

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTY-FIRST LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 3, 2024 to May 10, 2024**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 9, 2024**

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

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**Augusta, Maine**  
**2024**

health in order to enhance student understanding of attitudes toward and behavior relating to mental illness and to eliminate the stigma associated with mental illness. The secondary course of study must also include instruction on affirmative consent, communication and decision making regarding sexual activity and the effects of alcoholic drinks, stimulants ~~and~~, narcotics ~~and~~ other dangerous drugs such as fentanyl on the ability to give affirmative consent, communicate and make appropriate decisions. For purposes of this section, "affirmative consent" means consent to sexual activity that can be revoked at any time and does not include silence, lack of resistance or consent given while intoxicated.

A secondary school may supplement instruction on youth substance use and youth substance use disorder by observing a drug awareness week during the month of October each year with appropriate activities and programming.

See title page for effective date.

**CHAPTER 602  
S.P. 894 - L.D. 2101**

**An Act to Strengthen  
Shoreland Zoning Enforcement**

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

**Sec. 1. 12 MRSA §685-C, sub-§8-A** is enacted to read:

**8-A. Shoreland zoning violations; commission authority.** The commission may take the following actions when an owner or occupant of land within the commission's jurisdiction violates a standard, rule, permit or order adopted or issued by the commission pursuant to this chapter applicable to development in a shoreland zone, as long as the commission sends written notice to the last known address of the owner and occupant, if applicable, by certified mail, return receipt requested, demanding the owner or occupant remove, abate or otherwise correct the violation within 10 days and the violation is not removed, abated or otherwise corrected in that time period:

A. Deny the issuance of a permit to or suspend or revoke a permit of the owner or occupant for further development in the shoreland zone of the land on which the violation occurred until the violation is removed, abated or otherwise corrected and any penalties and court-awarded costs are paid; and

B. File a civil action against the owner or occupant to recover unpaid penalties, the cost to remove, abate or otherwise correct the violation, court costs and reasonable attorney's fees.

If the commission is the prevailing party in a civil action filed pursuant to this subsection, the commission may claim a lien against the land on which the violation occurred for all costs awarded by the court. The commission shall file a notice of a lien with the register of deeds in the county in which the land is located.

For the purposes of this subsection, "shoreland zone" means the shoreland area as described in Title 38, section 435 and "occupant" means a person occupying land with the owner's permission.

**Sec. 2. 30-A MRSA §4452, sub-§1-A** is enacted to read:

**1-A. Shoreland zoning violations; municipal authority.** A municipality may take the following actions when an owner or occupant of land in the municipality violates a shoreland zoning ordinance adopted pursuant to Title 38, chapter 3, subchapter 1, article 2-B, including an ordinance or standard established or imposed by the State, as long as the municipality sends written notice to the last known address of the owner and occupant, if applicable, by certified mail, return receipt requested, demanding the owner or occupant remove, abate or otherwise correct the violation within 10 days and the violation is not removed, abated or otherwise corrected in that time period:

A. Deny the issuance of a permit to or suspend or revoke a permit of the owner or occupant for further development of the land on which the violation occurred until the violation is removed, abated or otherwise corrected and any penalties and court-awarded costs are paid; and

B. File a civil action against the owner or occupant to recover unpaid penalties, the cost to remove, abate or otherwise correct the violation, court costs and reasonable attorney's fees.

If the municipality is the prevailing party in a civil action filed pursuant to this subsection, the municipality may claim a lien against the land on which the violation occurred for all costs awarded by the court. The municipal officers or the officers' designee shall file a notice of the lien with the register of deeds in the county in which the land is located.

For the purposes of this subsection, "occupant" means a person occupying land with the owner's permission.

This subsection does not limit the powers of a municipality provided in any other provision of law.

A suspension or revocation of a permit pursuant to paragraph A remains in effect during any appeal of the suspension or revocation to a municipal board of appeals.

