

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2010 to April 12, 2010

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SECOND REGULAR SESSION
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Augusta, Maine
2010

fied or registered mail, return receipt requested. The notice and demand must identify the records claimed to belong to the State or local government with reasonable specificity. Upon receipt of the notice and demand, the person or entity in the possession of records claimed to belong to the State or local government may not destroy, alter, transfer, convey or otherwise alienate those records unless authorized in writing by the State Archivist or by an order issued by a court of competent jurisdiction. The notice and demand must specifically state that any transfer, conveyance or other alienation of the records after receipt of the notice and demand constitutes a Class E crime in violation of section 97.

See title page for effective date.

CHAPTER 510

H.P. 1156 - L.D. 1628

An Act To Amend the Laws Governing the Taste Testing of Alcoholic Beverages

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

Whereas, current law is prohibitive to retail establishments that wish to conduct tastings of alcoholic beverages; 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. 28-A MRSA §460, sub-§2, ¶J, as enacted by PL 2009, c. 459, §1, is amended to read:

J. The agency liquor store may conduct up to 3 tastings per month but no more than ~~42~~ 24 taste-testing events per year, including tastings conducted under sections 1205 and 1207.

Sec. 2. 28-A MRSA §460, sub-§2, ¶N, as enacted by PL 2009, c. 459, §1, is amended to read:

N. ~~Taste testing activities must be conducted in a manner that precludes the possibility of observation by children. Prior to a taste-testing event, the agency liquor store shall post prominently at the entrance to the store a sign that announces the date and time of the event.~~ The Department of Public Safety shall report ~~annually~~ by January ~~15th~~ 15, 2011 to the joint standing committee of

the Legislature having jurisdiction over alcohol regulation matters regarding the ~~operation and effectiveness of this paragraph in providing proper notice to adults who may wish to preclude minors from observing the taste testing of alcoholic beverages.~~

Sec. 3. 28-A MRSA §460, sub-§2, ¶O is enacted to read:

O. ~~An agency liquor store, with prior approval from the bureau, may conduct an invitation-only taste-testing event at the agency liquor store's premises in place of or to coincide with a taste-testing event that is open to the public. A taste-testing event that is exclusively invitation only is not subject to the posting requirement in paragraph N.~~

Sec. 4. 28-A MRSA §1205, sub-§2, ¶H, as amended by PL 2009, c. 459, §2, is further amended to read:

H. The retail licensee may conduct up to 3 tastings per month but no more than ~~12~~ 24 taste-testing events per year, including tastings conducted under sections 460 and 1207;

Sec. 5. 28-A MRSA §1205, sub-§2, ¶L, as enacted by PL 2009, c. 459, §2, is amended to read:

L. ~~Taste testing activities must be conducted in a manner that precludes the possibility of observation by children. Prior to a taste-testing event, the retail licensee shall post prominently at the entrance to the store a sign that announces the date and time of the event.~~ The Department of Public Safety shall report ~~annually~~ by January ~~15th~~ 15, 2011 to the joint standing committee of the Legislature having jurisdiction over alcohol regulation matters regarding the ~~operation and effectiveness of this paragraph in providing proper notice to adults who may wish to preclude minors from observing the taste testing of alcoholic beverages.~~

Sec. 6. 28-A MRSA §1205, sub-§2, ¶M is enacted to read:

M. ~~An off-premise retail licensee, with prior approval from the bureau, may conduct an invitation-only taste-testing event at the off-premise retail licensee's premises in place of or to coincide with a taste-testing event that is open to the public. A taste-testing event that is exclusively invitation only is not subject to the posting requirement in paragraph L.~~

Sec. 7. 28-A MRSA §1207, as enacted by PL 2009, c. 438, §5, is reallocated to 28-A MRSA §1208.

