

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 18, 2021

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

Augusta, Maine
2021

for off-premises consumption only under the following conditions.

A. Prior to engaging in sales of liquor for off-premises consumption, a qualified on-premises retailer or qualified distillery shall notify the bureau of its intention to sell approved cocktails, wine or malt liquor for off-premises consumption on a form prepared and approved by the bureau.

B. Liquor sold by a qualified on-premises retailer for off-premises consumption must be accompanied by a food order.

C. A qualified on-premises retailer may sell for off-premises consumption only the type or types of liquor that it is authorized to sell for on-premises consumption pursuant to its license issued under this chapter.

(1) If the qualified on-premises retailer is licensed under this chapter to sell wine for on-premises consumption, it may sell wine for off-premises consumption only in an original container or as an ingredient in an approved cocktail. An approved cocktail sold by a qualified on-premises retailer under this subparagraph may not contain spirits unless the qualified on-premises retailer is also licensed to sell spirits for on-premises consumption under this chapter.

(2) If the qualified on-premises retailer is licensed under this chapter to sell malt liquor for on-premises consumption, it may sell malt liquor for off-premises consumption only in an original container.

(3) If the qualified on-premises retailer is licensed under this chapter to sell spirits for on-premises consumption, it may sell spirits for off-premises consumption only as an ingredient of an approved cocktail. An approved cocktail sold by a qualified on-premises retailer under this subparagraph may not contain wine unless the qualified on-premises retailer is also licensed to sell wine for on-premises consumption.

D. Except as provided in section 1355-A, a qualified distillery may sell spirits for off-premises consumption only as an ingredient of an approved cocktail. An approved cocktail sold by a qualified distillery under this paragraph may not contain wine or spirits not manufactured by the qualified distillery unless the qualified distillery purchased the wine or spirits from an agency liquor store licensed as a reselling agent.

E. Liquor sold for off-premises consumption must be accompanied by a sales receipt with a time stamp that indicates the time of purchase.

F. Liquor sold for off-premises consumption may be delivered by the qualified on-premises retailer or the qualified distillery or by an employee of the qualified on-premises retailer or the qualified distillery to a customer at the licensed premises or at a remote location only in accordance with this paragraph.

(1) Liquor may not be delivered to a customer at a remote location unless the individual making the delivery is at least 21 years of age.

(2) Liquor may not be delivered to a visibly intoxicated person.

(3) Liquor may not be delivered unless the individual making the delivery verifies, by means of reliable photographic identification containing the person's name and date of birth, that the person to whom the delivery is made is not a minor.

3. Repeal. This section is repealed September 10, 2022.

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

Effective March 17, 2021.

CHAPTER 4

H.P. 101 - L.D. 145

An Act To Amend the Maine Uniform Probate Code

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 Maine Uniform Probate Code took effect September 1, 2019, but the new confidentiality of records provisions applicable to adult guardianships, conservatorships and other protective arrangements were delayed until January 1, 2021 to allow the development and adoption of rules governing those records by the Supreme Judicial Court; and

Whereas, the rules governing confidentiality of Probate Court records have not yet been adopted; and

Whereas, the effective date of the statutory provisions should be delayed until the rules are adopted and any appropriate statutory amendments can be made; 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. 18-C MRSA §3-108, sub-§1, ¶D, as amended by PL 2019, c. 417, Pt. A, §4, is further amended to read:

D. ~~An~~ Regardless of whether the decedent dies before, on or after the effective date of this Code, an informal appointment or a formal testacy or appointment proceeding may be commenced more than 3 years after the decedent's death if no proceeding concerning the succession or estate administration has occurred within the 3-year period after the decedent's death, but the personal representative has no right to possess estate assets as provided in section 3-709 beyond that necessary to confirm title in the successors to the estate, and claims other than expenses of administration may not be presented against the estate;

Sec. 2. 18-C MRSA §5-308, sub-§4, as enacted by PL 2019, c. 417, Pt. A, §30, is amended to read:

4. **Effective date.** This section takes effect January 1, ~~2021~~ 2023.

Sec. 3. 18-C MRSA §5-409, sub-§4, as enacted by PL 2019, c. 417, Pt. A, §62, is amended to read:

4. **Effective date.** This section takes effect January 1, ~~2021~~ 2023.

Sec. 4. 18-C MRSA §5-423, sub-§2, ¶E, as amended by PL 2019, c. 417, Pt. A, §80, is further amended to read:

E. ~~An annual credit report of the individual subject to conservatorship and, to~~ To the extent feasible, a copy of the most recent reasonably available financial statements evidencing the status of bank accounts, investment accounts and mortgages or other debts of the individual subject to conservatorship, with all but the last 4 digits of the account numbers and the individual's social security number redacted, ~~and, if ordered by the court, a credit report of the individual subject to guardianship;~~

Sec. 5. 18-C MRSA §5-431, sub-§8, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

8. **Safeguard rights of individual.** Unless the court otherwise orders for good cause, before terminating or modifying a conservatorship, the court shall follow the same procedures to safeguard the rights of the individual subject to conservatorship that apply to a petition for conservatorship.

Sec. 6. 18-C MRSA §5-511, sub-§4, as enacted by PL 2019, c. 417, Pt. A, §95, is amended to read:

4. **Effective date.** This section takes effect January 1, ~~2021~~ 2023.

Sec. 6. 18-C MRSA §8-301, sub-§2, ¶A-1, as amended by PL 2019, c. 598, §8, is further amended to read:

A-1. The intestate succession provisions of Article 2, Part 1, Subpart 1, the elective share provisions of Article 2, Part 2 ~~and~~, the exempt property and allowances provisions of Article 2, Part 4 ~~and the wrongful death provisions of section 2-807~~ apply to the estates of decedents who die on or after the effective date;

Sec. 7. **Retroactivity.** Those sections of this Act that amend the Maine Revised Statutes, Title 18-C, section 5-308, subsection 4, section 5-409, subsection 4 and section 5-511, subsection 4 apply retroactively to January 1, 2021.

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

Effective March 17, 2021.

CHAPTER 5

H.P. 159 - L.D. 224

An Act To Modify Requirements for Multiple-party Accounts, Limited Purpose Financial Institutions and Mergers

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

Whereas, financial institutions in this State are committed to preventing elder financial abuse; and

Whereas, the enactment of a new probate code in July 2019 made a change in the procedures for opening a multiple-party account; and

Whereas, the following legislation clarifies a provision in the Maine Revised Statutes, Title 9-B requiring financial institutions to affirm when a multiple-party account is established or a single account is converted whether the party establishing or converting the account intends for any sum remaining in the account upon death to belong to the surviving party; and

Whereas, this change must be enacted before the expiration of the 90-day period to allow financial institutions to establish procedures for opening multiple-party accounts to immediately help combat elder financial abuse; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of