

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

Sec. 3. 28-A MRSA §1205, sub-§2, ¶K, as amended by PL 2019, c. 79, §2, is repealed.

Sec. 4. 28-A MRSA §1205, sub-§2, ¶K-1 is enacted to read:

K-1. Wine served at a taste-testing event must be:

(1) Purchased by the retail licensee from a wholesale licensee;

(2) Purchased, at the retail price, by a licensed sales representative participating in the taste-testing event from existing stock available for purchase at the retail licensee's premises; or

(3) Provided by a licensed sales representative participating in the taste-testing event or by a manufacturer licensed under section 1355-A participating in the taste-testing event and purchased in the State at the retail price. A record of a transaction under this subparagraph must be maintained and made available to the bureau. After the taste-testing event is concluded, the licensed sales representative or manufacturer shall remove all products supplied for the taste-testing event from the licensee's premises;

Sec. 5. 28-A MRSA §1207, sub-§2, ¶K, as amended by PL 2019, c. 79, §3, is repealed.

Sec. 6. 28-A MRSA §1207, sub-§2, ¶K-1 is enacted to read:

K-1. Malt liquor served at a taste-testing event must be:

(1) Purchased by the retail licensee from a wholesale licensee;

(2) Purchased, at the retail price, by a licensed sales representative participating in the taste-testing event from existing stock available for purchase at the retail licensee's premises; or

(3) Provided by a licensed sales representative participating in the taste-testing event or by a manufacturer licensed under section 1355-A participating in the taste-testing event and purchased in the State at the retail price. A record of a transaction under this subparagraph must be maintained and made available to the bureau. After the taste-testing event is concluded, the licensed sales representative or manufacturer shall remove all products supplied for the taste-testing event from the licensee's premises.

Sec. 7. 28-A MRSA §1505, sub-§4, as repealed and replaced by PL 2015, c. 329, Pt. D, §3 and affected by §4, is amended to read:

4. Pour, provide or distribute. A sales representative participating in a tasting event pursuant to this section may not pour or distribute to consumers the

products being offered for tasting during the event unless the sales representative was listed on a request submitted to the bureau by a licensee to conduct a taste testing in accordance with section 460; section 1051, subsection 8; section 1205; or section 1207. A sales representative who pours or distributes products to consumers at a tasting event under section 460; section 1051, subsection 8; section 1205; or section 1207 must have successfully completed an alcohol server education course approved by the commissioner. A sales representative may purchase spirits or provide liquor for a consumer tasting event in compliance with section 460, section 1205 or section 1207 if the sales representative has successfully completed an alcohol server education course approved by the commissioner.

See title page for effective date.

CHAPTER 350

H.P. 799 - L.D. 1251

An Act to Clarify Immunity from Liability for Municipalities Engaged in Recycling Activities

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

Sec. 1. 14 MRSA §159-B, sub-§1, ¶B, as enacted by PL 1991, c. 487, §1, is amended to read:

B. "Recycling activities" means collection or separation or both of materials on the property of a municipality or in containers:

(1) Owned by a municipality or regional association as defined in Title 38, section 1303-C, subsection 24; and

(2) Located on the premises of the owner, lessee or occupant under an agreement between the municipality or regional association and the owner, lessee or occupant of the premises.

Sec. 2. 14 MRSA §159-B, sub-§4-A is enacted to read:

4-A. Municipal immunity. Except as provided in subsection 4, a municipality performing recycling activities in accordance with this subsection is performing a discretionary function pursuant to section 8104-B, subsection 3 and is immune from liability for personal injury, property damage or death, including of a member of the public, caused by recycling activities of the municipality on property owned by the municipality or on the premises of another person. A municipality is immune from liability under this subsection only if the municipality has adopted and regularly enforces a written policy establishing reasonable safety standards applicable to the premises where the municipality per-

forms recycling activities. A written policy adopted under this subsection must be developed by a credentialed industrial hygienist and must comply with United States Department of Labor, Occupational Safety and Health Administration requirements. As used in this subsection, "credentialed industrial hygienist" means an industrial hygienist certified by a national association of industrial hygiene professionals.

See title page for effective date.

**CHAPTER 351
S.P. 530 - L.D. 1312**

**An Act to Limit the Immunity
of Charitable Organizations**

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

Sec. 1. 14 MRSA §158, as enacted by PL 1965, c. 513, §28, is amended to read:

§158. Damages for tortious conduct of charitable corporations organizations

A charitable organization ~~shall be~~ is considered to have waived its immunity from liability for negligence or any other tort during the period a policy of insurance is effective covering the liability of the charitable organization for negligence or any other tort. Each policy issued to a charitable organization ~~shall~~ must contain a provision to the effect that the insurer ~~shall be~~ is estopped from asserting, as a defense to any claim covered by ~~said~~ the policy, that ~~such~~ the organization is immune from liability on the ground that it is a charitable organization. ~~The~~ Except as provided in section 158-C, subsection 2, the amount of damages in any such case ~~shall~~ may not exceed the limits of coverage specified in the policy, and the courts shall abate any verdict in any such action to the extent that it exceeds ~~such policy limit~~ the limits.

Sec. 2. 14 MRSA §158-C is enacted to read:

§158-C. Limitation on immunity of charitable organizations

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

A. "Charitable organization" has the same meaning as in section 158-B, subsection 3.

B. "Minor" means an individual who has not attained 18 years of age.

C. "Sexual assault or sexual exploitation of a minor" means any crime described in Title 17-A, chapters 11 or 12 against a minor.

2. Recoverable damages. Notwithstanding section 158, the amount of any insurance coverage specified in any policy issued to a charitable organization does not limit the amount of damages recoverable for any torts described in subsection 3.

3. Immunity not available for sexual assault or sexual exploitation of a minor. Notwithstanding any provision of law to the contrary, a charitable organization is not immune from liability for any tort alleging negligent hiring, supervision or retention of an employee, agent or servant that arises out of sexual assault or sexual exploitation of a minor.

4. Immunity not available for intentional torts. A charitable organization is not immune from liability for intentional torts.

Sec. 3. Application. Notwithstanding the Maine Revised Statutes, Title 1, section 302, this Act applies to any civil action or proceeding that is pending as of the effective date of this Act and applies retroactively to any tort described in Title 14, section 158-C that occurred prior to the effective date of this Act.

See title page for effective date.

**CHAPTER 352
H.P. 857 - L.D. 1343**

**An Act to Protect the
Reproductive Freedom of
Maine People by Preempting
the Field of Abortion
Regulation**

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

Sec. 1. 22 MRSA §1598, sub-§1-A is enacted to read:

1-A. Preemption. The State intends to occupy and preempt the entire field of legislation concerning the regulation of a person's decision to terminate a pregnancy and legislation concerning the provision of abortion. No political subdivision of the State, including, but not limited to, municipalities, counties, townships, plantations and village corporations, may adopt any order, ordinance, rule or regulation concerning the regulation of a person's decision to terminate a pregnancy or concerning the provision of abortion.

See title page for effective date.