Sec. 8. 28-A MRSA §1207, sub-§1, as enacted by PL 2009, c. 459, §4, is amended to read:

1. Taste testing on off-premise retail licensee's premises. Subject to the conditions in subsection 2,

the bureau may authorize an off-premise retail licensee stocking at least 100 different ~~brands labels~~ of malt liquor to conduct taste testing of malt liquor on that licensee's premises. Any other consumption of alcoholic beverages on an off-premise retail licensee's premises is prohibited, except as permitted under section 460 or 1205.

Sec. 9. 28-A MRSA §1207, sub-§2, ¶H, as enacted by PL 2009, c. 459, §4, is amended to read:

H. The retail licensee may conduct up to 3 tastings per month but no more than ~~42~~ 24 taste-testing events per year, including tastings under section 460 or 1205.

Sec. 10. 28-A MRSA §1207, sub-§2, ¶L, as enacted by PL 2009, c. 459, §4, is amended to read:

~~L. Taste testing activities must be conducted in a manner that precludes the possibility of observation by children. Prior to a taste-testing event, the retail licensee shall post prominently at the entrance to the store a sign that announces the date and time of the event. The Department of Public Safety shall report annually by January 15th 15, 2011 to the joint standing committee of the Legislature having jurisdiction over alcohol regulation matters regarding the operation and effectiveness of this paragraph in providing proper notice to adults who may wish to preclude minors from observing the taste testing of alcoholic beverages.~~

Sec. 11. 28-A MRSA §1207, sub-§2, ¶M is enacted to read:

M. An off-premise retail licensee, with prior approval from the bureau, may conduct an invitation-only taste-testing event at the off-premise retail licensee's premises in place of or to coincide with a taste-testing event that is open to the public. A taste-testing event that is exclusively invitation only is not subject to the posting requirement in paragraph L.

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

Effective March 16, 2010.

CHAPTER 511

H.P. 1059 - L.D. 1510

An Act To Maintain Compliance of Maine's Insurance Laws with National Standards

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

PART A

Sec. A-1. 24-A MRSA §221-A, sub-§3, as amended by PL 1999, c. 113, §5, is further amended to read:

3. Audits required. All insurers, excepting insurers transacting business in this State pursuant to the terms of chapter 51, shall cause to be conducted an annual audit by an independent certified public accountant. Each domestic insurer shall file an audited financial report with the superintendent on or before June 1st for the year ending December 31st preceding. An extension of the filing deadline may be granted by the superintendent upon a showing by the insurer or its accountant that there exists valid justification for such an extension. A foreign or alien insurer shall file an audited financial report upon the superintendent's request. A firm of independent certified public accountants engaged to perform an audit of an insurer shall substitute the appointed audit partner in charge with another audit partner in charge at least once every ~~7~~ 5 years. An accountant substituted for pursuant to this subsection may not serve as a partner in charge of that audit until ~~2~~ 5 years after the date of substitution, unless the superintendent waives this requirement on the basis of unusual circumstances upon application by the insurer.

Sec. A-2. 24-A MRSA §221-A, sub-§7, as amended by PL 1999, c. 113, §7, is repealed and the following enacted in its place:

7. Exemptions. Upon written application of any insurer subject to this section, the superintendent may grant an exemption of the filing requirements under this section if the superintendent finds upon review of the application that compliance would constitute a financial hardship upon the insurer.

An insurer is exempt from the filing requirements of this section for any year in which the insurer's annual statement reflects:

- A. Nationwide business in an amount less than \$1,000,000 in written premium plus reinsurance assumed; and
- B. Outstanding loss reserves in an amount less than \$1,000,000.

Sec. A-3. 24-A MRSA §222, sub-§11-A, as amended by PL 1999, c. 113, §12, is repealed.

Sec. A-4. 24-A MRSA §222, sub-§11-B, as enacted by PL 1993, c. 313, §12, is repealed.

Sec. A-5. 24-A MRSA §222, sub-§11-C is enacted to read:

11-C. Dividends and distributions. The superintendent shall review all dividends and distributions declared or paid by any insurer registered under subsection 8 at least annually.