

# 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.**

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**Augusta, Maine**  
**2019**

spent lobbying that would have been otherwise compensated by an employer or in the course of the individual's employment.

B. "Lobbying" has the same meaning as in Title 3, section 312-A, subsection 9.

See title page for effective date.

**CHAPTER 58  
S.P. 17 - L.D. 53**

**An Act To Clarify Local  
Referendum Ballots**

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

**Sec. 1. 30-A MRSA §2501, sub-§4** is enacted to read:

4. **Ballot questions.** Notwithstanding the provision of Title 21-A, section 906, subsection 7 requiring sequential numbering of ballot questions, municipal officers may elect to list municipal initiative and referendum questions on the ballot using sequential capital letters of the alphabet instead of sequential numbers. All other provisions of Title 21-A, section 906, subsection 7 apply.

**Sec. 2. 30-A MRSA §2528, sub-§6, ¶C**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

C. Any question or questions required by law to be submitted to a vote ~~shall~~ **must** be printed either below the list of candidates or on a separate ballot from the ballot listing candidates. Notwithstanding the provision of Title 21-A, section 906, subsection 7 requiring sequential numbering of ballot questions, the questions may be listed on the ballot using sequential capital letters of the alphabet instead of sequential numbers in accordance with section 2501, subsection 4. All other provisions of Title 21-A, section 906, subsection 7 apply. If a separate ballot is used, this ballot must be a different color than the ballot listing candidates.

See title page for effective date.

**CHAPTER 59  
H.P. 142 - L.D. 179**

**An Act To Change the Name of  
Columbus Day to Indigenous  
Peoples Day**

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

**Sec. 1. 4 MRSA §1051, first ¶**, as repealed and replaced by PL 1985, c. 819, Pt. A, §1, is amended to read:

No court may be held on Sunday or any day designated for the annual Thanksgiving; New Year's Day, January 1st; Martin Luther King, Jr., Day, the 3rd Monday in January; Washington's Birthday, the 3rd Monday in February; Patriot's Day, the 3rd Monday in April; Memorial Day, the last Monday in May, but if the Federal Government designates May 30th as the date for observance of Memorial Day, the 30th of May; the 4th of July; Labor Day, the first Monday of September; ~~Columbus Day~~ Indigenous Peoples Day, the 2nd Monday in October; ~~Veterans'~~ Veterans Day, November 11th; or on Christmas Day. The Chief Justice of the Supreme Judicial Court may order that court be held on a legal holiday when ~~he finds that~~ the interests of justice and judicial economy in any particular case will be served. The public offices in county buildings may be closed to business on the holidays named in this section. When any one of the holidays named in this section falls on Sunday, the Monday following ~~shall~~ **must** be observed as a holiday, with all the privileges applying to any of the days named in this section.

**Sec. 2. 9-B MRSA §145, sub-§1, ¶I**, as enacted by PL 1997, c. 398, Pt. B, §2, is amended to read:

I. The 2nd Monday in October, ~~Columbus Day~~ Indigenous Peoples Day;

**Sec. 3. 20-A MRSA §4802, sub-§1, ¶E**, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

E. ~~Columbus Day~~ Indigenous Peoples Day, the 2nd Monday in October;

**Sec. 4. 32 MRSA §4691, sub-§2**, as enacted by PL 1979, c. 571, is amended to read:

**2. Business day.** "Business day" means any day other than Saturday, Sunday or the following ~~national~~ holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; ~~Columbus Day~~ Indigenous Peoples Day; ~~Veteran's~~ Veterans Day; Thanksgiving and Christmas.

See title page for effective date.

**CHAPTER 60  
H.P. 35 - L.D. 34**

**An Act To Clarify Game of  
Chance Licensing  
Requirements**

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

**Sec. 1. 17 MRSA §1831, sub-§17, ¶C**, as enacted by PL 2009, c. 487, Pt. A, §2, is amended to read:

C. Any form of credit or promise directly or indirectly contemplating transfer of money or property, or of any interest therein, ~~or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge.~~

**Sec. 2. 17-A MRSA §952, sub-§10**, as enacted by PL 1975, c. 499, §1, is amended to read:

10. "Something of value" means any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise directly or indirectly contemplating transfer of money or property, or of any interest therein, ~~or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge.~~

See title page for effective date.

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**CHAPTER 61  
S.P. 39 - L.D. 152**

**An Act To Prohibit the Possession and Use of Electronic Smoking Devices on School Grounds**

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

**Sec. 1. 22 MRSA §1578-B, sub-§1, ¶C**, as enacted by PL 1987, c. 687, is repealed.

**Sec. 2. 22 MRSA §1578-B, sub-§1, ¶D**, as enacted by PL 1987, c. 687, is repealed and the following enacted in its place:

D. "Tobacco use" means:

(1) Smoking as defined in section 1541, subsection 6; and

(2) Carrying or having in one's possession a tobacco product as defined in section 1551, subsection 3.

**Sec. 3. 22 MRSA §1578-B, sub-§2**, as amended by PL 2007, c. 156, §2, is repealed and the following enacted in its place:

**2. Prohibition.** A person may not engage in tobacco use in the buildings or on the grounds of any elementary or secondary school, on a school bus or at any school-sponsored event at any time.

**Sec. 4. 22 MRSA §1578-B, sub-§3**, as enacted by PL 1987, c. 687, is repealed.

See title page for effective date.

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**CHAPTER 62  
H.P. 213 - L.D. 289**

**An Act To Prohibit the Use of Certain Disposable Food Service Containers**

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

**Sec. 1. 38 MRSA c. 15-A** is enacted to read:

**CHAPTER 15-A**

**DISPOSABLE FOOD SERVICE CONTAINERS**

**§1571. Definitions**

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

**1. Consumer.** "Consumer" means an individual who purchases or accepts food or beverages for use or consumption.

**2. Covered establishment.** "Covered establishment" includes, but is not limited to:

A. A food establishment, as defined in Title 22, section 2152, subsection 4-A;

B. An eating establishment as defined in Title 22, section 2491, except that "covered establishment" does not include a hospital licensed under Title 22, chapter 405 or a so-called meals on wheels establishment funded in whole or in part directly or indirectly by the Department of Health and Human Services to provide meals at dispersed locations from central kitchen facilities;

C. An agricultural fair as defined in Title 7, section 81, subsection 1;

D. A farmers' market as defined in Title 7, section 415, subsection 1, paragraph A;

E. A food pantry, church or community organization that provides food or beverages without charge; and

F. A boarding home, a retirement home, an independent living place or a nursing home.

**3. Disposable food service container.** "Disposable food service container" means service ware designed for one-time use.

A. "Disposable food service container" includes service ware for take-out foods, packaged meat, eggs, bakery products and leftovers from partially consumed meals prepared by covered establishments.

B. "Disposable food service container" does not include polystyrene foam coolers or ice chests that are used for the processing or shipping of seafood.