

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2012 to July 10, 2013

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 9, 2013

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

Augusta, Maine
2013

censed in accordance with section 1355-A, subsection 6 is not considered to be subject to the control of the host brewer, as described in that subsection, or considered to have been transferred or assigned the license or interest in the license of the host brewer.

Sec. 3. 28-A MRSA §1052-B, sub-§1, as amended by PL 2011, c. 629, §17, is further amended to read:

1. Special taste-testing festival license. Malt liquor manufacturers licensed under section 1401 and manufacturers of malt liquor or wine licensed as small breweries, tenant breweries or small wineries under section 1355-A may apply jointly for an additional license to participate in a special taste-testing festival under this section. The special taste-testing festival license is valid for no more than 3 consecutive days and may be issued once annually.

Sec. 4. 28-A MRSA §1355-A, sub-§6 is enacted to read:

6. Tenant brewer. Except as otherwise provided, the following provisions apply to a tenant brewer license under which the holder of a tenant brewer license may produce malt liquor at the manufacturing facility of another brewer, referred to in this subsection as "the host brewer," licensed by the bureau under subsection 3.

A. To be eligible for a tenant brewer license, a person must submit an application to the bureau in a manner prescribed by the bureau and hold a brewer's notice approved by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, that authorizes a tenant brewer to use the facilities and equipment of a host brewer.

B. A tenant brewer is subject to the same requirements regarding production of malt liquor as if the tenant brewer conducted its manufacturing on its own premises independently.

C. A tenant brewer is not eligible for privileges provided in subsection 2 except for sampling described by paragraph A, subparagraphs (1) and (2).

D. A tenant brewer is governed by the provisions of subsection 3 except for the privileges granted under paragraph C.

E. A tenant brewer may not brew or produce malt liquor for another brewer or certificate of approval holder.

F. A tenant brewer shall ensure that the tenant brewer maintains control of the raw ingredients used to manufacture the tenant brewer's product.

G. Only one tenant brewer license may be issued per host brewer licensed under subsection 3.

H. The bureau may require a tenant brewer to maintain a record or log indicating which equipment is being used at any time by the tenant brewer in the production of malt liquor and which employees are working on production of the tenant brewer's product.

I. The bureau shall require that reports from a tenant brewer be submitted in a manner similar to the manner in which a brewer licensed under subsection 3 submits reports. The bureau shall also require a tenant brewer to submit copies of reports required of holders of an approved brewer's notice issued by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau authorizing the tenant brewer to engage in an alternating proprietorship.

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

Effective June 24, 2013.

CHAPTER 346

S.P. 595 - L.D. 1553

An Act To Maintain Competition among Electricity Suppliers Serving Northern Maine

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

Sec. 1. 35-A MRSA §3205, sub-§2, ¶B, as enacted by PL 1997, c. 316, §3, is amended to read:

B. Within the service territory of the distribution utility with which it is affiliated, except that:

(1) The affiliated competitive provider may not sell or contract to sell more than 33% of the total kilowatt hours sold within the service territory of the distribution utility, as determined by the commission by rule; and

(2) In accordance with section 3212, the affiliated competitive provider may not at any one time provide or bid to provide standard-offer service for more than 20% of electric load within the territory of the transmission and distribution utility with which it is affiliated.

The marketing limitations in this paragraph do not apply to competitive electricity service or standard-offer service in the service territory or any portion of the service territory of a distribution utility that is located in an area administered by the independent system administrator for northern Maine or any successor of the independ-

ent system administrator for northern Maine unless the commission finds that the level of competitive electricity service and standard-offer service competition in the area administered by the independent system administrator for northern Maine or any successor of the independent system administrator for northern Maine is substantially similar to the level of competitive electricity service and standard-offer service competition in the area of the State that is within the New England independent system operator control area. All kilowatt hours sales and electric load in any portion of a distribution utility's service territory that is located in an area administered by the independent system administrator for northern Maine or any successor of the independent system administrator for northern Maine must be excluded from the calculation under this paragraph for those portions of the distribution utility's service territory that is not located in an area administered by the independent system administrator for northern Maine or any successor of the independent system administrator for northern Maine.

See title page for effective date.

CHAPTER 347

S.P. 597 - L.D. 1560

An Act To Allow Further Review of the Report Defining Cost Responsibility for Deaf and Hard-of-hearing Students Receiving Services from the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf

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

Sec. 1. PL 2011, c. 683, §11 is amended by amending the last paragraph to read:

The joint standing committee of the Legislature having jurisdiction over education and cultural affairs may submit a bill related to the report presented pursuant to this section to the ~~First~~ Second Regular Session of the 126th Legislature.

See title page for effective date.

CHAPTER 348
S.P. 445 - L.D. 1283

An Act To Amend the Laws Governing Animal Trespass

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

Sec. 1. 7 MRSA §4041, sub-§4, as amended by PL 2011, c. 18, §1, is repealed and the following enacted in its place:

4. Fines. A person who violates this section is subject to the following fines.

A. A person who violates this section commits a civil violation for which a fine of not less than \$50 nor more than \$500 must be adjudged.

B. A person who violates this section after having been adjudicated as having committed a violation of this section commits a civil violation for which a fine of \$1,000 must be adjudged.

C. A person who violates this section after having been adjudicated as having committed 2 or more violations of this section commits a civil violation for which a fine of \$2,500 must be adjudged.

Sec. 2. 7 MRSA §4041, sub-§§4-A and 4-B are enacted to read:

4-A. Restitution; court costs and fees. In addition to fines, the court may as part of the sentencing include an order of restitution for costs incurred in removing and controlling the animal. When appropriate, the court may order restitution to the property owner based on damage done and financial loss. Any restitution ordered and paid must be deducted from the amount of any judgment awarded in a civil action brought by the property owner against the owner or keeper of the animal based on the same facts. When an owner or keeper violates this section 3 or more times within a 90-day period, the court shall order restitution of all costs incurred by the department in responding to a violation of this section or assisting an animal control officer or law enforcement officer responding to a violation of this section. Upon application of the department, municipality or law enforcement agency enforcing this section, the owner or keeper of the animal must also pay reasonable court costs and attorney's fees of the department, municipality or law enforcement agency if the department, municipality or law enforcement agency is the prevailing party in any court proceeding.

4-B. Forfeiture. If the department, a municipality or a law enforcement agency determines that a repeated violation of this section by an owner or keeper of an animal jeopardizes the public health, welfare or