**Sec. 3. 33 MRSA §173, sub-§5**, as amended by PL 2017, c. 181, §2, is further amended to read:

**5. Known defects.** Any known defects; ~~and~~

**Sec. 4. 33 MRSA §173, sub-§6, ¶B**, as enacted by PL 2017, c. 181, §3, is amended to read:

B. Any means other than a public way, in which case the seller shall disclose information about who is responsible for maintenance of the means of access, including any responsible road association, if known by the seller; and

**Sec. 5. 33 MRSA §173, sub-§7** is enacted to read:

**7. Notice of violation.** Detailed information on an actual or alleged violation of a shoreland zoning ordinance adopted pursuant to Title 38, chapter 3, subchapter 1, article 2-B, including those that were state-imposed, imposed on and applicable to the property.

See title page for effective date.

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**CHAPTER 603  
S.P. 895 - L.D. 2102**

**An Act to Support  
Municipalities by Repealing the  
Law Limiting the Municipal  
Property Tax Levy**

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

**Sec. 1. 30-A MRSA §5681, sub-§8**, as enacted by PL 2007, c. 662, §2, is amended to read:

**8. Posting of revenue sharing projections.** For the purpose of assisting municipalities in a timely manner in their budget development process ~~and in the determination of their property tax levy limits as required by section 5721-A~~, the Treasurer of State shall post no later than April 15th of each year on the Treasurer of State's website the projected revenue sharing distributions as required by this section according to the most recently issued state revenue forecasts issued by the Revenue Forecasting Committee pursuant to Title 5, chapter 151-B for the subsequent fiscal year beginning on July 1st.

**Sec. 2. 30-A MRSA §5721-A**, as amended by PL 2015, c. 267, Pt. L, §§13 to 16, is repealed.

**Sec. 3. 30-A MRSA §7102, 2nd ¶**, as enacted by PL 2005, c. 2, Pt. C, §2 and affected by §§3 and 5 and c. 12, Pt. WW, §16, is repealed.

**Sec. 4. 36 MRSA §1611, sub-§2, ¶B**, as enacted by PL 2005, c. 624, §1, is repealed.

See title page for effective date.

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**CHAPTER 604  
H.P. 1372 - L.D. 2148**

**An Act to Expand Direct  
Shipment Reporting and to  
Allow for the Use of Fulfillment  
Providers for the Direct  
Shipment of Wine**

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

**Sec. 1. 28-A MRSA §1403-A, sub-§1, ¶C** is enacted to read:

C. "Common carrier" means a company that transports goods upon reasonable request, on regular routes and at set rates.

**Sec. 2. 28-A MRSA §1403-A, sub-§1, ¶D** is enacted to read:

D. "Fulfillment provider" means a bonded logistics agent of a direct shipper that provides fulfillment services, including warehousing, packaging, distributing and order processing for the shipment of wine to a consumer and arranges for transport of wine to a consumer by a common carrier and that has obtained a fulfillment provider registration under subsection 5-A.

**Sec. 3. 28-A MRSA §1403-A, sub-§4**, as enacted by PL 2009, c. 373, §1, is amended to read:

**4. Direct shipment requirements.** A direct shipper or a direct shipper's fulfillment provider may only ship wine that was produced by or for the direct shipper, owned by the direct shipper or sold under the winery name of the direct shipper in accordance with the direct shipper's federal basic wine manufacturing permit to a recipient who is at least 21 years of age and that is intended for personal use and not for resale. A direct shipper or a direct shipper's fulfillment provider may not ship wine products commonly known as "wine coolers." A direct shipper or a direct shipper's fulfillment provider shall label each package to be shipped in accordance with this section so that it conspicuously reads "CONTAINS ALCOHOL: SIGNATURE OF A PERSON 21 YEARS OF AGE OR OLDER IS REQUIRED FOR DELIVERY."

**Sec. 4. 28-A MRSA §1403-A, sub-§5**, as enacted by PL 2009, c. 373, §1, is amended to read:

**5. Common carrier.** Shipments made in accordance with this chapter must be made by a common carrier and must be accompanied by a shipping label that clearly indicates the name of the direct shipper and the name and residence address of the recipient. The common carrier shall obtain the signature of a person 21 years of age or older at the address listed on the shipping label prior to delivery of the shipment. The common carrier shall request photographic