

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
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TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2017

**CHAPTER 81
H.P. 256 - L.D. 350**

**An Act To Repeal Certain
Requirements Concerning the
Sale and Purchase of Firearms**

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

Sec. 1. 15 MRSA §455, as repealed and re-
placed by PL 2003, c. 452, Pt. H, §1 and affected by
Pt. X, §2, is amended to read:

§455. Record of sales of firearms

1. Forms. A dealer may not:

~~A. Sell, let or loan a firearm to a person without
making a copy of the form a dealer must keep as
prescribed by 18 United States Code, Section 923.
The copy must be made and marked as "STATE
COPY" before the firearm is delivered; or~~

~~B. Refuse to show or refuse to allow inspection
of a copy of the form described in paragraph A to
a sheriff, deputy sheriff, police officer, constable,
game warden or prosecuting attorney.~~

~~A person who violates this subsection commits a civil
violation for which a fine of \$50 may be adjudged.~~

1-A. Form. A firearms dealer may not refuse to
show or refuse to allow inspection of the form a dealer
must keep as prescribed by 18 United States Code,
Section 923 to a law enforcement officer as defined in
Title 17-A, section 2, subsection 17 upon presentation
of a formal written request for inspection stating that
the form relates to an active criminal investigation.

A person who violates this subsection commits a civil
violation for which a fine of \$50 may be adjudged.

2. False or fictitious name. A person may not
give a false or fictitious name to a firearms dealer. A
person who violates this subsection commits a civil
violation for which a fine of \$50 may be adjudged.

3. Exception. This section does not apply to a
firearms wholesaler who sells only to other firearms
dealers or to a firearms manufacturer who sells only at
wholesale.

See title page for effective date.

**CHAPTER 82
H.P. 306 - L.D. 426**

**An Act To Allow Hunters
Whose Religion Prohibits
Wearing Hunter Orange
Clothing To Instead Wear Red**

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

Sec. 1. 12 MRSA §11203, sub-§1-A is en-
acted to read:

1-A. Religious opposition exemption. A person
may substitute articles of bright red clothing for the
articles of hunter orange clothing required under sub-
section 1 if the person has a religious opposition to the
wearing of hunter orange clothing.

**Sec. 2. Department of Inland Fisheries
and Wildlife to amend rules.** The Department of
Inland Fisheries and Wildlife shall amend Rule Chap-
ter 4: Hunting and Trapping to clarify that a person
who has a religious opposition to the wearing of
hunter orange clothing may substitute articles of red
clothing for the articles of hunter orange clothing re-
quired by current law. Rules amended pursuant to this
section are routine technical rules as defined in the
Maine Revised Statutes, Title 5, chapter 375, subchap-
ter 2-A.

See title page for effective date.

CHAPTER 83

H.P. 814 - L.D. 1151

**An Act To Allow Promotional
Allowances by Gas Utilities**

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

Sec. 1. 35-A MRSA §4706-C is enacted to
read:

§4706-C. Promotional allowances

1. Definitions. As used in this section, unless the
context otherwise indicates, the following terms have
the following meanings.

A. "Promotional allowance" means any rebate,
discount, credit or other promotion offered or
provided by a gas utility to customers or potential
customers for the purpose of encouraging custom-
ers or potential customers to select or use the ser-
vice or increase usage of the service of that utility;
to select, purchase, install or use any appliance or
equipment designed to use that utility's service; or
to use any other particular service of that utility.

2. Promotional allowance allowed. Notwith-
standing sections 302-A and 703, a gas utility, without
prior notice or approval from the commission, may
offer or provide a promotional allowance.

3. Filing of schedules of rates. Notwithstanding
section 307, schedules of rates that provide for promo-
tional allowances take effect when filed with the
commission, unless a later effective date is specified in
the filing. A copy of the filing must also be provided
simultaneously to the Efficiency Maine Trust, estab-
lished in chapter 97.

4. Rate-making treatment. This section does not limit the commission's authority in any rate case or alternative rate-making proceeding to disallow, in whole or in part, any expense of a gas utility that the commission finds to be unjust, unreasonable, excessive or unwarranted. A gas utility may not recover from any person other than its shareholders or other owners any expenditures, contributions, expenses or costs incurred by that utility with respect to promotional allowances.

See title page for effective date.

CHAPTER 84

S.P. 382 - L.D. 1161

An Act To Amend the Insurance Laws Governing the Provision of Rebates

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

Sec. 1. 24-A MRSA §2163-A, as amended by PL 1999, c. 8, §1, is repealed and the following enacted in its place:

§2163-A. Permitted activities

1. Permissible gifts and prizes. Notwithstanding any other provision in sections 2160 to 2163, an insurer, an employee of an insurer or a producer may offer to give gifts in connection with marketing for the sale or retention of contracts of insurance, as long as the cost does not exceed \$100 per year per person, and conduct raffles or drawings, as long as there is no participation cost to entrants and as long as the prizes are not valued in excess of \$500. Nothing in sections 2160 to 2163 may be construed to prohibit an insurance producer from receiving a fee rather than commission on the sale of property and casualty insurance in accordance with section 1450 and rules adopted by the superintendent.

Gifts and prizes given pursuant to this section may not be in the form of cash.

2. Permissible value-added service or activity. An insurer, an employee of an insurer or a producer may offer to provide a value-added service or activity, offered or provided without fee or at a reduced fee, that is related to the coverage provided by an insurance contract if the provision of the value-added service or activity does not violate any other applicable statute or rule and is:

A. Clearly identified and included within the insurance contract; or

B. Directly related to the servicing of the insurance contract or offered or undertaken to provide risk control for the benefit of a client.

3. Services for free or for less than fair market value. This section does not prohibit a person from offering or providing services, whether or not the services are directly related to an insurance contract, for free or for less than fair market value as long as the receipt of the services is not contingent upon the purchase of insurance and the services are offered on the same terms to all potential insurance customers. A person that offers or provides services under this subsection for free or for less than fair market value shall disclose conspicuously in writing to the recipient before the purchase of insurance, receipt of a quote for insurance or designation of an agent of record that receipt of the services is not contingent on the purchase of insurance.

4. Rules. The superintendent may adopt rules as necessary to make reasonable modifications to the standards in this section. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 85

S.P. 46 - L.D. 98

An Act To Provide Greater Authority to the Department of Inland Fisheries and Wildlife over the Management of Wild Turkeys

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

Sec. 1. 12 MRSA §10953, sub-§1, ¶B, as enacted by PL 2013, c. 236, §3, is amended to read:

B. Hunt wild turkey with a crossbow ~~during the spring open season on wild turkey~~ in areas open to wild turkey hunting as established by rule in section 11701, ~~except that a person may not hunt wild turkey with a crossbow from October 1st until the first day of the open season established by the commissioner in the following year;~~

Sec. 2. 12 MRSA §11155, sub-§1-C, as enacted by PL 2013, c. 387, §2, is amended to read:

1-C. Issuance; permit fee. Beginning January 1, 2014, the commissioner, through the commissioner's authorized agent, shall issue in wildlife management districts that are open by rule for wild turkey hunting a ~~combined fall and spring~~ wild turkey hunting permit that allows an eligible person to take wild turkeys ~~in the spring and fall seasons~~ in accordance with section 11701. The fee for a ~~combined fall and spring~~ wild turkey hunting permit is \$20 for residents and nonresidents.