

# 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**

and 4, subsection 5, paragraph B and subsection 8 until departmental rules implementing those subsections have been finally adopted pursuant to Title 5, section 8072, subsection 8.

**Sec. 3. "Smart growth" assistance to municipalities.** The Department of Transportation, Bureau of Planning, Research and Community Services shall work cooperatively with the State Planning Office and regional councils to provide training, technical assistance and information to municipalities on road planning, road maintenance, sidewalks and neighborhood involvement to assist municipalities in addressing "smart growth" by preserving traditional downtowns, walkable communities and compact neighborhoods. By January 2, 2001, the Department of Transportation shall develop model subdivision and road ordinances that provide several options to municipalities for construction standards for new residential streets, including options for safe yet low-cost design standards.

**Sec. 4. Strategic planning; transit.** The Department of Transportation shall begin a strategic planning process to address challenges such as administrative streamlining of transit funding, marketing and redesign of transit to appeal to a wider range of customers, innovative financing of transit projects, connectivity to airports and rail and other issues. The department shall present a status report to the joint standing committee of the Legislature having jurisdiction over transportation matters during the First Regular Session of the 120th Legislature. The department may pursue federal funds to assist with this planning process.

**Sec. 5. Funding for transit projects.** The Department of Transportation shall work with the Department of Human Services and the Department of Environmental Protection to identify funding sources for innovative transit and transportation projects that address sprawl and air quality issues. The departments may pursue federal grants or funds to assist with these projects.

See title page for effective date.

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## CHAPTER 677

H.P. 1835 - L.D. 2571

### An Act to Promote Microbreweries and Wineries

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

**Sec. 1. 28-A MRS §1052-A**, as amended by PL 1997, c. 373, §86, is repealed.

**Sec. 2. 28-A MRS §1052-B** is enacted to read:

**§1052-B. Special taste-testing festival license**

**1. Special taste-testing festival license.** Manufacturers of malt liquor or wine licensed as small breweries or farm wineries under section 1355 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.

**2. Fee.** The license fee for the special taste-testing festival license is \$20 for each manufacturer of malt liquor and each manufacturer of wine.

**3. Application.** The licensees must apply jointly for a special taste-testing festival license by filing a written application with the bureau at least 5 days, not including Saturdays, Sundays or legal holidays, before the event. The application must include the following:

A. Name and address of each licensee;

B. Title and purpose of the event;

C. Date, time and duration of the event;

D. Location of the event;

E. The method by which the licensees will monitor the number of samples served to each person attending the festival; and

F. Approval by the municipal officers or a municipal official designated by the municipal officers of the municipality where the proposed special taste-testing festival will be located, which, notwithstanding section 653, may be granted without public notice.

**4. Ruling on application.** Upon receipt of the application, the bureau shall immediately approve or deny the application. The bureau shall advise the applicants that the license may be revoked or suspended under chapter 33.

**5. Conditions on taste-testing festivals.** The following conditions apply to taste-testing festivals under this section.

A. Licensees may not serve more than 12 4-ounce samples or any number of samples that total more than 48 ounces to any one person in one day.

B. Minors are prohibited from attending the special taste-testing festival unless accompanied by a parent or guardian.

C. Taste-testing must be conducted within the hours of retail sale established in this Title.

D. A person may not be charged a fee beyond the fee for admission for any malt liquor or wine served as part of a taste-testing festival.

E. Each person attending the festival must be given a card, tickets or some other mechanism to record the number of samples consumed.

F. The licensee must record each sample served.

G. A sample may not be served to a person unless the licensee has verified that the person has not reached the sample limit.

H. A person who is visibly intoxicated may not be served.

6. Excise taxes; premiums. A licensee must pay the appropriate excise taxes and premiums under sections 1652 and 1703 before the scheduled date of the special taste-testing festival.

See title page for effective date.

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## CHAPTER 678

H.P. 1883 - L.D. 2618

### An Act to Implement the Recommendations of the Joint Standing Committee on Marine Resources Relating to the Review of the Maine Sardine Council Under the State Government Evaluation Act

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

**Whereas,** the number of sardine packing companies comprising the Maine sardine industry and the Maine Sardine Council has declined; and

**Whereas,** the dissolution of the Maine Sardine Council is necessary as soon as possible in order to support changes that the Maine sardine industry has decided are in the industry's best interest; 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. 32 MRSA c. 61, sub-c. II,** as amended, is repealed.

**Sec. 2. 36 MRSA c. 713,** as amended, is repealed.

**Sec. 3. 36 MRSA §4821, first ¶,** as enacted by PL 1981, c. 706, §32, is amended to read:

No special tax, under chapters 701, 707, 708, and 709 ~~and 713~~, may be imposed on any particular industry, nor may an existing special tax under those chapters be increased, unless the persons required to pay the tax within that industry have given their approval, according to the provisions of this chapter.

**Sec. 4. Transfer of assets.** All accrued net assets of the Maine Sardine Council as of April 15, 2000, including, but not limited to, equipment, cash balances or other available funds, must be transferred in accordance with Title 32, section 4167, subsection 7 as a refund of taxes paid to the 3 packers with representatives on the Maine Sardine Council as of January 31, 2000: Stinson Seafood Company, Lubec Packing Company and L. Ray Packing Company. The assets must be distributed among those 3 packers based on each packer's percentage of the total quantity of sardines, kippers, steaks and other canned herring products packed during calendar years 1998 and 1999, as reported to the State Tax Assessor.

The State Auditor shall conduct the audit procedures required by the Maine Revised Statutes, Title 32, section 4167, subsection 8 and shall include in the report to the Joint Standing Committee on Marine Resources a report on the assets that must be transferred under this section.

**Sec. 5. Termination of Maine Sardine Council; retroactivity.** Notwithstanding the Maine Revised Statutes, Title 32, chapter 61, subchapter II, the Maine Sardine Council shall cease its operations and activities on March 31, 2000. This section applies retroactively to March 31, 2000.

**Sec. 6. Audit prior to dissolution.** Notwithstanding the Maine Revised Statutes, Title 32, section 4167, subsection 8, prior to the dissolution of the Maine Sardine Council, the State Auditor must perform audit procedures on the financial records of the council and report the findings to the joint standing committee of the Legislature having jurisdiction over marine resource matters. The council shall reimburse the State Auditor for costs incurred by the State Auditor to perform the audit procedures.

**Sec. 7. Allocation.** The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.