

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 5, 2000 to May 12, 2000**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 11, 2000**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2000**

**Sec. 1. 28-A MRSA §2, sub-§11-B** is enacted to read:

**11-B. Fortified wine.** "Fortified wine" means:

A. Any liquor containing more than 15.5% alcohol by volume that is produced by the fermentation of fruit or other agricultural products containing sugar; and

B. Wine to which spirits have been added as long as the resulting liquor does not exceed 24% alcohol by volume.

**Sec. 2. 28-A MRSA §2, sub-§31**, as amended by PL 1993, c. 462, §3, is further amended to read:

**31. Spirits.** "Spirits" means any liquor produced by distillation or, if produced by any other process, strengthened or fortified by the addition of distilled spirits of any kind, ~~including low alcohol spirits products.~~ "Spirits" does not include low-alcohol spirits products or fortified wine.

**Sec. 3. 28-A MRSA §81, sub-§§1 and 2**, as enacted by PL 1997, c. 373, §28, are amended to read:

**1. Oversight of Bureau of Alcoholic Beverages and Lottery Operations.** The commission shall monitor the operation of the alcohol bureau in its administration of the laws relating to the sale of spirits and fortified wine.

**2. Advice.** The commission shall advise the director of the alcohol bureau regarding the administration of the functions of the alcohol bureau. The commission may advise the Governor and the Legislature regarding issues relating to the operation of the alcohol bureau and the administration of the laws relating to the sale of spirits and fortified wine.

**Sec. 4. 28-A MRSA §83, sub-§§1 to 4**, as enacted by PL 1997, c. 373, §28, are amended to read:

**1. Bureau of Alcoholic Beverages and Lottery Operations; rules.** The alcohol bureau shall manage the sale, distribution and merchandising of spirits and fortified wine through state liquor stores, agency liquor stores and licensees. The alcohol bureau may establish rules and procedures for the administration of the state liquor laws under its jurisdiction. The rules adopted under this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A. The day-to-day activities of the alcohol bureau are under the supervision of the Commissioner of Administrative and Financial Services and the director of the alcohol bureau.

**2. Purchase.** The alcohol bureau may buy and have in its possession spirits and fortified wine for sale

to the public. The alcohol bureau shall buy spirits directly and not through the State Purchasing Agent. All spirits and fortified wine must be free from adulteration and misbranding.

**3. Sell at retail.** The alcohol bureau may sell at retail in state liquor stores in original packages, either over the counter or by shipment to points within the State, spirits of all kinds and fortified wine for consumption off the premises of state liquor stores operated under the direction of the alcohol bureau.

**4. Enter into contracts.** Subject to any applicable laws relating to public contracts, the alcohol bureau may enter into contracts or agreements and establish contract performance standards for the wholesale purchase of ~~alcoholic beverages~~ spirits and fortified wine.

**Sec. 5. 28-A MRSA §84, sub-§1**, as enacted by PL 1997, c. 373, §28, is amended to read:

**1. Manage sale of alcoholic beverages.** Manage the sale of ~~alcoholic beverages~~ spirits and fortified wine through state liquor stores, agency liquor stores and licensees in accordance with applicable laws and rules that provide for the operation of wholesale distribution of spirits and fortified wine;

**Sec. 6. 28-A MRSA §1355, sub-§3, ¶A-1** is enacted to read:

A-1. A holder of a farm winery license may fortify wine produced by the farm winery license holder and import spirits solely for this purpose. If the farm winery license holder produces fortified wine pursuant to this paragraph, the combined total of wine, sparkling wine and fortified wine produced at the farm winery may not exceed 50,000 gallons per year. For purposes of this paragraph, "fortified wine" means wine to which spirits have been added as long as the resulting liquor does not exceed 24% alcohol by volume.

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

Effective February 23, 2000.

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## CHAPTER 536

S.P. 154 - L.D. 474

### An Act Relating to the Crime of Murder and to the Murder of Children

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

**Sec. 1. 17-A MRSA §1251**, as repealed and replaced by PL 1983, c. 673, §3, is amended by adding at the end a new paragraph to read:

In setting the length of imprisonment, if the victim is a child who had not in fact attained the age of 6 years at the time the crime was committed, a court shall assign special weight to this objective fact in determining the basic sentence in the first step of the sentencing process. The court shall assign special weight to any subjective victim impact in determining the final sentence in the 2nd and final step in the sentencing process. Nothing in this paragraph may be construed to restrict a court in setting the length of imprisonment from considering the age of the victim in other circumstances when relevant.

**Sec. 2. 17-A MRSA §1252, sub-§5-B** is enacted to read:

**5-B.** In using a sentencing alternative involving a term of imprisonment for a person convicted of the attempted murder, manslaughter, elevated aggravated assault or aggravated assault of a child who had not in fact attained the age of 6 years at the time the crime was committed, a court shall assign special weight to this objective fact in determining the basic term of imprisonment as the first step in the sentencing process. The court shall assign special weight to any subjective victim impact in determining the maximum period of incarceration in the 2nd step in the sentencing process. The court may not suspend that portion of the maximum term of imprisonment based on objective or subjective victim impact in arriving at the final sentence as the 3rd step in the sentencing process. Nothing in this subsection may be construed to restrict a court in setting a sentence from considering the age of the victim in other circumstances when relevant.

See title page for effective date.

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## CHAPTER 537

H.P. 768 - L.D. 1091

**An Act to Amend Maine State Retirement System Rules to Allow Monthly Partial Direct Service Payments to Purchase Service Credit**

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

**Sec. 1. 5 MRSA §17701, sub-§4**, as enacted by PL 1989, c. 710, §2, is repealed and the following enacted in its place:

**4. Payment of contributions for back time; repayment of refunds; purchase of service credit.**

Wherever under this chapter provision is made for payment of contributions for back time, repayment of refunds or purchase of service credit through annual direct payments, those payments may be made either by a single annual payment or by an increased rate of contribution through payroll deduction. For payments or repayments made by single annual payments, the board shall designate, by rule, a period of not less than 30 days during which annual direct payments or repayments may be made. Regardless of whether payment or repayment is made by a single annual payment or by payroll deduction, the payment or deduction must be sufficient to cover interest costs and effect some reduction in principal.

**Sec. 2. 5 MRSA §18301, sub-§4**, as enacted by PL 1989, c. 710, §4, is repealed and the following enacted in its place:

**4. Payment of contributions for back time; repayment of refunds; purchase of service credit.**

Wherever under this chapter provision is made for payment of contributions for back time, repayment of refunds or purchase of service credit through annual direct payments, those payments may be made either by a single annual payment or by an increased rate of contribution through payroll deduction. For payments or repayments made by single annual payments, the board shall designate, by rule, a period of not less than 30 days during which annual direct payments or repayments may be made. Regardless of whether payment or repayment is made by a single annual payment or by payroll deduction, the payment or deduction must be sufficient to cover interest costs and effect some reduction in principal.

**Sec. 3. Effective date.** This Act takes effect March 1, 2001.

Effective March 1, 2001.

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## CHAPTER 538

S.P. 866 - L.D. 2264

**An Act Relating to Certain Commercial Insurance Contracts**

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

**Sec. 1. 24-A MRSA §2412-A, sub-§1, ¶B**, as enacted by PL 1999, c. 328, §1, is amended by amending subparagraph (2), division (b), subdivision (iv) to read: