

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

FIRST SPECIAL SESSION
October 23, 2017 to November 6, 2017

SECOND REGULAR SESSION
January 3, 2018 to May 2, 2018

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 5, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2018

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2018

an autopsy or necessary examination of the human remains and made reasonable inquiry under section 3028-D, subsection 1. Such abandoned remains may be interred or cremated. The Chief Medical Examiner shall file or cause to be filed a certificate of abandonment in the municipality where the human remains were recovered that indicates the means of disposal.

In the absence of a responsible party, payment of expenses incurred by the Chief Medical Examiner pursuant to this section must be made pursuant to section 3028-D, subsection 2 as if the remains were unidentified. The Chief Medical Examiner may seek to recover costs from the estate or municipality of residence of the deceased.

Sec. 2. 22 MRSA §3035, sub-§1, ¶B, as amended by PL 2017, c. 284, Pt. FFF, §1, is further amended to read:

B. For histological slides, the fees are as follows:

- (1) For each slide, \$12.50;
- (2) A handling fee per case, \$25; and
- (3) For 21 slides or more, an additional handling fee, \$25; ~~and~~

Sec. 3. 22 MRSA §3035, sub-§1, ¶C, as corrected by RR 2015, c. 2, §11, is further amended to read:

C. For other items and services such as photographs and transparencies, additional tests relating to toxicology or specimens and videotaping:

- (1) A handling fee per case, \$20; and
- (2) Anticipated costs of providing the item or service, including shipping charges; ~~and~~

Sec. 4. 22 MRSA §3035, sub-§1, ¶D is enacted to read:

D. For forensic preservation of body fragments and body fluids beyond the period established by the policy of the Office of Chief Medical Examiner, a fee not to exceed \$100 per year, per case.

See title page for effective date.

**CHAPTER 336
S.P. 627 - L.D. 1728**

**An Act To Amend Maine
Criminal Code Sentencing
Provisions Relating To
Increased Sentencing Class
Based on Multiple Prior
Convictions for Certain Violent
or Sexual Crimes**

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

Sec. 1. 17-A MRSA §1252, sub-§4-A, as amended by PL 2015, c. 470, §13, is further amended to read:

4-A. If the State pleads and proves that, at the time any crime, excluding murder, under chapter 9, 11, ~~12, 13 or 27 or 35, excluding section 853-A~~; section 402-A, subsection 1, paragraph A; or section 752-A or 752-C was committed, or an attempt of any such crime was committed, the defendant had 2 or more prior convictions under chapter 9, 11, ~~12, 13 or 27 or 35, excluding section 853-A~~; section 402-A, subsection 1, paragraph A; or section 752-A or 752-C, or for an attempt of any such crime, or for engaging in substantially similar conduct in another jurisdiction, the sentencing class for the crime is one class higher than it would otherwise be. In the case of a Class A crime, the sentencing class is not increased, but the prior record must be given serious consideration by the court when imposing a sentence. Section 9-A governs the use of prior convictions when determining a sentence, except that, for the purposes of this subsection, for violations under chapter 11, the dates of prior convictions may have occurred at any time. This subsection does not apply to section 210-A if the prior convictions have already served to enhance the sentencing class under section 210-A, subsection 1, paragraph C or any other offense in which prior convictions have already served to enhance the sentencing class.

See title page for effective date.

**CHAPTER 337
S.P. 637 - L.D. 1738**

**An Act To Permit the Sale and
Consumption of Alcohol in an
Area That Is Not Contiguous to
Licensed Premises**

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

Sec. 1. 28-A MRSA §1051, sub-§3, as amended by PL 2009, c. 438, §2, is further amended to read:

3. Liquor not to be consumed elsewhere. Except as provided in paragraphs A and B and in section 1207, ~~no~~ a licensee for the sale of liquor to be consumed on the premises where sold may not personally or by an agent or employee, sell, give, furnish or deliver any liquor to be consumed elsewhere than upon the licensed premises or noncontiguous real estate that meets the conditions specified in subsection 9. The service and consumption of liquor must be limited to areas that are clearly defined and approved in the application process by the bureau as appropriate for the consumption of liquor. Outside areas must be controlled by barriers and by signs prohibiting consumption beyond the barriers.

A. Subject to law and the rules of the bureau, hotel or bed and breakfast licensees may sell liquor in the original packages or by the drink to bona fide registered room guests. Any sale to a guest may be delivered to the guest's room only by a hotel or bed and breakfast employee.

B. A licensee may serve liquor at locations other than the licensed premises under the off-premise catering license issued under section 1052.

Sec. 2. 28-A MRSA §1051, sub-§9 is enacted to read:

9. Use of noncontiguous real estate. Notwithstanding section 2, subsection 24, the bureau may approve the use of noncontiguous real estate near an establishment licensed under this chapter as part of the premises where the licensee may exercise the license privilege.

A. The bureau shall ensure the following conditions have been met before approving the use of noncontiguous real estate as part of the licensed premises:

(1) The noncontiguous real estate is owned by the municipality in which the establishment is licensed;

(2) The licensee has obtained approval from the municipality to directly or indirectly control the noncontiguous real estate for the exercise of the license privilege; and

(3) The bureau has determined that the noncontiguous real estate is a proper place for the exercise of the license privilege.

B. A licensed establishment authorized to use noncontiguous real estate as part of the licensed premises may not:

(1) Permit any person other than an employee of the licensed establishment to trans-

port liquor between the establishment and the noncontiguous real estate; or

(2) Notwithstanding section 4, subsection 2, sell or serve liquor on the noncontiguous real estate later than one hour after the time food service has ended or 11 p.m., whichever occurs first.

C. The area between the licensed establishment and the noncontiguous real estate may be accessible to the public if it is a public way as defined by Title 29-A, section 101.

D. The bureau shall adopt rules to implement the provisions of this subsection. Rules adopted pursuant to this paragraph are routine technical rules as described in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 338

H.P. 1196 - L.D. 1716

An Act To Protect Persons Who Provide Assistance to Law Enforcement Dogs, Search and Rescue Dogs and Service Dogs

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

Sec. 1. 14 MRSA §164-B is enacted to read:

§164-B. Immunity from civil liability for assistance given to law enforcement dogs, search and rescue dogs and service dogs

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

A. "Emergency medical services person" has the same meaning as "emergency medical services' person" in Title 32, section 83, subsection 12.

B. "Law enforcement dog" means a dog trained for law enforcement use that is actively certified pursuant to federal, national, regional or state standards and that is owned or maintained by a law enforcement agency or other governmentally funded agency for law enforcement or security services.

C. "Law enforcement officer" means a person who by virtue of public employment is vested by law with a duty to maintain public order, to prosecute offenders and to make arrests for crimes.

D. "Search and rescue dog" means a dog that is certified as a search and rescue dog by the De-