

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

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

Augusta, Maine
2011

§739. Ballots and incoming voting lists available for inspection

On request, a municipal clerk or the Secretary of State, or both, shall produce any ballots or incoming voting lists in their custody before the Governor, either branch of the Legislature, any legislative committee or a court of competent jurisdiction. If there is an unresolved disputed ballot for an election to the State House of Representatives or the State Senate arising from a recount conducted pursuant to section 737-A, the Secretary of State shall make a copy of that ballot available for inspection by the public. A copy of a ballot that is made available for public inspection pursuant to this section must be made available in a manner that preserves the voter's anonymity. Copies of disputed ballots made available for public inspection under this section must be retained by the Secretary of State for a period of 2 years after the outcome of the election is finally determined.

After the time for completion of recounts following any election has elapsed, and on request of any person, the clerk of any municipality or the Secretary of State, or both, shall produce any incoming voting lists in his the clerk's or Secretary of State's custody.

See title page for effective date.

CHAPTER 259

H.P. 479 - L.D. 649

An Act To Establish a Special Food and Beverage Industry Taste-testing Event License

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

Whereas, the economy of the State is greatly benefitted from the promotion of tourism and the superior hospitality services available in this State; and

Whereas, the Legislature should take advantage of any opportunity to support Maine's economy; 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 §709, sub-§2, ¶E, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

E. Those licensed under ~~section~~ sections 1052-B, 1052-C, 1205, 1207 and 1402 offering free wine samples or tastings;

Sec. 2. 28-A MRSA §1052-C is enacted to read:

§1052-C. Special food and beverage industry taste-testing event license

1. Special food and beverage industry taste-testing event license. Malt liquor and wine wholesalers licensed under section 1401 and manufacturers licensed under section 1355 may apply jointly for a special food and beverage industry taste-testing event license to participate in a special food and beverage industry taste-testing event under this section. This license authorizes taste testing of malt liquor, wine, fortified wine and spirits at an event designed to promote the food and beverage or hospitality industry where more than 50% of the participants in the event represent an industry or business that holds a license to manufacture, sell or serve alcoholic beverages.

2. Fee. The license fee for the special food and beverage industry event taste-testing license is \$20 for each wholesaler or manufacturer.

3. Application. The wholesaler and manufacturer licensees must apply jointly for a special food and beverage industry taste-testing event license by filing a written application with the bureau at least 30 days before the special food and beverage industry taste-testing event. The application must include the following:

- A. The name and address of each licensee;
- B. The title and purpose of the event;
- C. The date, time and duration of the event;
- D. The location of the event; and

E. Approval by the municipal officers or a municipal official designated by the municipal officers of the municipality where the proposed special food and beverage industry taste-testing event will be located. Notwithstanding section 653, the approval may be granted without public notice.

4. Up to 5 licensed events per year; one event per license. A manufacturer or wholesaler may obtain up to 5 licenses under this section per calendar year. Each license permits an event lasting up to 3 consecutive days.

5. Ruling on application. Upon receipt of an application under subsection 3, 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.

6. Conditions. The following conditions apply to special food and beverage industry taste-testing events under this section.

A. A sales representative licensed in accordance with section 1502 of a manufacturer that has been issued a license under this section may pour or provide a taste-testing sample of any product the manufacturer is licensed to manufacture under this Title.

B. A certificate of approval holder may pour or provide a taste-testing sample of any malt liquor, wine or fortified wine product the certificate of approval holder is licensed to distribute under this Title.

C. A minor is prohibited from attending the event unless accompanied by a parent or guardian or the alcohol served at the event is confined to a segregated area where minors are prohibited.

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

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

7. Additional provision for wine. A sales representative licensed in accordance with section 1502 may provide wine that is not registered with the bureau but has been registered with the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau to a caterer licensed to serve alcoholic beverages at the food and beverage industry taste-testing event for the purpose of promoting that wine for distribution and sale in the State.

8. Excise taxes; premiums. A licensee under this section must pay the appropriate excise taxes and premiums under sections 1652 and 1703 before the scheduled date of the special food and beverage industry taste-testing event.

Sec. 3. Waiver. Notwithstanding the Maine Revised Statutes, Title 28-A, section 1052-C, subsection 3, until August 1, 2011, the bureau may issue a special food and beverage industry taste-testing event license regardless of whether or not the application for the event license was submitted 30 days before the event.

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

Effective June 8, 2011.

CHAPTER 260

S.P. 189 - L.D. 609

An Act To Declare Certain Records of the Maine Commission on Indigent Legal Services Confidential

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

Sec. 1. 4 MRSA §1806 is enacted to read:

§1806. Information not public record

Disclosure of information and records in the possession of the commission is governed by this section.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Individual client information" means name, date of birth, social security number, gender, ethnicity, home address, home telephone number, home facsimile number, home e-mail address, personal cellular telephone number, personal pager number and any information protected under the attorney-client relationship.

B. "Personal contact information" means home address, home telephone number, home facsimile number, home e-mail address, personal cellular telephone number, personal pager number, date of birth and social security number.

C. "Request for funds for expert or investigative assistance" means a request submitted to the commission by an indigent party or by an attorney on behalf of an indigent client seeking authorization to expend funds for expert or investigative assistance, which includes, but is not limited to, the assistance of a private investigator, interpreter or translator, psychiatrist, psychologist or other mental health expert, medical expert and scientific expert.

2. Confidential information. The following information and records in the possession of the commission are not open to public inspection and do not constitute public records as defined in Title 1, section 402, subsection 3.

A. Individual client information that is submitted by a commission-rostered attorney or a court is confidential, except that the names of criminal defendants and the names of juvenile defendants charged with offenses that if committed by an adult would constitute murder or a Class A, Class B or Class C crime are not confidential.

B. Information subject to the lawyer-client privilege set forth in the Maine Rules of Evidence, Rule 502 or that constitutes a confidence or secret under the Maine Rules of Professional Conduct, Rule 1.6 is confidential.

C. Personal contact information of a commission-rostered attorney is confidential.

D. Personal contact information of a member of the commission or a commission staff member is confidential.