

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2012 to July 10, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 9, 2013**

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

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**Augusta, Maine**  
**2013**

areas open only to the licensee or ~~his~~ the employees. There must be complete nonaccess between the 2 licensed areas by the public.

**2-A. Access exception.** Notwithstanding subsection 2, there may be access between the 2 licensed areas by the public as provided by this subsection.

A. There may be access between the 2 licensed areas when there is a clear delineation of space, by a wall or permanent barrier that separates the 2 licensed areas and allows only one clearly defined and controlled point of access for patrons between the licensed establishments. The controlled point of access is not required to include a door that must be physically opened and closed.

B. When access between the 2 licensed areas exists for patrons of either establishment, all malt liquor and wine sold for on-premises consumption must be served by an employee of the licensed establishment and may be served only when accompanying a full meal prepared in a separate and complete kitchen on the premises. For the purposes of this paragraph, "full meal" means a diversified selection of food that cannot ordinarily be consumed without the use of tableware and cannot be conveniently consumed while standing or walking.

C. Malt liquor or wine sold or served on the premises may not be transported by a patron or employee of either establishment from one licensed area to another. The licensee shall ensure that easily readable signs are conspicuously posted to inform the public that transfer of alcoholic beverages from one licensed area to another is strictly prohibited.

This subsection is repealed September 30, 2015.

**3. Licensee to maintain separate records, supplies and inventory.** The licensee shall maintain records, ~~supplies and inventory~~ within each separate licensed establishment in accordance with the appropriate license privilege authorized for each separate area. The licensee shall maintain supplies and inventory separately in accordance with the appropriate license privilege either in each separate licensed establishment or, with prior approval of the bureau, in one storage area on the premises with appropriate separation of the supplies and inventory.

**4. Application.** This section does not apply to a dual license holder licensed under section ~~4207~~ 1208.

See title page for effective date.

## CHAPTER 345 S.P. 590 - L.D. 1548

### An Act To Support Maine Businesses by Authorizing Certain Brewing Partnerships

**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 with regard to tenant breweries producing malt liquor at host breweries does not reflect federal recognition of this practice; and

**Whereas,** it may be beneficial to breweries in this State to enter into partnerships that allow for shared manufacturing facilities; and

**Whereas,** some licensed brewers have existing excess production capacity that could be utilized by tenant brewers, creating new employment opportunities in this State; 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 §2, sub-§32-A** is enacted to read:

**32-A. Tenant brewer.** "Tenant brewer" means a person who has submitted a brewer's notice to and received approval from the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau authorizing the brewer to engage in an alternating proprietorship as defined by federal regulation and is licensed by the bureau to produce malt liquor at a manufacturing facility of another brewer who is licensed by the bureau.

**Sec. 2. 28-A MRSA §605, first ¶,** as amended by PL 1997, c. 373, §54, is further amended to read:

Except as otherwise provided in this section, no license or any interest in a license may be sold, transferred, assigned or otherwise subject to control by any person other than the licensee. If the business, or any interest in the business, in connection with which a licensed activity is conducted is sold, transferred or assigned, the license holder shall immediately send to the bureau the license and a sworn statement showing the name and address of the purchaser. The bureau is not required to refund any portion of the licensee fee if the license is surrendered before it expires. For the purposes of this section, a tenant brewer who is li-

censed in accordance with section 1355-A, subsection 6 is not considered to be subject to the control of the host brewer, as described in that subsection, or considered to have been transferred or assigned the license or interest in the license of the host brewer.

**Sec. 3. 28-A MRSA §1052-B, sub-§1,** as amended by PL 2011, c. 629, §17, is further amended to read:

**1. Special taste-testing festival license.** Malt liquor manufacturers licensed under section 1401 and manufacturers of malt liquor or wine licensed as small breweries, tenant breweries or small wineries under section 1355-A 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.

**Sec. 4. 28-A MRSA §1355-A, sub-§6** is enacted to read:

**6. Tenant brewer.** Except as otherwise provided, the following provisions apply to a tenant brewer license under which the holder of a tenant brewer license may produce malt liquor at the manufacturing facility of another brewer, referred to in this subsection as "the host brewer," licensed by the bureau under subsection 3.

A. To be eligible for a tenant brewer license, a person must submit an application to the bureau in a manner prescribed by the bureau and hold a brewer's notice approved by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, that authorizes a tenant brewer to use the facilities and equipment of a host brewer.

B. A tenant brewer is subject to the same requirements regarding production of malt liquor as if the tenant brewer conducted its manufacturing on its own premises independently.

C. A tenant brewer is not eligible for privileges provided in subsection 2 except for sampling described by paragraph A, subparagraphs (1) and (2).

D. A tenant brewer is governed by the provisions of subsection 3 except for the privileges granted under paragraph C.

E. A tenant brewer may not brew or produce malt liquor for another brewer or certificate of approval holder.

F. A tenant brewer shall ensure that the tenant brewer maintains control of the raw ingredients used to manufacture the tenant brewer's product.

G. Only one tenant brewer license may be issued per host brewer licensed under subsection 3.

H. The bureau may require a tenant brewer to maintain a record or log indicating which equipment is being used at any time by the tenant brewer in the production of malt liquor and which employees are working on production of the tenant brewer's product.

I. The bureau shall require that reports from a tenant brewer be submitted in a manner similar to the manner in which a brewer licensed under subsection 3 submits reports. The bureau shall also require a tenant brewer to submit copies of reports required of holders of an approved brewer's notice issued by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau authorizing the tenant brewer to engage in an alternating proprietorship.

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

Effective June 24, 2013.

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## CHAPTER 346

### S.P. 595 - L.D. 1553

#### An Act To Maintain Competition among Electricity Suppliers Serving Northern Maine

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

**Sec. 1. 35-A MRSA §3205, sub-§2, ¶B,** as enacted by PL 1997, c. 316, §3, is amended to read:

B. Within the service territory of the distribution utility with which it is affiliated, except that:

(1) The affiliated competitive provider may not sell or contract to sell more than 33% of the total kilowatt hours sold within the service territory of the distribution utility, as determined by the commission by rule; and

(2) In accordance with section 3212, the affiliated competitive provider may not at any one time provide or bid to provide standard-offer service for more than 20% of electric load within the territory of the transmission and distribution utility with which it is affiliated.

The marketing limitations in this paragraph do not apply to competitive electricity service or standard-offer service in the service territory or any portion of the service territory of a distribution utility that is located in an area administered by the independent system administrator for northern Maine or any successor of the independ-