

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-NINTH LEGISLATURE**

**FIRST SPECIAL SESSION**

**August 26, 2019**

**SECOND REGULAR SESSION**

**January 8, 2020 to March 17, 2020**

**THE GENERAL EFFECTIVE DATE FOR  
FIRST SPECIAL SESSION**

**NON-EMERGENCY LAWS IS**

**NOVEMBER 25, 2019**

**THE GENERAL EFFECTIVE DATE FOR  
SECOND REGULAR SESSION**

**NON-EMERGENCY LAWS IS**

**JUNE 16, 2020**

**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  
2020**

CHAPTER 671  
S.P. 758 - L.D. 2119

An Act To Amend the Laws  
Governing the Maternal, Fetal  
and Infant Mortality Review  
Panel

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

Sec. 1. 22 MRSA §261, sub-§1, ¶B, as  
amended by PL 2017, c. 203, §1, is further amended to  
read:

B. "Deceased person" means a woman who died  
during pregnancy or within ~~42 days~~ one year of  
giving birth or a child who died within one year of  
birth.

Sec. 2. 22 MRSA §261, sub-§4, ¶A, as  
amended by PL 2017, c. 203, §1, is further amended to  
read:

A. The panel coordinator shall review the deaths  
of all women during pregnancy or within ~~42 days~~  
one year of giving birth, the majority of cases in  
which a fetal death occurs after 28 weeks of gesta-  
tion and the majority of deaths of infants under one  
year of age, with selection of cases of infant death  
based on the need to review particular causes of  
death or the need to obtain a representative sample  
of all deaths.

See title page for effective date.

CHAPTER 672  
S.P. 759 - L.D. 2120

An Act Regarding Sales of  
Alcohol in Municipalities and  
Unincorporated Places

**Emergency preamble.** Whereas, acts and re-  
solves of the Legislature do not become effective until  
90 days after adjournment unless enacted as emergen-  
cies; and

**Whereas,** current law requires that a municipality  
hold a referendum to authorize the sale of liquor in that  
municipality; and

**Whereas,** current law requires the county com-  
missioners for an unincorporated place to determine  
whether or not to authorize the sale of liquor in that un-  
incorporated place; and

**Whereas,** based upon the affirmative referendum  
or decision, the Department of Administrative and Fi-  
nancial Services, Bureau of Alcoholic Beverages and  
Lottery Operations is authorized to issue a license to a

qualified establishment in that municipality or unincor-  
porated place; and

**Whereas,** the bureau has recently become aware  
that it does not have proof of a referendum or decision  
in some municipalities and unincorporated places that  
have licensed establishments, endangering the ability of  
these currently licensed businesses to continue to be li-  
censed by the bureau; and

**Whereas,** it is imperative that this legislation take  
effect as soon as possible to avoid irreparable harm to  
businesses that have complied with all requirements but  
could lose their licenses to sell liquor due to inadequate  
record keeping; 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 leg-  
islation 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. 28-A MRSA §121, sub-§1, as amended  
by PL 2017, c. 475, Pt. C, §8, is repealed and the fol-  
lowing enacted in its place:

1. Petition. A petition for a local option election  
must be signed by 30 voters in that municipality or by a  
number of voters equal to at least 5% of the number of  
votes cast in that municipality in the last gubernatorial  
election, whichever is fewer. All petition signatures  
must have been signed since the last general election.  
The petition must be addressed to and received by the  
municipal officers at least 60 days before holding any  
primary, special statewide, general or municipal elec-  
tion or town meeting.

Sec. 2. 28-A MRSA §121, sub-§1-A is en-  
acted to read:

1-A. Vote of municipal officers. As an alterna-  
tive to the petition process in subsection 1, the municip-  
al officers may vote to hold a local option election,  
which must be conducted pursuant to subsection 3, in-  
cluding one or more of the questions specified in sec-  
tion 123.

