

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

CHAPTER 300
S.P. 216 - L.D. 654

**An Act To Amend the Laws
Governing Certain Sexual
Offenses**

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

Sec. 1. 17-A MRSA §253, sub-§2, ¶¶K and L as enacted by PL 2011, c. 423, §3, are amended to read:

K. The actor owns, operates or is an employee of an organization, program or residence that is operated, administered, licensed or funded by the Department of Health and Human Services and the other person, not the actor's spouse, receives services from the organization, program or residence and suffers from a mental disability that is reasonably apparent or known to the actor. Violation of this paragraph is a Class C crime; or

L. The actor is employed to provide care to a dependent person, who is not the actor's spouse or domestic partner and who is unable to perform self-care because of advanced age or physical or mental disease, disorder or defect. For the purposes of this paragraph, "domestic partners" means 2 unmarried adults who are domiciled together under a long-term arrangement that evidences a commitment to remain responsible indefinitely for each other's welfare. Violation of this paragraph is a Class C crime; or

Sec. 2. 17-A MRSA §253, sub-§2, ¶M is enacted to read:

M. The other person has not expressly or impliedly acquiesced to the sexual act. Violation of this paragraph is a Class C crime.

Sec. 3. 17-A MRSA §253, sub-§3, as repealed and replaced by PL 2007, c. 474, §2, is repealed.

See title page for effective date.

CHAPTER 301
H.P. 574 - L.D. 794

**An Act Regarding the Taxation
of Flavored Malt Beverages**

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

Sec. 1. 28-A MRSA §2, sub-§16-A, as amended by PL 2011, c. 629, §4, is further amended to read:

16-A. Low-alcohol spirits product. "Low-alcohol spirits product" means a product containing spirits that has an alcohol content of 8% or less by volume. Beginning July 1, 2019, "low-alcohol spirits product" does not mean a flavoring, such as an extract or concentrate, added to a malt beverage or wine that:

A. May or may not contain alcohol;

B. Is not intended to be consumed alone as a beverage or a food product but serves as a flavor enhancement to a beverage or a food product; and

C. Is not, prior to being added to a malt beverage or wine, subject to excise tax under chapter 65.

Sec. 2. 28-A MRSA §2, sub-§31, as amended by PL 1999, c. 535, §2, is further amended to read:

31. Spirits. "Spirits" means any liquor produced by distillation or, if produced by any other process, strengthened or fortified by the addition of distilled spirits of any kind. "Spirits" does not include low-alcohol spirits products or fortified wine. Beginning July 1, 2019, "spirits" does not mean an additive or flavoring, such as an extract or concentrate, that:

A. Contains alcohol;

B. Is not intended to be consumed alone as a beverage or a food product but serves as a flavor enhancement to a beverage or a food product; and

C. Is not subject to excise tax under chapter 65.

Sec. 3. Classification of certain malt-based or wine-based products for tax purposes; intent. The Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations may not impose the tax described under the Maine Revised Statutes, Title 28-A, section 1652, subsection 1-A or the tax described under Title 28-A, section 1365 on any malt liquor-based or wine-based product not previously listed by the bureau as of June 1, 2017 or subject to a tax under Title 28-A, section 1652, subsection 1-A or section 1365 based on the fact that a flavoring, extract or concentrate has been added to the product that:

1. May or may not contain alcohol;

2. Is not intended to be consumed alone as a beverage or a food product but serves as a flavor enhancement to a beverage or a food product; and

3. Is not, prior to being added to a malt beverage or wine, subject to excise tax under chapter 65.

This section is not intended to affect the application of the tax described under Title 28-A, section 1652, subsection 1-A or the tax described under Title 28-A, section 1365 to any malt liquor-based or wine-based product described in this section that was listed with the bureau prior to June 1, 2017.

See title page for effective date.

CHAPTER 302

H.P. 872 - L.D. 1249

**An Act To Create the
Emergency Medical Services
Registration Plate**

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

Sec. 1. 29-A MRSA §519-A is enacted to read:

§519-A. Registration plates for emergency medical services persons

1. Authority to issue special registration plates. Notwithstanding section 468-A and upon application by an emergency medical services person licensed under Title 32, chapter 2-B whose status is certified by the Director of Maine Emergency Medical Services within the Department of Public Safety, the Secretary of State shall issue a set of special emergency medical services registration plates to that person.

2. Registration plate design. The Secretary of State may design a numerical registration plate to be issued under this section.

3. Use of registration plates. The registration plates issued under this section may be used on only one motor vehicle with a registered gross weight of not more than 10,000 pounds.

4. Fee for registration plates. A one-time fee of \$5 is charged for a set of emergency medical services registration plates in addition to the annual motor vehicle registration fee required by section 501.

5. Recall of registration plates. When an emergency medical services person is no longer licensed under Title 32, chapter 2-B, the Director of Maine Emergency Medical Services within the Department of Public Safety shall notify the Secretary of State and the Secretary of State shall recall any registration plates issued to that person under this section.

6. Vanity registration plates. The Secretary of State shall issue emergency medical services registration plates that are also vanity plates. Emergency medical services registration vanity plates are issued in accordance with section 453. Emergency medical services registration vanity plates may not duplicate vanity registration plates in any other class of plate.

7. Date of first issue. The Secretary of State shall issue emergency medical services registration plates on or after January 1, 2018.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

**SECRETARY OF STATE, DEPARTMENT OF
Administration - Motor Vehicles 0077**

Initiative: Provides a one-time allocation to manufacture and issue registration plates for emergency medical services personnel.

HIGHWAY FUND	2017-18	2018-19
All Other	\$8,452	\$0
HIGHWAY FUND TOTAL	\$8,452	\$0

See title page for effective date.

CHAPTER 303

S.P. 449 - L.D. 1320

**An Act To Regulate Fantasy
Sports Contests**

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

Sec. 1. 8 MRSA §1003, sub-§5 is enacted to read:

5. Additional duties of the director. The director also serves as the director of the Gambling Control Unit within the department. As director of the Gambling Control Unit, the director shall administer and enforce the laws governing fantasy contests under chapter 33.

Sec. 2. 8 MRSA c. 33 is enacted to read:

CHAPTER 33

REGULATION OF FANTASY CONTESTS

§1101. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Beginner fantasy contestant. "Beginner fantasy contestant" means an individual who has entered fewer than 51 fantasy contests offered by a single fantasy contest operator.

2. Director. "Director" means the director of the Gambling Control Unit within the Department of Public Safety.

3. Entry fee. "Entry fee" means cash or a cash equivalent that is required to be paid by a fantasy contestant to a fantasy contest operator in order to participate in a fantasy contest.