

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2014 to July 16, 2015

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 15, 2015

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

Augusta, Maine
2015

determine how the council is to choose a chair and for how long the chair is to serve.

5. Report. The council shall report on its deliberations and any recommendations by March 1st of each odd-numbered year to the Governor and the joint standing committees of the Legislature having jurisdiction over transportation matters and health and human services matters. The report must include the following:

A. An assessment of the level of public transportation services provided to the public;

B. Recommendations for the level of service that should be provided and an estimate of the cost of providing those services; and

C. Recommendations for the optimal coordination of transit services with other senior and veteran services.

Sec. 9. 30-A MRSA §3515, sub-§1, ¶A, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

A. The directors of a district that participates in a locally coordinated plan for regional operations plan transit that has been approved in accordance with Title 23, section 4209, shall establish routes and fixed fares in accordance with the plan whenever the plan requires.

Sec. 10. Staggered terms. Notwithstanding the Maine Revised Statutes, Title 23, section 4209-A, subsection 4, the Commissioner of Transportation shall designate the initial appointments of public members of the Public Transit Advisory Council under Title 23, section 4209-A, subsection 2, paragraph B, subparagraphs (1) to (3) for a one-year term, the appointments under Title 23, section 4209-A, subsection 2, paragraph B, subparagraphs (4) to (6) for a 2-year term and any other appointments for a 3-year term.

See title page for effective date.

CHAPTER 183

H.P. 361 - L.D. 537

An Act To Avoid the Inappropriate Use of Assessment Tools on Children before Grade 3

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

Sec. 1. 20-A MRSA §4252, sub-§§7 and 8, as enacted by PL 1989, c. 548, §5, are amended to read:

7. Transition. Facilitate the transition of children from preschool programs to public school programs; ~~and~~

8. Family outreach. Provide family outreach and support programs designed to improve parent-school relations and parenting skills; ~~and~~

Sec. 2. 20-A MRSA §4252, sub-§9 is enacted to read:

9. Early childhood statewide assessments. The use of early childhood statewide assessment tools pursuant to chapter 222 to inform instruction and to communicate effectively with parents. An early childhood statewide assessment must avoid inappropriate use of assessment information; specifically, the assessment may not result in labeling children, restricting kindergarten entry or predicting children's future academic and life success.

See title page for effective date.

CHAPTER 184

H.P. 350 - L.D. 511

An Act To Permit a Licensed Sales Representative To Provide Spirits at an Approved Tasting Event

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

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

1. Taste testing on agency liquor store premises. Subject to the conditions in subsection 2, the bureau may authorize an agency liquor store stocking at least 200 different codes of distilled spirits products to conduct taste testing of distilled spirits on that licensee's premises. An agency liquor store may request authority to conduct a taste testing using forms prescribed by the bureau. The request must indicate if a sales representative licensed under section 1502 will be providing the spirits for taste testing and verification that the sales representative has successfully completed an alcohol server education course approved by the commissioner. Any other consumption of alcoholic beverages on an agency liquor store's premises is prohibited, except as permitted under section 1205 or 1207.

Sec. 2. 28-A MRSA §460, sub-§2, ¶M, as enacted by PL 2009, c. 459, §1, is repealed.

Sec. 3. 28-A MRSA §460, sub-§2, ¶M-1 is enacted to read:

M-1. Distilled spirits served at a taste testing must be provided by the agency liquor store or

purchased, at the retail list price, by a licensed sales representative participating in the taste testing from existing stock available for purchase at the agency liquor store.

Sec. 4. 28-A MRSA §1501, as amended by PL 2013, c. 588, Pt. B, §5, is further amended to read:

§1501. Lists of officers, partners and sales representatives

All persons selling liquor ~~to~~ in the State shall furnish to the bureau a list of all officers and directors, if a corporation, or a list of all partners, if a partnership, and the name of the sales representatives of the person within the State.

Sec. 5. 28-A MRSA §1505, first ¶, as enacted by PL 2009, c. 459, §5, is amended to read:

A sales representative holding a license under section 1502 may participate in a tasting event permitted under section 460, ~~or~~ 1205 or 1207 subject to the provisions of this section.

Sec. 6. 28-A MRSA §1505, sub-§4, as enacted by PL 2009, c. 459, §5, is amended to read:

4. Pour or distribute. A sales representative participating in a tasting event pursuant to this section may not pour or distribute to consumers the products being offered for tasting during the event. A sales representative may purchase spirits for a consumer tasting event in compliance with section 460 if the sales representative has successfully completed an alcohol server education course approved by the commissioner.

See title page for effective date.

CHAPTER 185
H.P. 429 - L.D. 616

**An Act To Allow Certain Wine
and Hard Cider
Manufacturing 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, this legislation must take effect before the expiration of the 90-day period so that it applies to this year's apple harvest; 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-B is enacted to read:

32-B. Tenant winery. "Tenant winery" means a person who has been issued an approved application for an alternating proprietorship from the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau authorizing the winery to engage in an alternating proprietorship as defined by federal regulation and is licensed by the bureau to produce wine or hard cider at a manufacturing facility of another winery who is licensed by the bureau.

Sec. 2. 28-A MRSA §605, first ¶, as amended by PL 2013, c. 446, §1, is further amended to read:

Except as otherwise provided in this section and section 608, a license or any interest in a license may not 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~~ license fee if the license is surrendered before it expires. For the purposes of this section, neither a tenant brewer who is licensed in accordance with section 1355-A, subsection 6 nor a tenant winery who is licensed in accordance with section 1355-A, subsection 7 is ~~not~~ considered to be subject to the control of the host brewer or host winery, as the case may be, as described in that subsection those subsections, or considered to have been transferred or assigned the license or interest in the license of the host brewer or host winery.

Sec. 3. 28-A MRSA §1355-A, sub-§7 is enacted to read:

7. Tenant winery. Except as otherwise provided, the following provisions apply to a tenant winery license under which the holder of a tenant winery license may produce wine at the manufacturing facility of another winery, referred to in this subsection as "the host winery," licensed by the bureau under subsection 4. This subsection applies to hard cider produced by a manufacturer licensed as a winery or small winery under subsection 4.

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