

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

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.

(2) Liquor sold in accordance with this paragraph may not be consumed anywhere on the licensed premises.

(3) The area of the licensed premises where a licensee opts to transact sales for off-premises consumption is not required to be separate from and may be accessed ~~from~~ by the same entrance ~~used to access an~~ for the area licensed for on-premises consumption of liquor under chapter 43 in accordance with paragraph I.

Sec. 4. 28-A MRSA §1355-A, sub-§2, ¶I, as amended by PL 2017, c. 280, §1, is further amended to read:

I. A licensee may be issued one retail license under chapter 43 per licensed location, on the premises of the licensed location or at another location, for the sale of liquor to be consumed on the premises at the retail premises if the same person or persons hold a controlling interest in both the licensed manufacturing location and the licensed retail establishment.

(2) The retail license authorizes the sale of products of the brewery, small brewery, winery, small winery, distillery or small distillery, in addition to other liquor permitted to be sold under the retail license, to be consumed on the premises.

(2-A) Liquor sold under a chapter 43 retail license operated on the premises of a location licensed under this section may not be consumed on any part of the premises where patrons are not generally permitted.

(3) All records related to activities under a manufacturer license issued under this section must be kept separate from records related to the retail license.

(4) A distillery or small distillery must meet the requirements of subsection 5, paragraphs D and E.

(5) The licensee shall ensure that products purchased for off-premises consumption under paragraph D are not consumed on the licensed premises.

Sec. 5. 28-A MRSA §1355-A, sub-§2-A, as enacted by PL 2017, c. 280, §2, is repealed.

See title page for effective date.

CHAPTER 348
S.P. 650 - L.D. 1751

An Act Regarding the Victims' Compensation Fund

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

Sec. 1. 5 MRSA §3360-C, sub-§2, ¶B, as enacted by PL 1991, c. 806, §3, is amended to read:

B. To or on behalf of any person who violated a criminal law that caused or contributed to the injury or death for which compensation is sought, except when the person was the victim of a criminal homicide and the claimant was not involved in the criminal conduct.

See title page for effective date.

CHAPTER 349
H.P. 1269 - L.D. 1827

An Act To Amend the Maine Uniform Trust Code Regarding Reporting by Trustees and the Duties of Trustees to Settlers

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

Sec. 1. 18-B MRSA §105, sub-§3, as amended by PL 2011, c. 42, §4, is further amended to read:

3. Waiver or modification. The settlor, in the trust instrument or in another writing delivered to the trustee, may waive or modify one or more of the duties of a trustee under section 813, ~~subsection~~ subsections 1 ~~or~~ 2 and 3 to give notice, information and reports to qualified beneficiaries in either or both of the following ways:

A. Waiving or modifying such duties as to all qualified beneficiaries except the settlor's surviving spouse during the lifetime of the settlor or the lifetime of the settlor's surviving spouse; and

B. With respect to one or more of the current beneficiaries as to whom the settlor has waived or modified such duties, designating a person or persons, any of whom may or may not be a beneficiary, to act in good faith to protect the interests of the current beneficiaries who are not receiving notice, information or reports and to receive any notice, information or reports required under section 813, subsection 1 ~~or~~ 2 or 3 in lieu of providing such notice, information or reports to the current beneficiaries. The person or persons designated