

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 7, 2022 to March 30, 2023

FIRST SPECIAL SESSION
April 5, 2023 to July 26, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NONEMERGENCY LAWS IS
JUNE 29, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NONEMERGENCY LAWS IS
OCTOBER 25, 2023

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

Augusta, Maine
2023

S. The South Portland Air National Guard Station, located on Western Avenue, South Portland, by means of a quitclaim deed as long as the purchaser agrees to indemnify and hold harmless the State from all claims, including any environmental clean-up costs that may arise in connection with the land or the buildings constituting the station; and

Sec. 3. 37-B MRSA §264, sub-§3, ¶T is enacted to read:

T. The Houlton Armory, located at 86 Pleasant Street, Houlton, by means of a quitclaim deed as long as the purchaser agrees to indemnify and hold harmless the State from all claims, including any environmental clean-up costs that may arise in connection with the land or the buildings constituting the armory.

See title page for effective date.

CHAPTER 34

S.P. 101 - L.D. 201

An Act to Make Permanent the Ability of Certain Retailers and Distilleries to Sell Liquor for Off-premises Consumption and Cocktails for On-premises Consumption

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 spread of the novel coronavirus disease referred to as COVID-19 created a public health emergency and prompted subsequent public health measures, which resulted in economic hardship and insecurity for restaurants, bars, tasting rooms, distilleries and small distilleries; and

Whereas, in response to the economic hardship facing restaurants, bars, tasting rooms, distilleries and small distilleries, the Legislature enacted Public Law 2021, chapter 3, which temporarily allowed on-premises retailers to sell liquor to customers through take-out and delivery service if the liquor was accompanied by a food order; Public Law 2021, chapter 91, which temporarily allowed distilleries or small distilleries to sell for on-premises consumption cocktails containing samples of distilleries' spirits products; and Public Law 2021, chapter 514, which extended the time in which these activities may take place; and

Whereas, the lingering effects of the public health emergency and subsequent public health measures continue to impact the economic health of Maine restaurants, bars, tasting rooms, distilleries and small distilleries; and

Whereas, with a statutory repeal date for these laws, Maine restaurants, bars, tasting rooms, distilleries and small distilleries face economic uncertainty and inhibited innovation; and

Whereas, with the busy summer season quickly approaching, there is a need to make a technical correction to a statutory cross-reference within the definition of "food order" in the requirement for providing liquor to customers through take-out and delivery service; 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. 28-A MRSA §1056, sub-§1, ¶C, as enacted by PL 2021, c. 3, §1, is amended to read:

C. "Food order" means an order of a full course meal as defined in section 2, subsection 45, paragraph R ~~1~~ 11-E or an order of a cold or hot meal including but not limited to a sandwich, salad, hamburger, cheeseburger, hot dog, pizza or other food item that customarily appears on a restaurant menu. "Food order" does not include an order consisting solely of a prepackaged snack food or foods such as popcorn, chips or pretzels.

Sec. 2. 28-A MRSA §1056, sub-§2, ¶C, as enacted by PL 2021, c. 3, §1, is amended by amending subparagraph (1) to read:

(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 approved container.~~ 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.

Sec. 3. 28-A MRSA §1056, sub-§2, ¶C, as enacted by PL 2021, c. 3, §1, is amended by amending subparagraph (2) to read:

(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 approved container or an original container.~~

Sec. 4. 28-A MRSA §1056, sub-§3, as amended by PL 2021, c. 514, §1, is repealed.

Sec. 5. 28-A MRSA §1355-A, sub-§5, ¶F-1, as amended by PL 2021, c. 514, §2, is further amended by repealing the first blocked paragraph.

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

Effective April 24, 2023.

**CHAPTER 35
H.P. 213 - L.D. 339**

**An Act to Provide Electronic
Access to Confidential Juror
Information**

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 judicial branch has already purchased and implemented the technology necessary to effectuate the electronic transfer of information as permitted by this legislation; 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. 14 MRSA §1254-A, sub-§7, as amended by PL 2005, c. 285, §1, is further amended to read:

7. Availability of qualification forms. The names of prospective jurors and the contents of juror qualification forms are confidential and may not be disclosed except as provided in this chapter. The names of prospective jurors and the contents of juror qualification forms may at the discretion of the court be made available to the attorneys and their agents and investigators and the pro se parties at the courthouse for use in the conduct of voir dire examination. The court may provide this information electronically on request.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect 30 days after approval.

Effective April 24, 2023.

**CHAPTER 36
S.P. 27 - L.D. 35**

**An Act to Establish Adult
Protective Services Training
Requirements for Professionals
Mandated to Report Suspected
Abuse, Neglect or Exploitation
to Enhance Protection of
Incapacitated and Dependent
Adults**

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

Sec. 1. 22 MRSA §3477, sub-§8 is enacted to read:

8. Training requirement. A person required to make a report under subsection 1, paragraph A shall complete at least once every 4 years mandated reporter training approved by the department.

See title page for effective date.

**CHAPTER 37
H.P. 65 - L.D. 97**

**An Act to Repeal the Hospital
and Health Care Provider
Cooperation Act**

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

Sec. 1. 22 MRSA c. 405-A, as amended, is repealed.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

**ATTORNEY GENERAL, DEPARTMENT OF
THE**

Administration - Attorney General 0310

Initiative: Deallocates funds for one Assistant Attorney General position due to the repeal of the Hospital and Health Care Provider Cooperation Act.

	2023-24	2024-25
OTHER SPECIAL REVENUE FUNDS		
POSITIONS -	(1,000)	(1,000)
LEGISLATIVE COUNT		
Personal Services	(\$175,120)	(\$183,875)
All Other	(\$8,692)	(\$8,692)
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$183,812)</u>	<u>(\$192,567)</u>
ATTORNEY GENERAL, DEPARTMENT OF THE DEPARTMENT TOTALS	2023-24	2024-25