

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

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
2002

sioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal within 120 days of the filing of the application.

See title page for effective date.

CHAPTER 501

S.P. 706 - L.D. 1908

An Act to Prohibit the Consumption of Liquor by Minors on a Brewery Premises

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

Sec. 1. 28-A MRSA §1355, sub-§1-A, ¶B, as repealed and replaced by PL 1987, c. 623, §15, is amended to read:

B. The holder of a brewery license may permit sampling of the malt liquor product on the premises:

- (1) By employees for the purpose of quality control of the product;
- (2) By wholesalers for the purpose of determining whether to carry the brewery's product as a wholesale product, provided that the holder of the brewery license pays the excise tax on the product sampled according to section 1652; and
- (3) By the public in conjunction with a tour of the brewery's facilities, provided that:
 - (a) The holder of the brewery license pays the excise tax on the product sampled according to section 1652; and
 - (b) Minors are not permitted to consume ~~any product with an alcohol content greater than 1/2 of 1% or possess any liquor or imitation liquor as defined in section 2.~~

Sec. 2. 28-A MRSA §1355, sub-§2, ¶A-1, as amended by PL 1993, c. 730, §46, is further amended to read:

A-1. A holder of a small brewery license may permit sampling of the malt liquor product on the premises for the following purposes.

- (1) Employees may sample the product for the purpose of quality control of the product.
- (2) Wholesalers and retailers may sample the product for the purpose of determining whether to carry the product as a wholesale or retail product, provided that the holder of the small brewery license pays the excise tax on the product sampled according to section 1652.
- (3) The public may sample the product in conjunction with a tour of the brewery's facilities, provided that:

- (a) The holder of the small brewery license pays the excise tax on the product according to section 1652; and
- (b) Minors are not permitted to consume ~~any product with an alcohol content greater than 1/2 of 1% or possess any liquor or imitation liquor as defined in section 2.~~

See title page for effective date.

CHAPTER 502

S.P. 717 - L.D. 1919

An Act to Allow Approval of Internet-based Alcohol Server Education Courses

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

Sec. 1. 28-A MRSA §2519, sub-§1, as amended by PL 1997, c. 373, §166, is further amended to read:

1. Approval of alcohol server education courses. The commissioner ~~or the commissioner's designee~~ shall approve alcohol server education courses for a period of 2 years that meet the criteria developed under this section. The commissioner may renew approval provided the course meets the criteria applicable at the time of renewal.

Course providers may request renewal by submitting current course material at least 60 days prior to the date of expiration.

Sec. 2. 28-A MRSA §2519, sub-§3, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

3. Advisory committee; course criteria. The advisory committee shall determine specific criteria ~~which that~~ an alcohol server education course must contain to receive approval. The specific criteria ~~shall~~ must be based on and include the following.

A. The instructors of the program or the advisor pursuant to subsection 9 possess the relevant skills to provide instruction.

B. The course provides instruction and the development of skills in the following subject matters:

- (1) Identification of intoxicated individuals and minors;
- (2) Intervention to prevent excessive consumption of alcohol by such methods as serving food and encouraging the consumption of nonalcoholic beverages;
- (3) Making consumers aware of their condition and their responsibility for driving in an intoxicated condition and providing alternate transportation when available;
- (4) Knowledge of state laws relating to the sale and distribution of alcohol and the legal responsibilities of servers and consumers;
- (5) Knowledge of the effect of alcohol by volume and timing of intake in relation to an individual's weight;
- (6) Examination of proof of age identification and methods of detecting false or altered age identification documents;
- (7) Policies and practices to prevent the sale or service of alcohol to minors and visibly intoxicated individuals; and
- (8) The effects of alcohol on the human body, including the disease concept of alcoholism.

C. Participants are evaluated before taking the course and after completion of the course.

D. Participants who successfully complete the course and the final evaluation are awarded certificates recognizing that they have successfully completed an approved alcohol server education course.

Sec. 3. 28-A MRSA §2519, sub-§6-A, as enacted by PL 1999, c. 519, §7, is amended to read:

6-A. Instructor qualifications. In order to qualify for an alcohol server instructor's certificate, an instructor shall:

- A. Attend a seminar biennially as provided in subsection 6;
- B. Apply for a certificate for each approved course to be instructed; and
- C. Provide a letter from the administrator of the course approved by the advisory committee to train instructors acknowledging that the instructor is in good standing with the approved course; ~~and.~~

In addition to the requirements of paragraphs A to C, an instructor seeking recertification shall conduct a minimum of 4 courses during the previous certification term for the course for which the instructor is seeking recertification.

