

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

SECOND SPECIAL SESSION
September 29, 2021

SECOND REGULAR SESSION
January 5, 2022 to May 9, 2022

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 29, 2021

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 8, 2022

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

Augusta, Maine
2022

winner's right to appeal to the Commissioner of Labor pursuant to Title 5, chapter 375. The winner must appeal in writing within 15 days of receipt of that notice. The hearing is limited to the questions of whether the debt is liquidated and whether post-liquidation events have affected the winner's liability. The decision of the Department of Labor as to the existence of a liquidated debt constitutes final agency action. ~~If, within 90 days of the notice of intended setoff to the winner, the Department of Labor certifies to the bureau that the winner did not make a timely request for hearing or that a hearing was held and the debt was upheld, the bureau shall offset the liquidated debt against the winnings due to the winner. Any remaining winnings are paid to the winner. If the bureau does not hear from the Department of Labor within 90 days of the notice of intended setoff to the winner, the bureau shall release all winnings to the winner.~~

Sec. 4. 36 MRSA §185, sub-§3, as enacted by PL 2007, c. 539, Pt. M, §1, is amended to read:

3. Setoff of lottery winnings against debts. The State Tax Assessor shall ~~periodically notify~~ provide the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations, referred to in this subsection as "the bureau," access to an electronic database of all persons who have a liquidated tax liability to the State under this Title. Prior to ~~Before~~ paying any lottery winnings that must be paid directly by the bureau of an amount equal to or greater than the amount for which the bureau is required to file a Form W-2G or substantially equivalent form with the United States Internal Revenue Service, the bureau shall determine whether the lottery winner is on the list of persons who have ~~has~~ has a liquidated tax liability to the State under this Title. If the bureau determines that the winner is on the list of persons who have ~~has~~ has a liquidated tax liability to the State under this Title, the bureau shall suspend payment of the winnings and provide notice to the winner of its intention to set off the winnings against the tax debt. The bureau may assign the winnings due to the winner to the State Tax Assessor in payment of any liquidated tax liability of the winner under this Title. Any remaining winnings must be paid to the winner by the bureau.

See title page for effective date.

**CHAPTER 544
S.P. 663 - L.D. 1893**

**An Act Regarding the Use of a
Student Athlete's Name,
Image, Likeness or Autograph**

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

Sec. 1. 20-A MRSA c. 443 is enacted to read:

CHAPTER 443
STUDENT ATHLETES

§12971. Definitions

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

1. College or university. "College or university" means a postsecondary educational institution in the State, including:

- A. A degree-granting educational institution regulated under chapter 409;
- B. A university in the University of Maine System;
- C. A college in the Maine Community College System; and
- D. The Maine Maritime Academy.

2. Team contract. "Team contract" means a contract between a student athlete and a college or university and includes any rules or expectations of the college or university's athletic department or head coach that require a student athlete's compliance as a condition under the contract of participation as a member of the intercollegiate athletic program.

§12972. Prohibitions

1. Actions by colleges or universities. A college or university may not:

- A. Adopt or enforce a policy, requirement, standard or limitation that prohibits or otherwise prevents a student athlete who is participating in an intercollegiate athletic program at the college or university from:
 - (1) Earning compensation for the use of the student athlete's name, image or likeness when the student athlete is not engaged in official team activities; or
 - (2) Obtaining professional representation, including representation by an attorney, for contracts or other legal matters relating to the use of the student athlete's name, image or likeness;

B. Disqualify a student athlete who is participating in an intercollegiate athletic program at a college or university from receiving a full scholarship based on athletics awarded by the college or university because the student athlete:

- (1) Earns compensation from the use of the student athlete's name, image or likeness when the student athlete is not engaged in official team activities; or

(2) Obtains professional representation, including representation by an attorney, for contracts or other legal matters relating to use of the student athlete's name, image or likeness.

For purposes of this paragraph, "full scholarship" means a scholarship that covers the full cost of attendance at that college or university, including but not limited to tuition, room and board; or

C. Prescribe a team contract for an intercollegiate athletic program that prohibits or otherwise prevents a student athlete from using the student athlete's name, image or likeness for a commercial purpose when the student athlete is not engaged in official team activities.

For the purposes of this subsection, a college or university determines what behavior constitutes official team activities at that college or university.

2. Construction. This section may not be construed to limit a college or university from adopting or enforcing a policy, requirement, standard or limitation that establishes conditions by which a student athlete may monetize the student athlete's name, image or likeness, including a policy, requirement, standard or limitation that prohibits a student athlete's use of a college or university trademark, logo or facility or prohibits a student athlete's use of the student athlete's name, image or likeness in a manner that is inconsistent with a college or university code of conduct or other college or university policy.

§12973. Autographs

A student athlete may earn compensation from selling the student athlete's autograph in a manner that does not otherwise conflict with a provision of this chapter.

§12974. University participation in intercollegiate athletics

An athletic association, conference or other group or organization with authority over intercollegiate athletics may not prevent in this State a college or university from participating in intercollegiate athletics as a result of the compensation of a student athlete for the use of the student's athlete's name, image or likeness.

See title page for effective date.

CHAPTER 545

H.P. 1415 - L.D. 1909

An Act To Amend Syringe Service Programs

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

Sec. 1. 22 MRSA §1341, sub-§1, ¶A, as enacted by PL 2007, c. 346, Pt. A, §1, is amended to read:

A. The Maine Center for Disease Control and Prevention may ~~not~~ limit the number of hypodermic apparatuses provided by the certified hypodermic apparatus exchange programs to participants.

See title page for effective date.

CHAPTER 546

H.P. 1420 - L.D. 1914

An Act To Allow Wine Retailers with 2 or More Licensed Facilities To Freely Transfer Wine between Approved Facilities

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

Sec. 1. 28-A MRSA §1201, sub-§3-A, as amended by PL 2013, c. 476, Pt. A, §26, is further amended to read:

3-A. Sale or transfer of malt liquor or wine for off-premises consumption to retailer prohibited. A person licensed under this section, or an agent or employee of the person, may not knowingly sell or transfer malt liquor or wine to another retailer ~~licensed under this section~~ for resale except as provided in section 606 or 1201-B.

Sec. 2. 28-A MRSA §1201-B is enacted to read:

§1201-B. Transfer of wine between retail locations

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

A. "Approved retailer" means a retailer licensed to sell wine for off-premises consumption that has received approval to sell or transfer wine to a commonly owned retail licensee under subsection 3.

B. "Commonly owned retail licensee" means, with respect to a retailer licensed to sell wine for off-premises consumption, another retailer licensed to sell wine for off-premises consumption if the same person or persons hold a majority ownership interest in both retailers.

2. Authority to transfer wine between retail locations. Notwithstanding section 1201, subsection 3-A and any other provision of this Title to the contrary, an approved retailer may sell or transfer wine by the case or by the bottle to a commonly owned retail licensee under the following conditions:

A. The approved retailer licensed and any commonly owned retail licensee to which wine is transferred or sold must be located within the territory