Sec. 3. 28-A MRSA §121, sub-§2, as enacted  
by PL 1987, c. 45, Pt. A, §4, is amended to read:

2. Meeting. Upon receipt of a petition, or in ac-  
cordance with a vote of the municipal officers pursuant  
to subsection 1-A, the municipal officers shall notify  
the inhabitants of their respective municipalities to meet  
in the manner prescribed by law. The meeting shall  
must be held to vote upon any or all of the questions  
contained in section 123.

Sec. 4. 28-A MRSA §125 is enacted to read:

§125. Proof of local option election or county  
commissioner decision

**1. Prohibition on licensing.** The bureau may not issue a license for the retail sale of spirits, wine or malt liquor unless the premises to be licensed are located in a municipality or unincorporated place that has voted in favor of the issuance of the type of license sought.

**2. Preliminary determination of authorized retail liquor establishments in each municipality.** By December 31, 2020, the bureau shall notify each municipality in the State of the bureau's preliminary determination, based on the bureau's records of elections in that municipality on local option questions under section 123 or former Title 28, section 101, whether licenses for each type of licensed establishment or for agency liquor stores may be issued for the sale of liquor on Sundays and on days other than Sunday in that municipality.

**3. Proof of municipal local option election.** If a municipality disagrees with a preliminary determination made by the bureau under subsection 2, the municipality may, by July 1, 2022, submit evidence of the results of an election on any local option question pursuant to section 123 or former Title 28, section 101 to refute the bureau's preliminary determination. Nothing in this subsection prohibits a municipality from conducting a local option election in accordance with this chapter at any time.

**4. Final determination of authorized retail liquor establishments in each municipality.** On July 1, 2022, the bureau shall make a final determination of whether licenses for each type of licensed establishment or for agency liquor stores may be issued for the sale of liquor on Sundays and on days other than Sunday in each municipality. In making this final determination, the bureau shall consider evidence submitted by the relevant municipality under subsection 3 and the results of any local option election conducted in that municipality in compliance with this chapter subsequent to the preliminary determination made by the bureau under subsection 2. The bureau shall post a copy of the final determination for each municipality on its publicly accessible website.

**5. Effect of final determination; future local option elections.** Beginning July 1, 2022, the bureau's final determination under subsection 4 governs whether the bureau may issue licenses for the sale of liquor in each municipality. Nothing in this subsection prohibits a municipality from conducting a local option election in compliance with this chapter that has the effect of authorizing or prohibiting the issuance of any or all licenses for the sale of liquor in that municipality after July 1, 2022. If a municipality conducts a local option election after July 1, 2022, the bureau shall update the information posted on its publicly accessible website to reflect the results of that local option election.

**6. Notice to county commissioners.** By December 31, 2020, the bureau shall inform the county commissioners of each county in which an unincorporated

place is located that proof of an affirmative decision under section 122 or former Title 28, section 103 authorizing the issuance of licenses for the retail sale of liquor is a prerequisite to issuance of such licenses in an unincorporated place and shall request that the county commissioners provide the bureau with copies of any such decisions for each unincorporated place in the county by July 1, 2022. If the county commissioners do not have a record of an affirmative decision under section 122 or former Title 28, section 103 authorizing the issuance of licenses for the retail sale of liquor in an unincorporated place, the county commissioners may, in compliance with section 122, determine whether to authorize or refuse to authorize the issuance of licenses for the retail sale of liquor in that unincorporated place and shall provide the bureau with a record of the decision.

**Sec. 5. Temporary waiver of approval to issue license to sell liquor for municipalities with licensed retail establishments.** Notwithstanding the Maine Revised Statutes, Title 28-A, section 125, subsection 1; section 453, subsection 1, paragraph A; and any other provision of the law to the contrary, until July 1, 2022, the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations is authorized to issue, renew or transfer licenses to sell liquor in an authorized municipality or authorized unincorporated place as specified in this section.

