

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985

Chapters 1-384

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

J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND TWELFTH LEGISLATURE

1985

1-A. Small Maine breweries. Small Maine breweries shall pay an annual license fee of \$50.

For purposes of this section, "small Maine brewery" means a facility that is brewing, lagering and kegging, bottling or packaging its own malt liquors within the State. If an inadequate amount of agricultural products used for raw materials exists within the State, a holder of a small Maine brewery license may file an affidavit and application with the Bureau of Alcoholic Beverages setting forth the unavailability of raw materials within the State and requesting permission to import those agricultural products from out-of-state. If the bureau finds that there is in fact an inadequate supply of raw materials within the State, it may authorize that importation.

A holder of a small Maine brewery license may produce malt liquors containing 25% or less alcohol by volume in an amount not to exceed 50,000 gallons per year, or their metric equivalent.

A holder of a small Maine brewery license may sell, on the premises during regular business hours, malt liquors produced at the brewery by the bottle, case or in bulk.

A holder of a small Maine brewery license may sell or deliver his product to licensed retailers and wholesalers. In addition, he may sell, on the premises for consumption off the premises, malt liquors produced at the brewery by the bottle, case or in bulk to licensed retailers, including, but not limited to, retail stores, restaurants and clubs.

A holder of a small Maine brewery license may apply for one license for the sale of liquor for on-premise consumption for a location other than the brewery.

A holder of a small Maine brewery license may list on product labels and in its advertising the list of the ingredients and the product's average percentage of the recommended daily allowances of nutritional requirements.

Effective September 19, 1985.

CHAPTER 301

H.P. 723 - L.D. 1032

AN ACT Relating to the Regulations and
Distribution of Funds for All-terrain
Vehicles.

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

Whereas, there are immediate needs to address the safety and recreational conflict regarding the use of all-terrain vehicles; and

Whereas, all-terrain vehicle registration is for the 12-month period commencing on July 1st of each year; and

Whereas, because of the July 1st registration date and the length of time required for the proposed study, these immediate needs could not otherwise begin to be addressed until July 1987; 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. 12 MRSA §7854, sub-§§3 and 4, as enacted by PL 1983, c. 297, §§1 and 3, are amended to read:

3. Fee. The annual registration fee for an ATV is \$5 ~~\$7~~.

4. Allocation of fees. All ~~moneys~~ money received under this subchapter shall be credited to the department for the cost of administration and enforcement of this subchapter, for the provision of education on the safe operation of all-terrain vehicles and a study on the safety and recreational management of all-terrain vehicles.

Sec. 2. 12 MRSA §7854, sub-§7, ¶A, as enacted by PL 1983, c. 297, §§1 and 3, is amended to read:

A. Whoever transfers the ownership or permanently discontinues the use of a registered ATV and applies for registration of another ATV in the same registration year shall be entitled to a certificate of registration upon payment of a transfer of \$2 and shall not be required to pay the regular registration fee of \$5 ~~\$7~~.

Sec. 3. Study. The Bureau of Parks and Recreation shall serve as lead agency to implement and coordinate a study the purpose of which shall be to

make recommendations for management of all-terrain vehicles. This study shall include the recreational needs of all-terrain vehicle use, conflicts with other recreational activities and with landowners, safety matters, noise, damage and trespass issues, special apprehension problems posed by the maneuverability of all-terrain vehicles and special problems caused by the fact that many drivers are minors. The latter problems include problems of prosecution, parental financial responsibility and attitudes by parents, the community and law enforcement and judicial authorities.

The following shall participate in this study:

1. The Department of Inland Fisheries and Wildlife;
2. The Attorney General and district attorneys;
3. Representatives of the judicial system; and
4. Representatives of state, county and municipal law enforcement agencies.

Recommendations and proposed legislation from this study shall be reported by the Bureau of Parks and Recreation to the Legislature by February 1, 1986.

Sec. 4. Allocation. The following funds are allocated from revenues dedicated to the Department of Inland Fisheries and Wildlife as follows.

	<u>1985-86</u>
<u>CONSERVATION, DEPARTMENT OF</u>	
Bureau of Parks and Recreation	
Personal Services	\$12,000
All Other	<u>8,000</u>
TOTAL	\$20,000

This allocation provides funds to set up a special dedicated revenue account within the Bureau of Parks and Recreation to conduct a study on the safety and recreational management of all-terrain vehicles.

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

Effective June 11, 1985.

CHAPTER 302

H.P. 1037 - L.D. 1511

AN ACT Concerning Unemployment Compensation Contributions by Home Knitting Businesses.

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

26 MRSA §1043, sub-§11, ¶F, as amended by PL 1985, c. 74, is further amended to read:

F. The term "employment" shall not include:

(1) Service performed in the employ of this State, or of any political subdivision thereof, or of any instrumentality of this State or its political subdivisions, except as provided by this subsection;

(2) Service performed in the employ of the United States Government or an instrumentality of the United States immune under the Constitution of the United States from the contributions imposed by this chapter, except that on and after January 1, 1940 to the extent that the Congress of the United States has permitted states to require any instrumentalities of the United States to make payments into an unemployment compensation fund under a state unemployment compensation or employment security law, all of the provisions of this chapter shall be applicable to such instrumentalities and to services performed for such instrumentalities, in the same manner, to the same extent and on the same terms as to all other employers, employing units, individuals and services. If this State shall not be certified for any year by the Secretary of Labor under section 3304 of the Federal Internal Revenue Code, the payments required of such instrumentalities with respect to such year