

MAINE STATE LEGISLATURE

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STATE OF MAINE
127TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON VETERANS AND LEGAL
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May 2016

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STATE OF MAINE

127TH LEGISLATURE

SECOND REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the Second Regular Session of the 127th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER..... carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or PASSAGE..... emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT..... legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY..... ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 127th Legislature is July 29, 2016. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Veterans and Legal Affairs

manufacture malt liquor or wine.

Enacted Law Summary

Public Law 2015, chapter 386 authorizes any person licensed as a manufacturer of malt liquor or wine by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to give a retail licensee samples of malt liquor and wine.

LD 1462 An Act Regarding the Sale of Alcohol by a Manufacturer with an On-premises Retail License

Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO T	ONTP OTP-AM	S-355

Current law allows a manufacturer of spirits, wine or malt liquor that obtains a retail license to sell the manufacturer's products as well as other liquor on the premises of that manufacturer.

This bill allows a manufacturer with a retail license to also sell its products for consumption off the premises of that manufacturer without the licensed premises being physically separated for on-premises and off-premises sales and without physically separating the inventory, as long as adequate records are maintained. This bill also allows breweries, small breweries, wineries, small wineries, distilleries or small distilleries under common ownership to transfer products from one premises to another and sell or serve those transferred products.

Committee Amendment "A" (S-355)

This amendment replaces the bill. This amendment clarifies existing law that permits a person that is licensed to manufacture malt liquor, wine or spirits at a facility in the State to sell the product that person produces from the manufacturing facility for off-premises consumption without having to get a separate off-premises retail license.

The amendment specifies that the location of the manufacturing facility where off-premises sales of the manufacturer's product occur is not required to be accessed by a separate entrance from the area of the facility that is licensed to serve alcoholic beverages for on-premises consumption.

The amendment clarifies that distilleries and small distilleries are subject to the existing law that requires spirits sold at retail to first be listed for sale and distributed by the State.

Finally, the amendment adds a provision reflecting federal law that permits a manufacturer who manufactures at multiple licensed locations to transport the manufacturer's own product between those locations.

LD 1466 An Act Regarding Sales Representatives Employed by Licensed Wholesalers

PUBLIC 387

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK J LUCHINI L		S-357

This bill exempts from licensing by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations a sales representative who is employed by a distributor and who does not participate in product sampling or tasting events with the public.

Committee Amendment "A" (S-357)

Joint Standing Committee on Veterans and Legal Affairs

This amendment replaces the bill and changes the title. The amendment provides a definition of "sales representative" as it applies to licensed wholesalers. It clarifies that the provision in current law that requires liquor sales representatives to be licensed by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations applies to sales representatives employed by licensed wholesalers.

Enacted Law Summary

Public Law 2015, chapter 387 provides a definition of "sales representative" as it applies to licensed wholesalers. And clarifies a provision in current law that requires liquor sales representatives employed by wholesalers to be licensed by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations.

LD 1467 An Act Regarding Maine Spirits

**PUBLIC 430
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS R KINNEY J	OTP-AM	S-394

Under current law, on-premises retailers are required to report their liquor purchases from reselling agents to the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations. This bill instead requires reselling agents to report sales of spirits to on-premises retail licensees. This bill further provides that sales of spirits to on-premises retail licensees reported to the bureau from reselling agents are not confidential except for the names of the reselling agents.

Committee Amendment "A" (S-394)

This amendment replaces the bill. As in the bill, the amendment establishes a requirement that reselling agents report sales of spirits made to establishments licensed to sell spirits for on-premises consumption. Under the amendment, spirits sales data is required to be reported monthly beginning October 15, 2016. The amendment repeals the requirement in current law that on-premises licensees report retail spirits sales data to the bureau. It amends the section of law that governs the responsibilities of the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services to include a requirement that the director implement a spirits sales reporting system. The reporting system is facilitated by a trade association representing states that control the sale and distribution of spirits.

The amendment directs the bureau to adopt rules to help mitigate the costs incurred by those reselling agents licensed and selling spirits to on-premises licensees as of July 1, 2016.

Enacted Law Summary

Public Law 2015, chapter 430 establishes a requirement that reselling agents report sales of spirits made to establishments licensed to sell spirits for on-premises consumption. It amends the section of law that governs the responsibilities of the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services to include a requirement that the director implement a spirits sales reporting system. The reporting system is facilitated by a trade association representing states that control the sale and distribution of spirits. The spirits sales data is required to be reported monthly beginning October 15, 2016.

Chapter 430 repeals the requirement in current law that on-premises licensees report retail spirits sales data to the bureau.

This law also requires the bureau to adopt rules to help mitigate the costs incurred by those reselling agents licensed and selling spirits to on-premises licensees as of July 1, 2016.