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

A. "Agency liquor store" has the same meaning as in Title 28-A, section 2, subsection 1.

B. "Authorized municipality" means a municipality in which a licensed establishment or agency liquor store was operating between March 1, 2017 and March 1, 2020 but for which the bureau does not have a record of a local option decision authorizing the issuance of licenses to that type of establishment or agency liquor store, respectively.

C. "Authorized unincorporated place" means an unincorporated place in which a licensed establishment or agency liquor store was operating between March 1, 2017 and March 1, 2020 but for which the bureau does not have a record of a local option decision authorizing the issuance of licenses to that type of establishment or agency liquor store, respectively.

D. "Bureau" has the same meaning as in Title 28-A, section 2, subsection 6.

E. "Licensed establishment" has the same meaning as in Title 28-A, section 2, subsection 15.

F. "Local option decision" means a local option election conducted pursuant to Title 28-A, chapter 5 or former Title 28, section 101 or a decision to

authorize the issuance of retail liquor licenses in an unincorporated place pursuant to Title 28-A, section 122 or former Title 28, section 103.

G. "Unincorporated place" has the same meaning as in Title 28-A, section 2, subsection 33.

**2. Temporary waiver of local option election or county commissioner authorization requirement.** Until July 1, 2022, an authorized municipality is deemed to have complied with the procedures established in Title 28-A, chapter 5 to authorize the bureau, in that municipality, to issue an initial license, renew a license or transfer a license for any type of licensed establishment or agency liquor store that was operating in that municipality between March 1, 2017 and March 1, 2020. Until July 1, 2022, the county commissioners of an authorized unincorporated place are deemed to have complied with the procedures established in Title 28-A, chapter 5 to authorize the bureau, in that unincorporated place, to issue an initial license, renew a license or transfer a license for the sale of liquor to an establishment for on-premises consumption, if an establishment for on-premises consumption was operating in that unincorporated place between March 1, 2017 and March 1, 2020, or to an establishment for off-premises consumption, if an establishment for off-premises consumption was operating in that unincorporated place between March 1, 2017 and March 1, 2020.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective March 18, 2020.

**CHAPTER 673**

**H.P. 1524 - L.D. 2134**

**An Act To Authorize a General Fund Bond Issue for Infrastructure To Improve Transportation and Internet Connections**

**Preamble.** Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14 to authorize the issuance of bonds on behalf of the State of Maine to provide funds as described in this Act,

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

**PART A**

**Sec. A-1. Authorization of bonds.** The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding \$105,000,000 for the purposes described in section 5 of this Part. The bonds are a pledge of the full faith and credit of the

State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds.

**Sec. A-2. Records of bonds issued; Treasurer of State.** The Treasurer of State shall ensure that an account of each bond is kept showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

**Sec. A-3. Sale; how negotiated; proceeds appropriated.** The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Part. Any unencumbered balances remaining at the completion of the project in this Part lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

**Sec. A-4. Interest and debt retirement.** The Treasurer of State shall pay interest due or accruing on any bonds issued under this Part and all sums coming due for payment of bonds at maturity.

**Sec. A-5. Disbursement of bond proceeds from General Fund bond issue.** The proceeds of the sale of the bonds authorized under this Part must be expended as designated in the following schedule under the direction and supervision of the agencies and entities set forth in this section.

**TRANSPORTATION, DEPARTMENT OF**

Provides funds to improve highways and bridges statewide, including the Madawaska International Bridge replacement project and associated utility relocation costs, and for the department's municipal partnership initiative and associated activities.

Total \$90,000,000

Provides funds for multimodal facilities or equipment related to transit, freight and passenger railroads, aviation, ports, harbors, marine transportation and active transportation projects and associated activities.

Total \$15,000,000

**Sec. A-6. Contingent upon ratification of bond issue.** Sections 1 to 5 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Part.

**Sec. A-7. Appropriation balances at year-end.** At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds