

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

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-

partment of Inland Fisheries and Wildlife, Bureau of Warden Service or that is in training to become a search and rescue dog with an organization recognized by the Bureau of Warden Service to provide such training.

E. "Security services dog handler" means a security professional who is trained to partner with a law enforcement dog in the performance of the security professional's duties, who is actively certified pursuant to federal, national, regional or state standards and who is qualified to train, care for and work with a law enforcement dog.

F. "Service dog" has the same meaning as "service animal" in Title 5, section 4553, subsection 9-E.

2. Immunity. Notwithstanding any provision of any public or private and special law to the contrary, an emergency medical services person, a security services dog handler or a law enforcement officer who voluntarily, without the expectation of monetary or other compensation, renders first aid, emergency treatment or rescue assistance to a law enforcement dog, search and rescue dog or service dog that is unconscious, ill, injured or in need of rescue assistance is not liable for damages for an injury alleged to have been sustained by the dog nor for damages for the death of the dog alleged to have occurred by reason of an act or omission in the rendering of the first aid, emergency treatment or rescue assistance unless it is established that the injury or the death was caused willfully, wantonly or recklessly or by gross negligence on the part of the emergency medical services person, security services dog handler or law enforcement officer.

3. Application. This section applies to a member or employee of a nonprofit volunteer or governmental ambulance, rescue or emergency unit, whether or not a user or service fee may be charged by the nonprofit unit or the governmental entity and whether or not the member or employee receives a salary or other compensation from the nonprofit unit or the governmental entity.

This section applies to a law enforcement officer, security services dog handler or emergency medical services person who voluntarily renders first aid, emergency treatment or rescue assistance to a law enforcement dog, search and rescue dog or service dog, to the extent the officer, handler or person has received training in the medical stabilization of dogs.

This section does not apply if the first aid, emergency treatment or rescue assistance is rendered on the premises of a veterinary hospital or clinic.

See title page for effective date.

**CHAPTER 339
H.P. 1240 - L.D. 1796**

An Act To Improve the Effectiveness of the New Markets Capital Investment Credit

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

Sec. 1. 36 MRSA §5219-HH, sub-§1, ¶J, as amended by PL 2013, c. 75, §1, is further amended to read:

J. "Qualified low-income community investment" means any capital or equity investment in, or loan to, any qualified active low-income community business made after September 28, 2011. Except as otherwise provided in this paragraph, with respect to any one qualified active low-income community business, the maximum amount of qualified low-income community investments that may be made with the proceeds of qualified equity investments that have been certified under Title 10, section 1100-Z, subsection 3, paragraph G is \$10,000,000 per project constructed, maintained or operated by the qualified active low-income community business whether made by one or several qualified community development entities. With respect to investments in a qualified active low-income community business that is a manufacturing or value-added production enterprise, the limit on the qualified low-income community investment is \$40,000,000 per project constructed, maintained or operated by the qualified active low-income community business. For the purposes of this paragraph, with respect to projects to which the \$10,000,000 limitation applies, "project" includes all land, buildings, structures, machinery and equipment located at the same location and constructed, maintained or operated by the qualified active low-income community business. For the purposes of this paragraph, with respect to projects to which the \$40,000,000 limitation applies, "project" means, and refers separately to, each manufacturing or value-added production facility that projects to create or retain more than 200 jobs, including the land, buildings, structures, machinery and equipment functionally related to, and integrated with, the manufacturing or production process conducted on the site of that facility. "Project" does not mean or include the component pieces of an integrated manufacturing or production process conducted on the site of a particular facility. "Qualified low-income community investment" does not include a capital or equity investment made after November 9, 2015 if more than 5% of the investment is used to refinance costs, expenses