

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

office of the attorney for the State who prosecuted the case or the clerk of the court, as ordered by the court.

See title page for effective date.

**CHAPTER 197
S.P. 442 - L.D. 1073**

An Act to Streamline Label Registrations for Malt Liquor, Wine, Hard Cider and Low-alcohol Spirits

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

Sec. 1. 28-A MRSA §6-A, sub-§2, as amended by PL 2021, c. 658, §42, is further amended to read:

2. Bureau registration required; exceptions. Malt liquor, wine, hard cider or a low-alcohol spirits product may not be sold in the State unless the container in which the malt liquor, wine, hard cider or low-alcohol spirits product is sold bears a label registered with the bureau. This subsection does not apply to:

A. Liquor sold by the manufacturer for on-premises consumption pursuant to section 1355-A, subsection 2, paragraph B or I; ~~or~~

B. Liquor sold by a Maine manufacturer in a keg to an on-premises retail licensee; ~~or~~

C. Malt liquor, wine, hard cider or a low-alcohol spirits product sold by the manufacturer bearing a label approved by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau. A manufacturer seeking an exception under this paragraph shall provide the bureau with notice of all products sold by that manufacturer in this State that meet the requirements of this paragraph.

Sec. 2. 28-A MRSA §6-A, sub-§3, as enacted by PL 2019, c. 46, §2, is amended to read:

3. Fees. The fees for registering a label with the bureau under subsection 2 are as follows.

A. The fee for the initial label registration or notice under subsection 2, paragraph C is \$10.

B. The fee for changing a label registration or notice under subsection 2, paragraph C is \$1.

C. The annual renewal fee is \$1 for each registered label or notice under subsection 2, paragraph C. Renewal of a label registration or notice under subsection 2, paragraph C must coincide with renewal of the relevant license or certificate of approval.

See title page for effective date.

**CHAPTER 198
S.P. 526 - L.D. 1289**

An Act to Facilitate Property Redevelopment and Encourage Affordable Housing by Allowing the Conveyance of Unfinished Commercial Condominium Units

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

Sec. 1. 33 MRSA §1602-101, as amended by PL 2009, c. 261, Pt. B, §16, is further amended to read:

§1602-101. Creation of condominium

(a) A condominium may be created pursuant to this Act only by recording a declaration executed in the same manner as a deed, by all persons whose interests in the real estate will be conveyed to unit owners and by every lessor of a lease the expiration or termination of which will terminate the condominium or reduce its size. In the creation of a condominium, the declaration ~~shall~~ must be recorded in the same manner as a deed and plats and plans ~~shall~~ must be recorded in the same manner as plats and plans generally. All such documents, ~~shall~~ must be indexed in the name of the condominium and the parties thereto and may be included in such other indices as ~~shall be~~ determined by the Register of Deeds.

(b) ~~No~~ Except as provided in subsection (c), interest in any unit may not be conveyed to a purchaser until the unit is substantially completed as evidenced by a certificate or statement of substantial completion executed by an engineer or architect, or until a certificate of occupancy is issued by the municipal building official; except that this limitation does not apply to contracts, options or reservations for sale of units later to be so completed or to mortgages or transfers of units as security for an obligation, deeds in lieu of foreclosure, foreclosures and foreclosure sales, conveyances to successor declarants or to any person in the business of selling real estate for that person's own account, or to financial institutions.

(c) A condominium unit described in this subsection may be conveyed to a purchaser or transferee, whether or not the unit is constructed and whether or not the unit is completed, in accordance with this subsection. A condominium unit:

(1) To be used for nonresidential purposes may be conveyed by a declarant in any stage of completion to a purchaser or transferee. The purchaser or transferee and the declarant shall enter into a written agreement establishing the rights and responsibilities for completion of the unit and the common elements. The agreement must indicate whether the purchaser or transferee is treated as a successor declarant of the uncompleted unit;

(2) That includes land on which improvements will be constructed and become part of the unit may be conveyed to a purchaser or transferee. The purchaser or transferee is responsible for completing the improvements, even if the improvements will include an individual dwelling unit; and

(3) That contains multiple dwelling units that are to be held and maintained as a single condominium unit containing multiple dwelling units may be conveyed by a declarant in any stage of completion to a purchaser or transferee. The purchaser or transferee and the declarant shall enter into a written agreement establishing the rights and responsibilities for completion of the unit and the common elements. The agreement must indicate whether the purchaser or transferee is treated as a successor declarant of the uncompleted unit.

See title page for effective date.

CHAPTER 199

H.P. 876 - L.D. 1362

An Act to Ensure the Rights of Survivors of Sexual Assault

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

Sec. 1. 15 MRSA c. 521 is enacted to read:

CHAPTER 521

RIGHTS OF SEXUAL ASSAULT SURVIVORS

§6201. Definitions

For the purposes of this chapter, the following terms have the following meanings.

1. Law enforcement officer. "Law enforcement officer" has the same meaning as in Title 25, section 2801-A, subsection 5.

2. Person responsible for the minor. "Person responsible for the minor" has the same meaning as "person responsible for the child" as defined in Title 22, section 4002, subsection 9.

3. Reported sexual assault. "Reported sexual assault" means, with respect to a sexual assault survivor who is an adult, a crime described in subsection 5, paragraph A or, with respect to a sexual assault survivor who is a child, a crime described in subsection 5, paragraph B.

4. Sexual assault counselor. "Sexual assault counselor" has the same meaning as in Title 16, section 53-A, subsection 1, paragraph B.

5. Sexual assault survivor. "Sexual assault survivor" or "survivor" means:

A. An adult who reports that the adult is a victim of a crime defined in:

- (1) Title 17-A, chapter 11;
- (2) Title 17-A, section 511-A; or
- (3) Title 17-A, section 852 or 853; or

B. A minor who is reported by the minor or by a person responsible for the minor to be a victim of a crime defined in:

- (1) Title 17-A, chapter 11;
- (2) Title 17-A, section 511-A;
- (3) Title 17-A, section 852 or 853; or
- (4) Title 17-A, section 282 or 283.

§6202. Right to a sexual assault counselor

A survivor has the right to consult with a sexual assault counselor during a sexual assault forensic examination and has the right to have a sexual assault counselor present during any interview by a law enforcement officer, prosecutor, defense attorney or professional investigator about the reported sexual assault. A survivor retains this right even if the survivor has waived the right in a previous examination or interview.

§6203. Prohibition on use of evidence gathered during sexual assault forensic examination

1. Use of evidence prohibited. Evidence gathered during a sexual assault forensic examination may not be used:

- A. To prosecute a survivor for any Class D or Class E crime under Title 17-A, chapter 45;
- B. To prosecute a survivor for any crime of criminal OUI under Title 29-A, section 2411;
- C. To prosecute a survivor for any crime of failure to appear, failure to report or violation of condition of release under sections 1091, 1091-A and 1092, respectively;
- D. As the basis of a motion to revoke any conditional release of the survivor under Title 17-A, chapter 67;
- E. To prosecute a survivor for any civil violation or crime under Title 28-A;
- F. To prosecute a survivor for engaging in prostitution under Title 17-A, section 853-A; or
- G. To prosecute a survivor for any juvenile crime based on a violation of the laws set forth in paragraphs A to F.

2. Use of evidence to justify search prohibited. Evidence gathered during a sexual assault forensic examination may not be used as a basis to search for evidence to be used against the survivor for any of the following:

- A. A Class D or Class E crime under Title 17-A, chapter 45;