Sec. 4. 28-A MRSA §2519, sub-§6-B, as enacted by PL 1999, c. 519, §7, is amended to read:

6-B. Suspension of certificate. The commissioner or the commissioner's designee may suspend or revoke an alcohol server instructor's or advisor's certificate upon the recommendation of the advisory committee. The following are grounds for an action to suspend or revoke a certificate:

- A. Repeated instances of failure to provide timely, accurate or legible information required by subsection 7;
- B. Repeated instances of failure to follow the course outline or cover the course criteria that were used to gain approval; or
- C. Receipt of a request to suspend or revoke a certificate from the administrator of the course approved by the advisory committee to train instructors.

Sec. 5. 28-A MRSA §2519, sub-§§6-C and 6-D are enacted to read:

6-C. Advisor training. Each advisor, pursuant to subsection 9, must be certified under subsection 6-D prior to providing advisory assistance in an approved Internet-based alcohol server education course and shall biennially attend a seminar on the liquor laws of the State provided by an officer of the bureau. The fee for the seminar is the same as in subsection 6.

6-D. Advisor qualifications. In order to qualify for an alcohol server advisor's certificate an advisor shall:

- A. Attend a seminar biennially as provided in subsection 6;

B. Apply for a certificate for each approved course that the advisor offers services for; and

C. Provide a letter from the administrator of the course approved by the advisory committee to train advisors acknowledging that the advisor is in good standing with the approved course.

Sec. 6. 28-A MRSA §2519, sub-§8, as amended by PL 1997, c. 373, §169 and PL 1999, c. 547, Pt. B, §78 and affected by §80, is further amended to read:

8. Alcohol server education courses; approval; suspension; revocation. The commissioner or the commissioner's designee may refuse to issue or renew approval for an alcohol server education course. The commissioner or the commissioner's designee may suspend or revoke approval for an alcohol server education course upon the recommendation of the advisory committee after reviewing the report of the monitor. The following are grounds for an action to refuse to issue or renew approval or to suspend or revoke approval.

A. The advisory committee finds that an alcohol server education course does not meet the criteria listed in subsection 3 or specific criteria determined by the committee.

B. The course, when presented, does not follow specific criteria determined by the advisory committee before issuance of approval.

C. The instructor of the course does not provide information or access to the monitor as required by subsection 7.

D. Fraud or deceit is used to obtain course approval or in providing the course or issuing certificates.

A person aggrieved by a decision of the commissioner or the commissioner's designee to refuse to issue or renew approval or to suspend or revoke approval for an alcohol server education course may, within 30 days of receipt of that decision, appeal the decision to the District Court.

Sec. 7. 28-A MRSA §2519, sub-§9 is enacted to read:

9. Approval of Internet-based alcohol server education courses. The commissioner or the commissioner's designee may approve an Internet-based alcohol server education course if the course meets the criteria developed under this section. An approved Internet-based alcohol server education course must have an advisor, certified under subsection 6-D, available to answer questions for persons

using the Internet-based alcohol server education course.

See title page for effective date.

CHAPTER 503

H.P. 1508 - L.D. 2011

An Act to Restructure the Advisory Council on Tax-deferred Arrangements

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

Sec. 1. 5 MRSA §884, first ¶, as amended by PL 1997, c. 204, §5, is further amended to read:

The Advisory Council on Tax-deferred Arrangements, established by section 12004-I, subsection 25, shall meet at least once a year, review the operations of the arrangements program and advise the Department of Administrative and Financial Services on matters of policy relating to the activities under the arrangements program. Members of the advisory council are entitled to compensation as provided in chapter 379. All appointed or elected members serve at the pleasure of their appointing or electing authorities. The advisory council consists of ~~6~~ 10 members as follows.

Sec. 2. 5 MRSA §884, sub-§3, as enacted by PL 1991, c. 108, is amended to read:

3. Employee representatives. The employee representatives of the advisory council are ~~3~~ 7 classified state employees appointed by the Governor as follows:

A. ~~One employee~~ Five employees recommended to the Governor by the Maine State Employees Association, one from each bargaining unit;

B. One employee recommended to the Governor by the American Federation of State and Municipal Employees; and

C. One employee recommended to the Governor by the Maine State Troopers Association.

Employee representatives are appointed for terms of 3 years, except that of the first appointments, one must be for one year, one for 2 years and one for 3 years.

See title page for effective date.
