

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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

J.S. McCarthy Company
Augusta, Maine
2000

5. Gear. Except as prohibited by section 6575-B, subsection 2-A 2-B, a person issued a license under this section may utilize one elver fyke net, one Sheldon eel trap or one dip net to fish for or take elvers without paying the fee required for a first net or trap pursuant to section 6505-B. A license issued under this section must identify the number and types of nets that the license holder may use pursuant to this section and section 6505-B.

Sec. 4. 12 MRSA §6575-B, sub-§2-A, as enacted by PL 1999, c. 7, §10, is repealed.

Sec. 5. 12 MRSA §6575-B, sub-§2-B is enacted to read:

2-B. Type and amount of gear. It is unlawful for a person to immerse elver fishing gear other than the types and amounts authorized pursuant to this subsection. In determining the number of traps or nets that may be immersed, the following limits apply.

A. A person who is issued an elver fishing license pursuant to section 6505-A, subsection 2, paragraph C may not immerse elver fishing gear other than the types and amounts of gear the person was authorized to immerse during the previous elver fishing season, except that a person may surrender the authority to use an elver fyke net in order to use an elver dip net.

B. In the 2000 elver fishing season, a person who is issued an elver fishing license pursuant to section 6505-A, subsection 2, paragraph D may not immerse at any one time a total of more than 2 elver dip nets, elver fyke nets and Sheldon eel traps. In determining the number of traps or nets that may be immersed, the following formula must be used, except that if the number arrived at using the formula is greater than 2 nets or traps, the maximum number of traps and nets that may be immersed is 2. A person may not immerse:

(1) A number of elver dip nets that is greater than the average number, rounded down, of elver dip nets that person was authorized to use during any of the elver fishing seasons in 1996, 1997 and 1998 for which that person held a license;

(2) A number of elver fyke nets that is greater than the average number, rounded down, of elver fyke nets that person was authorized to use during any of the elver fishing seasons in 1996, 1997 and 1998 for which that person held a license; and

(3) A number of Sheldon eel traps that is greater than the average number, rounded down, of traps that person was authorized to use during any of the elver fishing sea-

sons in 1996, 1997 and 1998 for which that person held a license.

C. Beginning with the 2001 elver fishing season and in subsequent years, a person who is issued an elver fishing license pursuant to section 6505-A, subsection 2, paragraph D may not immerse more than one elver dip, elver fyke net or Sheldon eel trap.

Sec. 6. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

1999-00 2000-01

**MARINE
RESOURCES,
DEPARTMENT OF**

**Bureau of Resource
Management**

All Other	\$8,600	\$8,600
Allocates additional funds for the Eel and Elver Management Fund.		

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

Effective February 23, 2000.

CHAPTER 535

H.P. 1701 - L.D. 2407

**An Act to Amend the Laws
Regulating Farm Wineries**

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

Whereas, the changes proposed by this Act need to take effect before the expiration of the 90-day period to enable a farm winery in this State to commence business; 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 §2, sub-§11-B is enacted to read:

11-B. Fortified wine. "Fortified wine" means:

A. Any liquor containing more than 15.5% alcohol by volume that is produced by the fermentation of fruit or other agricultural products containing sugar; and

B. Wine to which spirits have been added as long as the resulting liquor does not exceed 24% alcohol by volume.

Sec. 2. 28-A MRSA §2, sub-§31, as amended by PL 1993, c. 462, §3, is further amended to read:

31. Spirits. "Spirits" means any liquor produced by distillation or, if produced by any other process, strengthened or fortified by the addition of distilled spirits of any kind, ~~including low alcohol spirits products.~~ "Spirits" does not include low-alcohol spirits products or fortified wine.

Sec. 3. 28-A MRSA §81, sub-§§1 and 2, as enacted by PL 1997, c. 373, §28, are amended to read:

1. Oversight of Bureau of Alcoholic Beverages and Lottery Operations. The commission shall monitor the operation of the alcohol bureau in its administration of the laws relating to the sale of spirits and fortified wine.

2. Advice. The commission shall advise the director of the alcohol bureau regarding the administration of the functions of the alcohol bureau. The commission may advise the Governor and the Legislature regarding issues relating to the operation of the alcohol bureau and the administration of the laws relating to the sale of spirits and fortified wine.

Sec. 4. 28-A MRSA §83, sub-§§1 to 4, as enacted by PL 1997, c. 373, §28, are amended to read:

1. Bureau of Alcoholic Beverages and Lottery Operations; rules. The alcohol bureau shall manage the sale, distribution and merchandising of spirits and fortified wine through state liquor stores, agency liquor stores and licensees. The alcohol bureau may establish rules and procedures for the administration of the state liquor laws under its jurisdiction. The rules adopted under this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A. The day-to-day activities of the alcohol bureau are under the supervision of the Commissioner of Administrative and Financial Services and the director of the alcohol bureau.

2. Purchase. The alcohol bureau may buy and have in its possession spirits and fortified wine for sale

to the public. The alcohol bureau shall buy spirits directly and not through the State Purchasing Agent. All spirits and fortified wine must be free from adulteration and misbranding.

3. Sell at retail. The alcohol bureau may sell at retail in state liquor stores in original packages, either over the counter or by shipment to points within the State, spirits of all kinds and fortified wine for consumption off the premises of state liquor stores operated under the direction of the alcohol bureau.

4. Enter into contracts. Subject to any applicable laws relating to public contracts, the alcohol bureau may enter into contracts or agreements and establish contract performance standards for the wholesale purchase of ~~alcoholic beverages~~ spirits and fortified wine.

Sec. 5. 28-A MRSA §84, sub-§1, as enacted by PL 1997, c. 373, §28, is amended to read:

1. Manage sale of alcoholic beverages. Manage the sale of ~~alcoholic beverages~~ spirits and fortified wine through state liquor stores, agency liquor stores and licensees in accordance with applicable laws and rules that provide for the operation of wholesale distribution of spirits and fortified wine;

Sec. 6. 28-A MRSA §1355, sub-§3, ¶A-1 is enacted to read:

A-1. A holder of a farm winery license may fortify wine produced by the farm winery license holder and import spirits solely for this purpose. If the farm winery license holder produces fortified wine pursuant to this paragraph, the combined total of wine, sparkling wine and fortified wine produced at the farm winery may not exceed 50,000 gallons per year. For purposes of this paragraph, "fortified wine" means wine to which spirits have been added as long as the resulting liquor does not exceed 24% alcohol by volume.

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

Effective February 23, 2000.

CHAPTER 536

S.P. 154 - L.D. 474

**An Act Relating to the Crime of
Murder and to the Murder of
Children**