

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

B. The recovery residence must have no more than 2 residents per bedroom;

C. The recovery residence must have at least one full bathroom for every 6 residents;

D. The recovery residence must meet the requirements of all adopted building codes and sections 2464 and 2468 applicable to a one-family or 2-family residence with regard to smoke detectors, carbon monoxide detectors and fire extinguishers; and

E. If the recovery residence is located in a multi-unit apartment building, the recovery residence must meet all state and local code requirements for the type of building in which the recovery residence is located.

For the purposes of this subsection, "recovery residence" means a shared living residence for persons recovering from substance use disorder that is focused on peer support, provides to its residents an environment free of alcohol and illegal drugs and assists its residents by connecting the residents to support services or resources in the community that are available to persons recovering from substance use disorder.

See title page for effective date.

CHAPTER 359

S.P. 161 - L.D. 496

An Act To Extend the Availability of Protection from Abuse and Protection from Harassment Orders

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

Sec. 1. 5 MRSA §4653, sub-§1, ¶B, as amended by PL 2017, c. 455, §2, is further amended to read:

B. If the alleged harassment does not meet the definition in section 4651, subsection 2, paragraph C or is not related to an allegation of domestic violence, violence against a dating partner, sexual assault, stalking or harassment as described in Title 17-A, section 506, subsection 1, paragraph A-1 or A-2, a copy of a notice to stop harassing the plaintiff issued to the defendant pursuant to Title 17-A, section 506-A, subsection 1, paragraph A, subparagraph (1), division (a) or a statement of good cause why such a notice was not sought or obtained. The court has discretion, based on the nature of the allegations as well as any further inquiry that the court may make of the plaintiff, to issue an order even if notice to stop harassing the plaintiff has not been issued to the defendant as

described in Title 17-A, section 506-A, subsection 1, paragraph A, subparagraph (1), division (a).

Sec. 2. 19-A MRSA §4005, sub-§1, as amended by PL 2017, c. 455, §4, is further amended to read:

1. Filing. An adult who has been abused, as defined in section 4002, subsection 1, by a family or household member or a dating partner or an individual related by consanguinity or affinity may seek relief by filing a complaint alleging that abuse.

When a minor child in the care or custody of a family or household member or a dating partner has been abused by a family or household member or a dating partner or an individual related by consanguinity or affinity, a person responsible for the child, as defined in Title 22, section 4002, subsection 9, or a representative of the department may seek relief by filing a petition alleging that abuse.

An adult who has been a victim of conduct defined as stalking in Title 17-A, section 210-A or described as sexual assault in Title 17-A, chapter 11 or described as unauthorized dissemination of certain private images in Title 17-A, section 511-A or described as aggravated sex trafficking or sex trafficking in Title 17-A, section 852 or 853, respectively, whether or not the conduct was perpetrated by a family or household member or dating partner, may seek relief by filing a complaint alleging that conduct without regard to whether criminal prosecution has occurred. When a minor has been a victim of such conduct or conduct described in Title 17-A, section 282 or 283 or harassment as described in Title 17-A, section 506, subsection 1, paragraph A-1 or A-2, the minor's parent, other person responsible for the child or a representative of the department may seek relief by filing a petition alleging that conduct.

When an adult who is 60 years of age or older or a dependent adult, as defined in Title 22, section 3472, subsection 6, or an incapacitated adult, as defined in Title 22, section 3472, subsection 10, has been the victim of abuse as defined in section 4002, subsection 1 or Title 22, section 3472, subsection 1 by an extended family member or an unpaid care provider, the adult victim, the adult victim's legal guardian or a representative of the department may seek relief by filing a complaint alleging the abusive conduct. For the purposes of this subsection, "extended family member" includes, but is not limited to: a person who is related to the victim by blood, marriage or adoption, whether or not the person resides or has ever resided with the victim. "Unpaid care provider" includes, but is not limited to, a caretaker who voluntarily provides full, intermittent or occasional personal care to the adult victim in the victim's home similar to the way a family member would provide personal care.

Sec. 3. 19-A MRSA §4005, sub-§2, ¶C, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by

Pt. E, §2, is repealed and the following enacted in its place:

C. The clerk shall provide to a plaintiff written contact information for resources from which the plaintiff may receive legal or social service assistance provided to the Administrative Office of the Courts by the various providers, including the Maine State Bar Association or successor organization, any local or statewide organizations providing domestic violence services and sexual assault services and any other agency providing reliable and relevant resource contact information.

See title page for effective date.

CHAPTER 360

S.P. 240 - L.D. 805

An Act To Clarify the Laws Governing Taste Testing and Retail Sales of Liquor at Farmers' Markets and To Allow Retail Sales at Other Taste-testing Events

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

Sec. 1. 28-A MRSA §1355-A, sub-§3, ¶D is enacted to read:

D. Notwithstanding any provision of this Title to the contrary, a brewery or small brewery licensed in accordance with this section may sell malt liquor to be consumed off the premises under the conditions specified in this paragraph if the brewery or small brewery is participating in a taste-testing event under section 1052-D.

(1) The brewery or small brewery may sell only malt liquor produced in the State by that brewery or small brewery.

(2) A sale of malt liquor in accordance with this paragraph must be accompanied by a sales receipt.

Sec. 2. 28-A MRSA §1355-A, sub-§4, ¶D is enacted to read:

D. Notwithstanding any provision of this Title to the contrary, a winery or small winery licensed in accordance with this section may sell wine to be consumed off the premises under the conditions specified in this paragraph if the winery or small winery is participating in a taste-testing event under section 1052-D.

(1) The winery or small winery may sell only wine produced in the State by that winery or small winery.

(2) A sale of wine in accordance with this paragraph must be accompanied by a sales receipt.

Sec. 3. 28-A MRSA §1355-A, sub-§5, ¶I is enacted to read:

I. Notwithstanding any provision of this Title to the contrary, a distillery or small distillery licensed in accordance with this section may sell spirits to be consumed off the premises under the conditions specified in this paragraph if the distillery or small distillery is participating in a taste-testing event under section 1052-D.

(1) The distillery or small distillery may sell only spirits produced in the State by that distillery or small distillery.

(2) Spirits sold in accordance with this paragraph are subject to the listing, pricing and distribution provisions of this Title.

(3) A sale of spirits in accordance with this paragraph must be accompanied by a sales receipt.

Sec. 4. 28-A MRSA §1366, as amended by PL 2017, c. 168, §§1 to 3 and corrected by RR 2017, c. 1, §19, is repealed.

Sec. 5. 28-A MRSA §1367, as corrected by RR 2017, c. 1, §20, is repealed.

Sec. 6. 28-A MRSA §1368 is enacted to read:

§1368. Retail sales and taste testing at farmers' markets

1. Farmers' market defined. For purposes of this section, "farmers' market" has the same meaning as in Title 7, section 415, subsection 1, paragraph A.

2. Retail sales and taste-testing events at farmers' markets. Subject to the conditions set forth in this section and the applicable bylaws of the farmers' market, a small brewery, small winery or small distillery licensed under section 1355-A or an employee of the licensee who is at least 21 years of age may sell or offer for taste testing at a farmers' market any wine, spirits or malt liquor manufactured in the State by the licensee.

3. Conditions. The following conditions apply to retail sales and taste-testing events permitted under this section:

A. The licensee shall apply for authorization to conduct retail sales or taste-testing events at farmers' markets using a form prescribed by the bureau and by paying an annual fee of \$75. The licensee shall submit the application at least 30 days prior to the first date when the licensee will conduct retail sales or conduct a taste-testing event at a farmers' market;