

# 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**

**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.**

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**Augusta, Maine**  
**2017**

**Whereas**, this legislation must take effect before the end of the 90-day period so that it takes effect in time for the upcoming moose hunting season; 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. 12 MRSA §11154, sub-§9**, as amended by PL 2013, c. 226, §1, is further amended to read:

**9. Selection procedure.** Permittees are selected by a public chance drawing, except that a permit must be issued to any resident who is ~~70~~ 65 years of age or older or will attain ~~70~~ 65 years of age during the calendar year in which the resident is applying for the permit, who has accumulated at least 30 points pursuant to subsection 8 and who applies for and is otherwise eligible to obtain the permit.

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

Effective May 21, 2017.

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## CHAPTER 77

### H.P. 601 - L.D. 852

#### An Act To Make Changes to the Maine Liquor Liability Act

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

**Sec. 1. 28-A MRSA §2513**, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

#### §2513. Notice required

Every plaintiff seeking damages under this Act must give written notice to all defendants within 180 days of the date of the server's conduct creating liability under this Act. The notice must specify the time, place and circumstances of the server's conduct creating liability under this Act and the time, place and circumstances of any resulting damages. No error or omission in the notice voids the effect of the notice, if otherwise valid, unless the error or omission is substantially material. Failure to give written notice within the time specified is grounds for dismissal of a claim, unless the plaintiff provides written notice within the limits of section 2514 and shows good cause why notice could not have reasonably been filed within the 180-day limit. For purposes of this section, "good cause" includes but is not limited to the inability

of the plaintiff to obtain investigative records from a law enforcement officer or law enforcement agency.

See title page for effective date.

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## CHAPTER 78

### H.P. 686 - L.D. 973

#### An Act To Allow the Waldo County Budget Committee To Appoint Replacement Members

**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 budgets of counties are important undertakings requiring the participation of representatives of municipalities throughout the county; and

**Whereas**, when a vacancy occurs in a county budget committee, it reduces the ability of the budget committee to adequately represent all of its constituents and makes the task of creating a county budget more difficult; and

**Whereas**, county budget committees need adequate and prompt mechanisms to fill a vacancy when a municipality of a vacating member is unwilling or unable to fill the vacancy so that the budget committee can timely and efficiently produce a budget representing the interests of the entire county; and

**Whereas**, there may be a need to replace committee members before the next budget cycle; 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. 30-A MRSA §853, sub-§4**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

**4. Vacancies.** A vacancy occurring on the budget committee ~~shall~~ must be filled by the committee for the balance of the unexpired term. The person appointed to fill the vacant office must be a municipal officer from the same municipality as the person vacating the office. If the municipality of the person vacating the office declines to send a new member, the committee may solicit another municipality in the same district as the municipality of the vacating member that does not have a member sitting on the committee to send a municipal officer to fill the vacancy.