

# 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**

(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

under this paragraph are deemed to be representatives of the current beneficiaries not receiving notice, information or reports for the purposes of the time limitation for a beneficiary to commence an action against the trustee for breach of trust as provided in section 1005, subsection 1.

**Sec. 2. 18-B MRSA §813, sub-§6**, as enacted by PL 2011, c. 42, §7, is amended to read:

**6. Duty to settlor of revocable trust.** During the lifetime of the settlor of a revocable trust, whether or not the settlor has capacity to revoke the trust, the trustee's duties under this section are owed exclusively to the settlor and the trustee has no duty to provide information or reports to distributees, permissible distributees or qualified beneficiaries. If the settlor lacks capacity to revoke the trust, a trustee may satisfy the trustee's duties under this section by providing information and reports to any one or more of the following in the order of preference listed:

- A. The person or persons designated by the settlor in the trust to receive information and reports on the settlor's behalf;
- B. The settlor's spouse or registered domestic partner under Title 22, section 2710;
- C. The settlor's agent under a durable power of attorney;
- D. The settlor's court-appointed conservator; or
- E. The settlor's court-appointed guardian.

If the settlor lacks capacity to revoke the trust and there are no persons listed in this subsection to whom the trustee may provide information and reports, the trustee shall satisfy its duties under this section by providing information and reports to the qualified beneficiaries.

See title page for effective date.

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**CHAPTER 350**

**H.P. 1043 - L.D. 1519**

**An Act To Define the Intertidal Zone for the Management and Enforcement of Shellfish Conservation Ordinances**

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

**Sec. 1. 12 MRSA §6671, sub-§3, ¶A**, as amended by PL 2007, c. 494, §1, is further amended to read:

- A. Within any area of the intertidal zone within the municipality, a shellfish conservation ordinance may:

- (1) Regulate or prohibit the possession of shellfish;
- (2) Fix the amount of shellfish that may be taken;
- (3) Provide for protection from shellfish predators;
- (4) Authorize the municipal officials to open and close flats under specified conditions; and
- (5) Specify areas of the intertidal zone in which the dragging of mussels may be limited to the degree necessary to support a municipal shellfish conservation program.

**Sec. 2. 12 MRSA §6671**, as amended by PL 2013, c. 301, §14; c. 468, §31; and c. 517, §1, is further amended by adding at the end a new paragraph to read:

For the purposes of this section, "intertidal zone" means the shores, flats or other land below the high-water mark and above subtidal lands.

See title page for effective date.

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**CHAPTER 351**

**H.P. 1268 - L.D. 1826**

**An Act To Repeal the Sunset Date on the Laws Governing Licensure of Appraisal Management Companies**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, the laws governing the licensure of appraisal management companies are scheduled to be repealed March 15, 2018, before the 90-day period expires; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 32 MRSA §14049-K**, as enacted by PL 2017, c. 270, §1, is repealed.

**Emergency clause.** In view of the emergency