

# 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**

C. The income to be derived throughout budgetary and economic cycles, taking into account prudent investment risk constraints and the cash flow characteristics of the portfolio.

This standard must be applied to the overall investment portfolio of the sanitary district and not to individual items within a diversified portfolio.

See title page for effective date.

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**CHAPTER 152**  
**S.P. 323 - L.D. 984**

**An Act To Separate the  
Authorities under the Licenses  
for Property and Casualty  
Insurance Adjusters and  
Workers' Compensation  
Insurance Adjusters**

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

**Sec. 1. 24-A MRSA §1402, sub-§1, ¶B**, as amended by PL 2009, c. 511, Pt. C, §1, is further amended to read:

B. Property and casualty insurance adjusters who are employees of insurers or workers' compensation insurance adjusters who are employees of insurers;

**Sec. 2. 24-A MRSA §1402, sub-§11-A**, as enacted by PL 2009, c. 511, Pt. C, §3, is amended to read:

**11-A. Property and casualty insurance adjuster.** "Property and casualty insurance adjuster" means a person who adjusts property and casualty claims of any kind except for multiple peril crop insurance claims and workers' compensation claims.

**Sec. 3. 24-A MRSA §1402, sub-§11-B** is enacted to read:

**11-B. Workers' compensation insurance adjuster.** "Workers' compensation insurance adjuster" means a person who adjusts workers' compensation claims governed by Title 39 or 39-A. Notwithstanding any provision of law to the contrary, a person who on January 1, 2018 is licensed as a property and casualty insurance adjuster is automatically granted workers' compensation authority on that date.

**Sec. 4. 24-A MRSA §1415, sub-§3**, as amended by PL 2009, c. 511, Pt. C, §5, is further amended to read:

**3. Adjuster authorities.** A resident or nonresident adjuster may receive the following authorities under the license:

- A. Property and casualty insurance adjuster; ~~and~~
- B. Multiple peril crop insurance adjuster; and
- C. Workers' compensation insurance adjuster.

**Sec. 5. Effective date.** This Act takes effect January 1, 2018.

Effective January 1, 2018.

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**CHAPTER 153**  
**H.P. 714 - L.D. 1013**

**An Act To Clarify the Law  
Allowing Certificate of  
Approval Holders and  
Manufacturers or Suppliers of  
Spirits To Offer Mail-in  
Rebates**

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

**Sec. 1. 28-A MRSA §708, sub-§6**, as amended by PL 2013, c. 514, §1 and affected by §3, is further amended to read:

**6. Marketing and mail-in promotions.** Upon approval by the commission, promotional materials designed to encourage a consumer to purchase a spirits product to be attached to or displayed near the spirits product where it is offered for sale for off-premises consumption may be offered by those whose spirits products are listed by the commission. Upon approval by the commission, a mail-in rebate may be provided to consumers through print or electronic media, attached to the spirits product or displayed near the spirits product where the spirits product is offered for sale for off-premises consumption. Mail-in rebates approved by the commission must be redeemed by the manufacturer and not by the retail licensee and may not exceed the purchase price of the spirits product. Mail-in rebates authorized by this subsection must require the inclusion of the original dated sales receipt for the spirits product to which the rebate is applied. The commission may approve mail-in rebates that offer an incrementally greater discount based upon increased volume of purchased product. Mail-in rebates, certificates or merchandise included with a spirits product must be inserted in the package or attached to the package by the manufacturer.

**Sec. 2. 28-A MRSA §708, first ¶**, as amended by PL 2013, c. 514, §2 and affected by §3, is further amended to read:

This section does not prohibit a certificate of approval holder from including a certificate, instant redeemable coupon or merchandise in or on a package of beer, wine or low-alcohol spirits for sale by an off-premise retailer. The package containing the certifi-

cate, instant redeemable coupon or merchandise must be packaged by the certificate of approval holders at the brewery or winery. Upon approval of the bureau, a certificate of approval holder may offer a mail-in rebate for a malt liquor, wine or low-alcohol spirits product for consumers through print or electronic media, attached to the package of malt liquor, wine or low-alcohol spirits product or displayed near where the malt liquor, wine or low-alcohol spirits product is offered for sale for off-premises consumption. Mail-in rebates authorized by this paragraph must require the inclusion of the original dated sales receipt for the product to which the rebate is applied. Mail-in rebates must be redeemed by the certificate of approval holder and may not exceed the purchase price of the malt liquor, wine or low-alcohol spirits product to which the rebate is applied. The commission may approve mail-in rebates that offer an incrementally greater discount based upon increased volume of purchased product.

See title page for effective date.

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## CHAPTER 154

H.P. 742 - L.D. 1059

### An Act Concerning Bridges on Discontinued Town Ways

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

**Sec. 1. 23 MRSA §563, first ¶,** as enacted by PL 2001, c. 314, §2 and affected by §4, is amended to read:

The department shall inspect all structures on public ways.

**Sec. 2. 23 MRSA §566, sub-§3-A** is enacted to read:

**3-A. Proposed discontinuance of town ways; bridges.** If pursuant to section 3026-A a municipality or county proposes to discontinue a town way or public easement with a bridge, the municipality or county shall negotiate with and enter into an agreement with the department to remove the bridge or transfer ownership of the bridge to a municipality, county or state agency upon discontinuance of the town way or public easement.

**Sec. 3. 23 MRSA §3026-A, sub-§2, ¶B-1** is enacted to read:

B-1. The location of any bridge, as defined in section 562, subsection 2, on the town way or public easement and the status of negotiations

with the department with respect to the disposition of the bridge pursuant to section 566, subsection 3-A;

See title page for effective date.

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## CHAPTER 155

H.P. 778 - L.D. 1104

### An Act To Exempt School Resource Officers from Department of Education Background Check and Fingerprinting Requirements

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

**Sec. 1. 20-A MRSA §6103, sub-§11** is enacted to read:

**11. Exemptions.** An active duty law enforcement officer from a local law enforcement agency with jurisdiction over a school's premises who assists with school security, safety, emergency preparedness or emergency response or has been assigned other responsibilities concerning the school by the school or the local law enforcement agency is exempt from the provisions of this section.

See title page for effective date.

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## CHAPTER 156

S.P. 410 - L.D. 1219

### An Act To Amend the Laws Governing Forensic Examination Kits

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

**Sec. 1. 5 MRSA §3360-M,** as amended by PL 2009, c. 79, §4, is further amended to read:

**§3360-M. Payment for forensic examinations for alleged victims of sexual assault**

**1. Payment.** The board shall pay the costs of forensic examiner training as well as the costs of forensic examinations for alleged victims of ~~gross~~ sexual assault from the Victims' Compensation Fund. The board shall track expenditures for forensic examinations separately from all other expenditures. Forensic examination payments are not subject to any other provision of this chapter. For the purposes of this section, "sexual assault" means any crime enumerated in Title 17-A, chapter 11.