

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

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

Augusta, Maine
2019

property is not subject to the inspection requirements of paragraph A.

C. If the seller of the shoreland property has a written inspection report for an inspection of the subsurface waste water disposal system that was performed within 3 years prior to the date of the transfer of property by a person certified by the department, then the seller shall provide the inspection results to the purchaser, and the purchaser is not required to have the system inspected pursuant to paragraph A.

D. The inspection described in paragraph A is not required if the purchaser certifies to the local plumbing inspector that the purchaser will replace the subsurface waste water disposal system within one year of the transfer of property.

Sec. 2. Effective date. This Act takes effect January 1, 2020.

Effective January 1, 2020.

CHAPTER 44

H.P. 180 - L.D. 217

An Act To Aid Certain Veterans' Organizations

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

Sec. 1. 28-A MRSA §1072, sub-§5, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

5. Sale of liquor only to members and guests; exception. Except as provided in paragraph A or B, licensed clubs may not sell liquor to anyone except members and their guests accompanying them.

A. Licensed veterans' and fraternal organizations and social clubs may sell liquor to members of the same national or affiliated international organization and to members of auxiliaries of the same national or affiliated international organization and their guests accompanying them.

B. At the discretion of and by agreement with the bureau, a licensed veterans' organization may, subject to time-of-day and seasonal limitations defined at the time of license approval, sell liquor to the general public if the organization has a valid license and is located on an island off the coast of the State that is provided with ferry service pursuant to Title 23, Part 6 and Title 35-A, chapter 51. When a licensed veterans' organization sells liquor to the general public pursuant to this paragraph, the premises at which the liquor is sold are deemed a public place for purposes of Title 22, chapter 262 during the time the general public is invited or allowed to be present, and smoking, as

defined in Title 22, section 1541, subsection 6, is prohibited during that time.

See title page for effective date.

CHAPTER 45

S.P. 59 - L.D. 247

An Act To Increase the Amount of Time School Counselors and Social Workers Spend Providing Students Direct and Indirect Counseling

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

Sec. 1. 20-A MRSA §4008-A is enacted to read:

§4008-A. School counselors and school social workers

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

A. "Direct services" means in-person interactions between a school counselor or school social worker and students that are within the scope of the duties of a school counselor or school social worker as established by the department by rule.

B. "Indirect services" means services provided by a school counselor or school social worker on behalf of students as a result of a school counselor's or school social worker's interactions with the students and others that are within the scope of the duties of a school counselor or school social worker as established by the department by rule.

C. "School counselor" has the same meaning as in section 4008, subsection 1, paragraph B.

D. "School social worker" has the same meaning as in section 4008, subsection 1, paragraph C.

2. Direct and indirect services to students. Each school counselor and school social worker shall spend at least 80% of the school counselor's or school social worker's time providing direct services to and indirect services on behalf of students.

3. Rules. The commissioner shall adopt rules to implement this section. The rules must include guidelines regarding the duties of school counselors, including that a school counselor deliver a comprehensive school counseling program, and guidelines regarding the duties of school social workers. Rules adopted

pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 46
S.P. 66 - L.D. 254**

**An Act To Clarify Liquor
Label Approval and
Registration Requirements**

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

Sec. 1. 28-A MRSA §2, sub-§13-B is enacted to read:

13-B. Keg. "Keg" means a container capable of holding at least 5 gallons of liquid.

Sec. 2. 28-A MRSA §6-A is enacted to read:

§6-A. Approval and registration of labels

1. Federal approval required; exception. A person may not import to the State, export from the State or sell in the State malt liquor, wine, hard cider or a low-alcohol spirits product unless the container in which the malt liquor, wine, hard cider or low-alcohol spirits product is imported, exported or sold bears a label approved by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau. This subsection does not apply to malt liquor, wine, hard cider or a low-alcohol spirits product that is manufactured in the State and is not distributed, shipped, delivered or sold in interstate commerce.

2. Bureau registration required; exceptions. Malt liquor, wine, hard cider or a low-alcohol spirits product may not be sold in the State unless the container in which the malt liquor, wine, hard cider or low-alcohol spirits product is sold bears a label registered with the bureau. This subsection does not apply to:

A. Liquor sold by the manufacturer for on-premises consumption pursuant to section 1355-A, subsection 2, paragraph E, F or I; or

B. Liquor sold by a Maine manufacturer in a keg to an on-premises retail licensee.

3. Fees. The fees for registering a label with the bureau under subsection 2 are as follows.

A. The fee for the initial label registration is \$10.

B. The fee for changing a label registration is \$1.

C. The annual renewal fee is \$1 for each registered label. Renewal of a label registration must coincide with renewal of the relevant license or certificate of approval.

4. Rulemaking. The bureau shall adopt rules, consistent with the regulations promulgated by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau pursuant to the Federal Alcohol Administration Act, 27 United States Code, Section 205(e), establishing the requirements for registration of a malt liquor, wine, hard cider or low-alcohol spirits product label and for changing a label registration.

Sec. 3. 28-A MRSA §714, sub-§1, ¶A, as amended by PL 2017, c. 167, §14, is repealed.

Sec. 4. 28-A MRSA §714, sub-§3, ¶¶A and B, as amended by PL 2003, c. 451, Pt. T, §11, are further amended to read:

A. Every keg of malt liquor offered for sale by an off-premises retail licensee must be tagged in a manner ~~and with a label~~ approved by the commissioner identifying the keg ~~and be labeled in accordance with the requirements of section 6-A.~~ The tag must be supplied for each keg, without fee, by the wholesaler or small brewer of the keg.

B. The retail seller of the keg shall complete a form designed and approved by the commissioner and affix the ~~label tag~~ to each keg supplied to the retail seller by the distributor of the keg. The form must be printed and distributed, without fee, by the wholesaler or small brewer of the keg. The form must include the name, address and date of birth of the purchaser and the identification number of the keg. The form must summarize the requirements of this section, the penalties for violating any provision of this section and the penalties for providing alcohol to a minor. The seller shall retain the form as a record subject to chapter 31.

Sec. 5. 28-A MRSA §1551, sub-§5, as enacted by PL 1987, c. 342, §114, is amended to read:

5. Other fees. The fees for the following are:

A. Filing fee for license application.....\$10; ~~and,~~

B. Filing fees for registering label:

(1) ~~Original~~ registration.....\$10;

(2) ~~Change of label~~.....\$1; and

(3) ~~Annual renewal of label registration~~.....\$1.

See title page for effective date.