the licensed premises.

(3) The area of the licensed premises where a licensee opts to transact sales for off-premises consumption may be accessed from the same entrance used to access an area licensed for on-premises consumption of liquor under chapter 43 in accordance with paragraph I.

I. A licensee may be issued one retail license under chapter 43 per licensed location for the sale of liquor to be consumed on the premises at the retail premises.

(1) The retail license must be held exclusively by the holder of the brewery, small brewery, winery, small winery, distillery or small distillery license.

(2) The retail license authorizes the sale of products of the brewery, small brewery, winery, small winery, distillery or small distillery, in addition to other liquor permitted to be sold under the retail license, to be consumed on the premises.

(3) All records related to activities under a manufacturer license issued under this section must be kept separate from records related to the retail license.

(4) A distillery or small distillery must meet the requirements of subsection 5, ~~paragraph~~ paragraphs D and E.

(5) The licensee shall ensure that products purchased for off-premises consumption un-

der paragraph D are not consumed on the licensed premises.

See title page for effective date.

CHAPTER 35
S.P. 142 - L.D. 415

**An Act To Modify the Amount
of Product Samples of Malt
Liquor, Wine or Spirits That
May Be Provided to Retail
Licensees**

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

Sec. 1. 28-A MRSA §1402-A, sub-§4, as amended by PL 2011, c. 629, §27, is further amended to read:

4. Full-bottle samples. The maximum amount of unopened full-bottle samples given to a retail licensee may not exceed ~~9~~ 18 gallons of malt ~~beverage liq-~~ uor and ~~9~~ 18 liters of wine annually. A full-bottle sample is an unopened bottle of wine or malt ~~beverage~~ liquor given to a retail licensee, which may be consumed by a retail licensee on or off the premises; and

Sec. 2. 28-A MRSA §1504, sub-§5, as amended by PL 2011, c. 629, §31, is further amended to read:

5. Full-bottle samples. The maximum amount of unopened full-bottle samples of distilled spirits given to a retail licensee by a sales representative may not exceed ~~3~~ 6 liters per year per distiller represented by that sales representative. Individual samples may not exceed one liter. A full-bottle sample is an unopened bottle of spirits provided to an agency liquor store or an on-premises retail licensee licensed to sell spirits.

See title page for effective date.

CHAPTER 36
S.P. 220 - L.D. 658

**An Act To Conform Maine
Law Regarding Insurer
Privacy Notices to Federal Law**

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

Sec. 1. 24-A MRSA §2206, sub-§1, ¶¶B and C, as enacted by PL 1997, c. 677, §3 and affected by §5, are amended to read:

B. In the case of a policy renewal, if a change has been made in the regulated insurance entity's information practices, the notice must be provided no later than the policy renewal date, unless:

- (1) Personal information is collected only from the policyholder or from public records; or
- (2) A notice meeting the requirements of this section has been given within the previous 24 months.

C. In the case of a policy reinstatement or change in insurance benefits, if a change has been made in the regulated insurance entity's information practices, the notice must be provided no later than the time the request for reinstatement or change in benefits is received by the carrier, unless personal information is collected only from the policyholder or from public records.

See title page for effective date.

CHAPTER 37

H.P. 139 - L.D. 183

An Act Requiring the Use of the Electronic Death Registration System

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

Sec. 1. 22 MRSA §2847, as enacted by PL 2011, c. 371, §2, is amended to read:

§2847. Electronic death registration system

~~Beginning July 1, 2012, a certificate of death required to be filed by any A person authorized under to complete or file a certificate of death pursuant to section 2842 pursuant to this chapter may be filed using shall use the electronic death registration system maintained by the State Registrar of Vital Statistics. This section does not apply to an authorized person under section 2846. The State Registrar of Vital Statistics shall adopt rules to carry out the purposes of this section. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subsection 2-A.~~

Sec. 2. Effective date. This Act takes effect July 1, 2018.

Effective July 1, 2018.

CHAPTER 38

S.P. 69 - L.D. 223

An Act To Ensure the Timely Final Disposition of Human Remains

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

Sec. 1. 22 MRSA §2843-A, sub-§2, as amended by PL 2011, c. 387, §1, is further amended to read:

2. Custody and control generally. The custody and control of the remains of deceased residents of this State, dead bodies or dead human bodies are governed by the following provisions in the following order of priority:

- A. If the subject has designated another person to have custody and control in a written and signed document, custody and control belong to that designated person;
- B. If the subject has not left a written and signed document designating a person to have custody and control, or if the person designated by the subject refuses custody and control, custody and control belong to the next of kin; and
- C. If the next of kin is 2 or more persons with the same relationship to the subject, the majority of the next of kin have custody and control. If the next of kin can not, by majority vote, make a decision regarding the subject's remains, the court shall make the decision upon petition under subsection 4, paragraph D.

If a person who has the right of custody and control under this subsection does not exercise the rights and responsibilities of custody and control within 4 days after the death of the subject, custody and control belong to a person from the next lower level of priority as established in paragraphs A to C.

If a person who has custody and control under this subsection does not complete decision making regarding final disposition within 30 days after taking custody and control, a funeral director or practitioner of funeral service who has physical possession of the remains or dead body may bury the remains or dead body at the expense of the funeral director or practitioner.

A person who has been charged with murder, as described in Title 17-A, section 201, or manslaughter, as described in Title 17-A, section 203, subsection 1, paragraph B, forfeits the right of custody and control provided under this subsection; and a funeral director or practitioner of funeral service who is aware of the charges may not release the remains or a dead body to that person who has been charged with murder or