

# 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.**

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**Augusta, Maine**  
**2018**

renewed no later than the next yearly anniversary of the contract date.

See title page for effective date.

**CHAPTER 344**

**H.P. 1011 - L.D. 1472**

**An Act To Lower the Costs of  
Broadband Service by  
Coordinating the Installation  
of Broadband Infrastructure**

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

**Sec. 1. 35-A MRSA §2503, sub-§2**, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

**2. Notice.** The applicant may give public notice of the application by publishing its description of the proposed facility once in a newspaper circulated in the municipality or municipalities encompassing the limits of the proposed location. The applicant shall send a copy of any application filed with the Department of Transportation to the municipal clerk of each municipality in which the facilities are located, or to the clerk of the county commissioners in the case of facilities within an unorganized township, except that the applicant may, without publication of its application, place its facility described in its application on receipt of a permit from the licensing authority as may be otherwise provided. If a proposed facility is located underground and is in excess of 500 feet in length, the applicant shall, within 5 business days of submitting an application to the applicable licensing authority, provide the ConnectME Authority established in Title 5, section 12004-G, subsection 33-F a notice that includes a description and the location of the proposed facility.

**Sec. 2. 35-A MRSA §9204-A, sub-§6-A** is enacted to read:

**6-A. Notice of construction.** The authority shall disseminate information about a proposed underground facility that it receives in accordance with section 2503, subsection 2 in a manner that is accessible to all parties that may be interested in installing a broadband conduit in the area of the proposed underground facility.

See title page for effective date.

**CHAPTER 345**

**H.P. 1092 - L.D. 1588**

**An Act To Maintain Access to  
Property on Discontinued  
Roads**

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

**Sec. 1. 23 MRSA §3026-A, sub-§1**, as enacted by PL 2015, c. 464, §5, is amended to read:

**1. Notification of discontinuance to abutting property owners.** The municipal officers shall give best practicable notice to all abutting property owners of a proposed discontinuance of a town way or public easement. ~~As used in this subsection, "best practicable notice" means, at minimum, the mailing by the United States Postal Service, postage prepaid, first class, of notice to abutting property owners whose addresses appear in the assessment records of the municipality.~~

A. For a proposed discontinuance of a town way, the notice must include information regarding the potential discontinuance or retention of a public easement, including maintenance obligations for and the right of access to the way under the discontinuance or retention of a public easement, and information regarding the rights of abutting property owners to enter into agreements regarding maintenance of and access to the discontinued way.

B. For a proposed discontinuance of a town way that is abutted by property not otherwise accessible by a public way, the notice must include information, in addition to the information required in paragraph A, regarding the right of abutting property owners to create private easements and the municipal requirements under subsection 1-A.

Paragraphs A and B apply to town ways that are not discontinued as of October 1, 2018.

As used in this subsection, "best practicable notice" means, at minimum, the mailing by the United States Postal Service, postage prepaid, first class, of notice to abutting property owners whose addresses appear in the assessment records of the municipality.

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

**1-A. Discontinuance after October 1, 2018 of a town way with abutting property not otherwise accessible.** A municipality may not discontinue a town way that is not discontinued as of October 1, 2018 pursuant to this section if that town way is abutted by property not otherwise accessible by a public way, unless the municipal officers have complied with this subsection.

A. The municipal officers shall wait one year from the date of notice provided pursuant to subsection 1, paragraph B before proceeding with the discontinuance process, to allow abutting property owners the opportunity to grant private easements that run with the title of the property owners' land for the purpose of allowing travel along the way for all abutting property owners and their lessees and guests.

B. After the one-year waiting period required in paragraph A, the municipal officers may:

(1) Proceed with the discontinuance process pursuant to this section, as long as a public easement is retained; or

(2) If the municipal officers verify that private easements that run with the title of the property owners' land for the purpose of allowing travel along the way for all abutting property owners and their lessees and guests have been filed with the registry of deeds, proceed with the discontinuance process without retaining a public easement.

**Sec. 3. 23 MRSA §3026-A, sub-§4**, as enacted by PL 2015, c. 464, §5, is amended to read:

**4. Approval of order of discontinuance and damage awards.** ~~Ten or more business days after the public hearing pursuant to subsection 3, the~~ The municipal legislative body must vote upon the order of discontinuance submitted to it:

A. To approve the order of discontinuance and the damage awards and to appropriate the money to pay the damages; or

B. To disapprove the order of discontinuance.

The vote required by this subsection must be conducted 10 or more business days after the public hearing pursuant to subsection 3, except that, for a town way that is not discontinued as of October 1, 2018, in a municipality in which the municipal legislative body is the town meeting, the vote must be conducted at the next regularly scheduled annual town meeting.

**Sec. 4. 33 MRSA c. 7, sub-c. 1-B** is enacted to read:

**SUBCHAPTER 1-B**

**NONRESIDENTIAL PROPERTY DISCLOSURES**

**§191. Definitions**

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

**1. Nonresidential real property.** "Nonresidential real property" means real estate that is not residen-

tial real property as defined in section 171, subsection 6.

