

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

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

J.S. McCarthy Company
Augusta, Maine
2002

Act, Title 5, section 10002, as to license expiration, whichever is later.

See title page for effective date.

CHAPTER 499

S.P. 726 - L.D. 1967

An Act to Assist Municipalities of Sagadahoc County with the Change in the County Budget Year

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Whereas, the transition to a different county budget year requires the appropriate county officers of Sagadahoc County to have the authority to borrow money before the expiration of the 90-day period; 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. PL 2001, c. 143, §3 is amended to read:

Sec. 3. Transition. The Sagadahoc County commissioners, in order to facilitate the change in fiscal year made by this Act, shall submit a budget for the period of January 1, 2002 to June 30, 2002 and for the period of July 1, 2002 to June 30, 2003. Notwithstanding the provisions of the Maine Revised Statutes, Title 30-A, section 932, the county officers authorized to issue notes and securities may borrow money, for purposes of the transitional budgets authorized in this Act, by issuing bonds or notes in anticipation of taxes from the transitional budgets, the total face amount of which does not exceed 80% of the taxes anticipated from the transitional budgets and the period of borrowing of which does not exceed 5 years.

Prior to February 15, 2002, the municipal officers of each municipality in Sagadahoc County shall notify the county clerk in writing of the manner in which the municipality intends to pay its portion of the transitional county budget for the period January 1, 2002 to June 30, 2002. At the time of notification, the municipal officers shall indicate whether the municipality intends to pay its full share of the January 1, 2002 to June 30, 2002 transitional budget during 2002 in accordance with the Maine Revised Statutes, Title 30-A, section 706 or whether it intends to pay its share of the transitional budget in equal payments over 2, 3, 4 or 5 years ending not later than the year 2006. In accordance with the payment schedule indicated in its notification, any municipality not paying its full portion of the January 1, 2002 to June 30, 2002 transitional budget in 2002 shall make payments for the transitional budget to the county at the time the municipality makes its payment to the county for the current year. Each municipality is responsible to the county for payment of the municipality's share of the January 1, 2002 to June 30, 2002 transitional budget and any interest incurred by the county for borrowing on behalf of the municipality in anticipation of taxes as provided in this section.

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

Effective March 5, 2002.

CHAPTER 500

S.P. 681 - L.D. 1883

An Act to Clarify the On-premise Liquor License Application Process

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

Sec. 1. 28-A MRSA §653, sub-§1, ¶C, as amended by PL 1999, c. 589, §1, is further amended to read:

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license ~~or for renewal of an on-premise license~~ within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commis-

sioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal within 120 days of the filing of the application.

See title page for effective date.

CHAPTER 501

S.P. 706 - L.D. 1908

An Act to Prohibit the Consumption of Liquor by Minors on a Brewery Premises

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

Sec. 1. 28-A MRSA §1355, sub-§1-A, ¶B, as repealed and replaced by PL 1987, c. 623, §15, is amended to read:

B. The holder of a brewery license may permit sampling of the malt liquor product on the premises:

- (1) By employees for the purpose of quality control of the product;
- (2) By wholesalers for the purpose of determining whether to carry the brewery's product as a wholesale product, provided that the holder of the brewery license pays the excise tax on the product sampled according to section 1652; and
- (3) By the public in conjunction with a tour of the brewery's facilities, provided that:
 - (a) The holder of the brewery license pays the excise tax on the product sampled according to section 1652; and
 - (b) Minors are not permitted to consume ~~any product with an alcohol content greater than 1/2 of 1% or possess any liquor or imitation liquor as defined in section 2.~~

Sec. 2. 28-A MRSA §1355, sub-§2, ¶A-1, as amended by PL 1993, c. 730, §46, is further amended to read:

A-1. A holder of a small brewery license may permit sampling of the malt liquor product on the premises for the following purposes.

- (1) Employees may sample the product for the purpose of quality control of the product.
- (2) Wholesalers and retailers may sample the product for the purpose of determining whether to carry the product as a wholesale or retail product, provided that the holder of the small brewery license pays the excise tax on the product sampled according to section 1652.
- (3) The public may sample the product in conjunction with a tour of the brewery's facilities, provided that:

(a) The holder of the small brewery license pays the excise tax on the product according to section 1652; and

(b) Minors are not permitted to consume ~~any product with an alcohol content greater than 1/2 of 1% or possess any liquor or imitation liquor as defined in section 2.~~

See title page for effective date.

CHAPTER 502

S.P. 717 - L.D. 1919

An Act to Allow Approval of Internet-based Alcohol Server Education Courses

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

Sec. 1. 28-A MRSA §2519, sub-§1, as amended by PL 1997, c. 373, §166, is further amended to read:

1. Approval of alcohol server education courses. The commissioner ~~or the commissioner's designee~~ shall approve alcohol server education courses for a period of 2 years that meet the criteria developed under this section. The commissioner may renew approval provided the course meets the criteria applicable at the time of renewal.

Course providers may request renewal by submitting current course material at least 60 days prior to the date of expiration.

Sec. 2. 28-A MRSA §2519, sub-§3, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read: