

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.

Augusta, Maine
2017

(12) This vehicle combination may not transport cargo that has been prohibited for this vehicle combination by the Commissioner of Transportation.

(13) This paragraph does not apply to a trailer or semitrailer when transporting or returning empty from transporting a nondivisible load or object under the provisions of an overlimit permit granted by section 2382.

Nothing in this paragraph limits the authority of the department under Title 23, section 52 to adopt rules prohibiting or limiting access by semitrailers or other vehicles to a highway or portion of a highway or other segment of the transportation infrastructure in order to ensure public safety.

See title page for effective date.

CHAPTER 166

S.P. 535 - L.D. 1529

An Act To Protect Consumers during Residential Construction

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

Sec. 1. 17-A MRSA §908, as amended by PL 2007, c. 475, §12 and c. 476, §§34 to 38, is further amended to read:

§908. Home construction or repair fraud

1. A home construction or repair seller is guilty of home construction or repair fraud if the seller knowingly enters into an agreement or contract, written or oral, with any person for home construction or repair services and the seller, at the time of entering into that agreement or contract:

A. Intentionally misrepresents a material fact relating to the terms of the agreement or contract or misrepresents a preexisting or existing condition of any portion of the property that is the subject of the home construction or repair services. Violation of this paragraph is a Class D crime;

B. Intentionally creates or reinforces an impression relating to the terms of the agreement or contract that is false and that the seller does not believe to be true or fails to correct such an impression that the seller had previously created or reinforced. Violation of this paragraph is a Class D crime;

C. Intentionally promises performance under the terms of the agreement or contract that the seller does not intend to perform or that the seller knows

will not be performed. Violation of this paragraph is a Class D crime;

D. Intentionally uses or employs deception, false pretense or false promise in securing the agreement or contract. Violation of this paragraph is a Class D crime;

E. Knows that the property that is the subject of the home construction or repair services was previously damaged or destroyed by the seller with the intent to obtain the agreement or contract. Violation of this paragraph is a Class D crime;

F. Violates paragraph A and the person has 2 or more prior convictions under this section or for engaging in substantially similar conduct to that contained in this section in another jurisdiction. Section 9-A governs the use of prior convictions when determining a sentence. Violation of this paragraph is a Class C crime;

G. Violates paragraph B and the person has 2 or more prior convictions under this section or for engaging in substantially similar conduct to that contained in this section in another jurisdiction. Section 9-A governs the use of prior convictions when determining a sentence. Violation of this paragraph is a Class C crime;

H. Violates paragraph C and the person has 2 or more prior convictions under this section or for engaging in substantially similar conduct to that contained in this section in another jurisdiction. Section 9-A governs the use of prior convictions when determining a sentence. Violation of this paragraph is a Class C crime;

I. Violates paragraph D and the person has 2 or more prior convictions under this section or for engaging in substantially similar conduct to that contained in this section in another jurisdiction. Section 9-A governs the use of prior convictions when determining a sentence. Violation of this paragraph is a Class C crime; or

J. Violates paragraph E and the person has 2 or more prior convictions under this section or for engaging in substantially similar conduct to that contained in this section in another jurisdiction. Section 9-A governs the use of prior convictions when determining a sentence. Violation of this paragraph is a Class C crime.

3. As used in this section, unless otherwise indicated, the following terms have the following meanings.

A. "Home construction or repair services" means building or constructing a residence and fixing, replacing, altering, converting, modernizing, improving or making an addition to real property primarily designed or used as a residence. "Home construction or repair services" includes not only

structural work but also the construction, installation, replacement, improvement and cleaning of driveways, swimming pools, porches, kitchens, chimneys, chimney liners, garages, fences, fall-out shelters, central air conditioning, central heating, boilers, furnaces, hot water heaters, electric wiring, sewers, carpeting, plumbing fixtures, storm doors, storm windows, siding or awnings and other improvements to structures within the residence or upon the land adjacent to the residence, including tree trimming.

B. "Home construction or repair seller" or "seller" means a person, partnership, corporation, business, trust or other legal entity that sells or provides home construction or repair services.

C. "Residence" means a single-family or multi-family dwelling, including a single-family home, apartment building, condominium, duplex or townhouse that is used or intended to be used by its occupants as a dwelling place.

See title page for effective date.

CHAPTER 167

H.P. 1053 - L.D. 1533

An Act To Update the Laws Relating to Liquor Licensing and Enforcement

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

Sec. 1. 28-A MRSA §2, sub-§15, ¶G, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

G. "Golf ~~club~~ course" means ~~any~~ a commercially operated facility, whether publicly or privately owned, offering golfing facilities to the general public for a fee, ~~which includes~~ including a regulation size golf course of not less than 9 holes and an average total of not less than 1,200 yards per 9 holes, ~~which that~~ has a value of not less than \$100,000, ~~which that~~ offers food for sale to the public and ~~which that~~ has adequate facilities for the sale and consumption of liquor.

Sec. 2. 28-A MRSA §2, sub-§26, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

26. Retail sale. "Retail sale" means any single sale of liquor ~~of less than 20 gallons, or its metric equivalent,~~ for consumption on or off the premises where sold and whether in the original package or as a mixed drink for immediate consumption.

Sec. 3. 28-A MRSA §10, sub-§2-B, ¶B, as enacted by PL 2015, c. 494, Pt. D, §9, is amended to read:

B. When access between the 2 licensed areas exists for patrons of either establishment, all malt liquor and wine sold for on-premises consumption must be served by an employee of the licensed establishment and may be served only when accompanying food or a full course meal prepared in a separate and complete kitchen on the premises. A restaurant under this paragraph must serve food. For the purposes of this paragraph, "full meal" means a diversified selection of food that cannot ordinarily be consumed without the use of tableware and cannot be conveniently consumed while standing or walking. "food" includes cold or hot meals, including sandwiches and salads, but is not limited to hamburgers, cheeseburgers, hot dogs, pizzas and other food items that customarily appear on a restaurant menu. "Food" does not include prepackaged snack foods such as popcorn, chips or pretzels. A Class A restaurant under this paragraph must serve a full course meal.

Sec. 4. 28-A MRSA §453, sub-§2-C, as amended by PL 2013, c. 269, Pt. A, §5, is further amended to read:

2-C. Licenses. The bureau shall consider whether the applicant can satisfy the following criteria when determining whether to issue an agency liquor store license under this section:

A. ~~Except as provided in subsection 2-D, If the applicant has previously held a license to sell malt liquor and wine for off-premises consumption for more than one year immediately preceding application without the applicant was not found to have committed~~ a violation of any provision of this Title;

B. ~~The If the applicant is applying for an agency liquor store license in a municipality with a population of 1,000 or more, the applicant will be able to stock at least \$10,000 worth of spirits purchased from the State or the State's wholesale distributor upon issuance of an agency liquor store license. If the applicant is applying for an agency liquor store license in a municipality with a population of 999 or less, the applicant will be able to stock at least \$5,000 worth of spirits purchased from the State or the State's wholesale distributor upon issuance of an agency liquor store license; and~~

C. The applicant can purchase the initial stock of spirits using a bank check or other financial instrument that certifies that funds are available; and

D. The applicant demonstrates that the applicant is likely to be a responsible licensee.

Sec. 5. 28-A MRSA §453, sub-§2-D, as amended by PL 2015, c. 221, §2, is repealed.