**2. Public easement.** "Public easement" has the same meaning as in Title 23, section 3021, subsection 2.

**3. Town way.** "Town way" has the same meaning as in Title 23, section 3021, subsection 3.

**§192. Applicability; exemptions**

This subchapter applies to the transfer of any interest in nonresidential real property, whether by sale, installment land contract, lease with an option to purchase or any other option to purchase. If a person licensed to practice real estate brokerage is involved in the transaction, the licensee is subject to the requirements of licensure in Title 32, chapter 114. The following transfers are exempt from this subchapter:

**1. Court order.** Transfers pursuant to court order, including, but not limited to, transfers ordered by a court in the administration of an estate, transfers pursuant to a writ of execution, transfers by any foreclosure sale, transfers by a trustee in bankruptcy, transfers by eminent domain and transfers resulting from a decree for specific performance;

**2. Default.** Transfers to a mortgagee by a mortgagor or successor in interest who is in default or transfers to a beneficiary of a deed of trust by a trustor or successor in interest who is in default;

**3. Co-owner.** Transfers from one or more co-owners solely to one or more other co-owners;

**4. Testate; intestate succession.** Transfers pursuant to testate or intestate succession;

**5. Divorce.** Transfers between spouses resulting from a judgment of divorce or a judgment of separate maintenance or from a property settlement agreement incidental to such a judgment;

**6. Living trust.** Transfers to a living trust; and

**7. Corrective deed.** Transfers that, without additional consideration and without changing ownership or ownership interest, confirm, correct, modify or supplement a deed previously recorded.

**§193. Disclosures**

Unless the transaction is exempt under section 192, the seller of nonresidential real property shall provide to the purchaser a property disclosure statement containing the following:

**1. Roads on or abutting property.** Information identifying any abandoned or discontinued town ways, any public easements and any private roads located on or abutting the property, if known by the seller; and

**2. Road maintenance.** Information identifying the party or parties responsible for maintenance of any abandoned or discontinued town way, public easement

or private road on or abutting the property identified pursuant to subsection 1, including any responsible road association, if known by the seller.

See title page for effective date.

**CHAPTER 346  
S.P. 609 - L.D. 1652**

**An Act To Authorize the  
Commissioner of Marine  
Resources To Limit the  
Number of Shrimp Licenses  
That May Be Used in Certain  
Seasons**

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

**Sec. 1. 12 MRSA §6804, sub-§2,** as amended by PL 2003, c. 248, §10, is further amended to read:

**2. Licensed activities.** The Except as limited pursuant to subsection 2-A, the holder of a commercial northern shrimp license may fish for or take shrimp or possess, ship, transport or sell northern shrimp that the license holder has taken. A license issued under subsection 7, paragraph B or C also authorizes unlicensed crew members aboard the vessel declared by the license holder to engage in these activities.

**Sec. 2. 12 MRSA §6804, sub-§2-A** is enacted to read:

**2-A. Licenses limited.** The commissioner may establish by rule a system to limit the number of commercial northern shrimp licenses issued under this section when the total allowable catch for northern shrimp established for Maine by the Atlantic States Marine Fisheries Commission is less than 2,000 metric tons. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Prior to initiating rulemaking, the commissioner shall consult with members of the northern shrimp industry, including individuals who are eligible to obtain a license that allows fishing for or taking northern shrimp and holders of a license or permit issued under chapter 625 that allows wholesale or retail activity involving northern shrimp.

The commissioner shall provide a report regarding management of the northern shrimp resource and the northern shrimp fishing industry to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15th of the year following a year in which the commissioner limited the number of licenses issued under this section. The joint standing committee may report out legislation to the session of the Legislature in which the report was

received regarding management of the northern shrimp resource or the northern shrimp fishing industry.

See title page for effective date.

**CHAPTER 347  
H.P. 1231 - L.D. 1786**

**An Act Regarding Maine's  
Liquor Laws**

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

**Sec. 1. 28-A MRSA §9,** as amended by PL 1997, c. 373, §24, is repealed.

**Sec. 2. 28-A MRSA §708-C, sub-§1,** as enacted by PL 2015, c. 214, §3, is amended to read:

**1. Donations for an auction or award.** A person licensed by the bureau under section 1355-A, a certificate of approval holder, a manufacturer or supplier of distilled spirits or a wholesaler may donate a certificate to purchase its product or donate its product to a public broadcasting station, an incorporated civic organization or a similarly purposed national organization designated by the United States Internal Revenue Service under the United States Internal Revenue Code of 1986, Section 501(c)(3) for the purpose of an auction or to offer as a prize, gift or award in conjunction with efforts to support the purposes of the incorporated civic organization, similarly purposed organization or public broadcasting station. Spirits donated in accordance with this subsection must ~~have first been sold to the State or the State's contracted wholesaler for listing, pricing and distribution in accordance with this Title~~ be listed by the commission for sale in this State, clearly labeled as a donation and purchased from the State's wholesale liquor provider at list price. A person authorized to make a donation in accordance with this subsection shall maintain a record of each donation, including the value of the donation and the date on which it was made. A recipient of a donation under this subsection must be 21 years of age or older.

**Sec. 3. 28-A MRSA §1355-A, sub-§2, ¶D,** as amended by PL 2017, c. 34, §1, is further amended to read:

D. A licensee under this section may sell from the licensed premises where liquor is produced by the licensee liquor produced by the licensee for consumption off the licensed premises.

(1) Sales made in accordance with this paragraph do not require a licensee under this section to obtain an additional retail license under chapter 45.