

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON VETERANS AND LEGAL
AFFAIRS**

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STATE OF MAINE

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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 First Regular Session of the 128th 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 FINAL 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 128th Legislature is Wednesday, November 1, 2017. 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

6. Removes language providing an exception for businesses with more than five locations in the State that are sold to a company that has sold malt liquor or wine in another state;
7. Eliminates the fee for an application for a relocation of an agency liquor store within the same municipality;
8. Repeals the requirement that the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations hold a public hearing on the relocation application. It requires the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to establish a process by which an existing agency liquor store in the same municipality as another agency liquor store applying to relocate may submit support of or objections to the bureau regarding the relocation. The only approval needed is from the municipality on the relocation request by the agency liquor store;
9. Adds railroads to the list of public service corporation licensees in order to align with the definition of "public service corporation";
10. Clarifies that identification issued by a federally recognized Indian tribe in the State is an acceptable form of identification for the purposes of purchasing liquor;
11. Amends the provision of law requiring that any malt liquor served from a faucet, spigot or dispensing apparatus must be identified by trade name to include all types of liquor;
12. Reduces the number of gallons that constitute a keg;
13. Establishes that mobile service bars used on golf courses and disc golf courses may serve all types of liquor; and
14. Corrects provisions of law to refer to the director of the bureau instead of the Commissioner of Administrative and Financial Services. These changes were inadvertently left out of Public Law 2013, chapter 368, Part V and Public Law 2013, chapter 476, Part A. Chapter 167 also provides that the director or the director's designee may approve an alcohol server education course that meets specific criteria.

LD 1536

An Act To Allow Maine Manufacturers To Sell Spirits at Farmers' Markets and To Allow Taste Testings at Farmers' Markets

PUBLIC 168

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HICKMAN C	OTP-AM	H-364

This bill allows the sale of wine, spirits and malt liquor manufactured in Maine for off-premises consumption at taste-testing events and the sale of spirits manufactured in Maine at farmers' markets. Under current law, the sale of wine and malt liquor at farmers' markets is allowed. The bill also allows taste testings to be conducted at farmers' markets.

Committee Amendment "A" (H-364)

This amendment strikes the provisions in the bill that permit a manufacturer who takes part in a taste-testing event to also sell the manufacturer's products at that event for off-premises consumption. The bill eliminates the requirement that a manufacturer provide advance notice to the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations that the manufacturer is selling its product at a farmers' market. The amendment maintains that requirement and requires that notice of a taste-testing event also be provided to the bureau. The amendment clarifies that spirits sold by a small distillery at a farmers' market may be sold in the same manner as permitted under current law when a small distillery sells spirits from its manufacturing facility for off-premises consumption. The amendment maintains the authorization in the bill that manufacturers of

Joint Standing Committee on Veterans and Legal Affairs

liquor may conduct a taste testing at farmers' markets. The amendment specifies that the manufacturer must comply with the bylaws of the farmers' market in order to conduct a taste testing and that a farmers' market is limited to two taste-testing events per month at which a manufacturer may offer the manufacturer's product for taste testing.

Enacted Law Summary

Public Law 2017, chapter 168 permits the sale of spirits at farmers' markets. Under current law, the sale of wine and malt liquor at farmers' markets is allowed. It also allows taste testings of beer, wine and spirits to be conducted at farmers' markets. Chapter 168 specifies that a manufacturer must comply with the bylaws of the farmers' market in order to conduct a taste testing and that a farmers' market is limited to two taste-testing events per month at which a manufacturer may offer the manufacturer's product for taste testing.

Finally, the law clarifies that spirits sold by a small distillery at a farmers' market may be sold in the same manner as permitted under current law when a small distillery sells spirits from its manufacturing facility for off-premises consumption.

LD 1543 An Act To Simplify the Licensing Process for Off-site Catering

PUBLIC 260

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU M HERBIG E	OTP-AM OTP-AM	S-234

Current law requires that a Class A restaurant, Class A lounge, Class A restaurant/lounge, club licensed to sell liquor, hotel or bed and breakfast that wishes to acquire an off-premises catering license from the State also receive approval from the municipality in which the event is to occur, and a municipality may set its own fee for granting a permit. This bill eliminates the requirement that an applicant for an off-premises catering license from the State receive approval from the municipality.

Committee Amendment "A" (S-234)

This amendment, which is the majority report of the committee, replaces the bill. The bill eliminates municipal approval for off-premises catering licenses. The amendment provides that, if the municipal approval required as part of an application for an off-premises catering license or a qualified catering license is submitted by the municipality electronically, the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations must accept the municipal approval in that form.

Committee Amendment "B" (S-235)

This amendment is the minority report of the committee and replaces the bill. The bill eliminates municipal approval for off-premises catering licenses. The amendment provides that, if a municipality does not provide approval or denial of an application for an off-premises catering license or a qualified caterer's license within five days, municipal approval is presumed.

This amendment was not adopted.

Enacted Law Summary

Public Law 2017, chapter 260 provides that, if the municipal approval required as part of an application for an off-premises catering license or a qualified catering license is submitted by the municipality electronically, the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations must accept the municipal approval in that form.