

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

Augusta, Maine
2023

**CHAPTER 285
S.P. 813 - L.D. 1984**

**An Act to Allow Golf Courses
to Obtain a License to Conduct
Off-premises Catering**

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

Whereas, this legislation allows golf courses with a liquor license to obtain a license to conduct off-premises catering; and

Whereas, the summer season is approaching, which is the busiest time for golf courses to hold special events involving off-premises catering; 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Sec. 1. 28-A MRSA §1012, sub-§3, as repealed and replaced by PL 2021, c. 658, §157, is amended to read:

3. Off-premises catering license. A club licensed to sell spirits, wine and malt liquor or a licensed Class A restaurant, licensed Class A restaurant/lounge, licensed Class A lounge, licensed hotel, licensed bed and breakfast, licensed golf course, licensed auditorium, licensed civic auditorium or licensed performing arts center may obtain a license to conduct off-premises catering of the same type or types of liquor that the establishment may sell pursuant to the establishment's underlying club, Class A restaurant, Class A restaurant/lounge, Class A lounge, hotel, bed and breakfast, golf course, auditorium, civic auditorium or performing arts center license as provided in section 1052. The fee for an off-premises catering license is \$10 per calendar day of the event or gathering.

Sec. 2. 28-A MRSA §1052, sub-§1, as amended by PL 2021, c. 658, §167, is further amended to read:

1. Off-premises catering license for sale of liquor. A club licensed to sell spirits, wine and malt liquor or a licensed Class A restaurant, licensed Class A restaurant/lounge, licensed Class A lounge, licensed hotel, licensed bed and breakfast, licensed golf course, licensed auditorium, licensed civic auditorium or licensed performing arts center may apply for an additional license to conduct off-premises catering at planned events or gatherings to be held at locations other than the licensee's premises under this section.

Sec. 3. 28-A MRSA §1052, sub-§3-A, as enacted by PL 2021, c. 658, §167, is amended to read:

3-A. Type of liquor. An off-premises catering licensee may sell at an event described in subsection 3 only the type or types of liquor that the licensee is authorized to sell pursuant to the licensee's underlying club, Class A restaurant, Class A restaurant/lounge, Class A lounge, hotel, bed and breakfast, golf course, auditorium, civic auditorium or performing arts center license.

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

Effective June 23, 2023.

**CHAPTER 286
S.P. 146 - L.D. 325**

**An Act to Require
Transparency in Public Utility
Advertising Expenditures**

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

Sec. 1. 35-A MRSA §302, as enacted by PL 1987, c. 141, Pt. A, §6, is repealed and the following enacted in its place:

§302. Limitations on rates

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

A. "Affiliated interest" has the same meaning as in section 707, subsection 1, paragraph A.

B. "Consumer-owned transmission and distribution utility" has the same meaning as in section 3201, subsection 6.

C. "Consumer-owned water utility" has the same meaning as in section 6101, subsection 1-A.

D. "Grassroots lobbying" has the same meaning as in Title 3, section 312-A, subsection 7-B.

E. "Lobbying" has the same meaning as in Title 3, section 312-A, subsection 9.

F. "Public charity" has the same meaning as in Title 5, section 194, subsection 1.

G. "Trade association" means a group of for-profit corporations collaborating to fund joint advocacy.

2. Limitations on rates. The following expenses, whether paid directly or indirectly, through reimbursement or otherwise, incurred by a public utility or an affiliated interest may not be included or incorporated in operating expenses to be recovered in rates:

A. Contributions or gifts to political candidates, political parties, political or legislative committees or any committee or organization working to influence referendum petitions or elections;

B. Contributions to a trade association, chamber of commerce or public charity, including, but not limited to, a charity managed by the public utility or affiliated interest. This paragraph does not apply to a consumer-owned water utility;

C. Expenditures for lobbying or grassroots lobbying; and

D. Educational expenditures, as defined by the commission by rule under section 302-A, unless approved by the commission as serving a public interest. Educational expenditures include expenditures relating to information delivered to the public or to public utility customers by radio, television, the Internet, print and other media or through sponsorships, paid endorsements and public relations campaigns. This paragraph does not apply to a consumer-owned transmission and distribution utility or a consumer-owned water utility.

3. Political, charitable and educational expenses annual report. A public utility shall file a report annually with the commission containing a written, itemized description of any expenses that may not be included or incorporated in the public utility's operating expenses under subsection 2. The report must also include a written, itemized description of the expenses that may not be included or incorporated in the public utility's operating expenses under subsection 2 that are relevant to the business interests of the public utility paid by a membership organization, as defined by the commission by rule under section 302-A, of which the public utility is a member. For each expense, the report must include the date, the payee, the amount and a description of the purpose of the expense.

4. Major political activities quarterly report. In addition to the report required under subsection 3, if a public utility or an affiliated interest engages in major political activities, as defined by the commission by rule under section 302-A, the public utility shall file a quarterly report containing a written description of those major political activities and the expenditures associated with those activities. For each expenditure, the report must include the date, the payee, the amount and a description of the purpose of the expenditure.

5. Public inspection. The public utility shall make available for public inspection all materials filed with the commission in accordance with subsections 3 and 4. The commission shall make available the annual reports filed by public utilities in accordance with this section on its publicly accessible website with notice of the availability of the reports prominently displayed on the website.

Sec. 2. 35-A MRSA §302-A, as enacted by PL 2005, c. 204, §1, is amended to read:

§302-A. Rules governing political activities, promotional advertising, charitable contributions, educational expenditures and institutional advertising

~~Rules adopted by the~~ The commission shall adopt rules necessary to implement section 302, including, but not limited to, rules concerning promotional advertising; promotional allowances, including, but not limited to, the granting of promotional rebates or credits; advertising to promote corporate image or goodwill; contributions to public charities as defined in Title 5, section 194, subsection 1; educational expenditures; or political activities, including major political activities, by a public utility or an affiliated interest as defined in section 707, subsection 1, paragraph A. Rules adopted under this section are major substantive routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Rules on these matters in effect on the effective date of this section remain in effect and do not require legislative approval but any changes to such rules are subject to review and approval in accordance with Title 5, chapter 375, subchapter 2 A.

Sec. 3. Rulemaking. By November 1, 2023, the Public Utilities Commission shall initiate rulemaking to amend its rules under the Maine Revised Statutes, Title 35-A, section 302-A to implement the requirements of this Act. The commission's rules may not require public utilities to file more than one annual report related to advertising and political activities except as required under Title 35-A, section 302, subsection 4.

See title page for effective date.

CHAPTER 287

S.P. 365 - L.D. 868

**An Act to Extend the
Protections of the Maine Civil
Rights Act to Actions That
Cause Emotional Distress or
Fear of Violence**

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

Sec. 1. 5 MRSA §4681, sub-§1, as enacted by PL 2001, c. 50, §1, is amended to read:

1. Interference with rights; action by Attorney General. ~~Whenever any person, whether or not acting under color of law, intentionally interferes or attempts to intentionally interfere by physical force or violence against a person, damage or destruction of property or trespass on property or by the threat of physical force or violence against a person, damage or destruction of~~