

# 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.**

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**Augusta, Maine**  
**2015**

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.

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**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.

B. A tenant winery is subject to the same requirements regarding manufacture of its product as if the tenant winery conducted its manufacturing on its own premises independently.

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

D. A tenant winery may not produce wine or hard cider for another winery or certificate of approval holder.

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

F. A license issued under subsection 4 may allow for up to 9 tenant wineries at a time at the manufacturing facility of a host winery.

G. The bureau may require a tenant winery to maintain a record or log indicating which equipment is being used at any time by the tenant winery in the production of wine or hard cider and which employees are working on production of the tenant winery's product.

H. The bureau shall require that reports from a tenant winery be submitted in a manner similar to the manner in which a winery licensed under subsection 4 submits reports. The bureau shall also require a tenant winery to submit copies of reports required of holders of an approved application issued by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau authorizing the tenant winery 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 15, 2015.

**CHAPTER 186**

**H.P. 905 - L.D. 1330**

**An Act To Enhance Efficiency  
in the Collection of Child  
Support Obligations**

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

**Sec. 1. 14 MRSA §3128-A, sub-§3,** as amended by PL 2011, c. 34, §1, is further amended to read:

**3. Duration.** The order continues in effect for one year ~~or until the obligor finds work, whichever occurs first.~~

**Sec. 2. 19-A MRSA §2001, sub-§5, ¶D,** as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

D. Gross income may include the difference between the amount a party is earning and that party's earning capacity when the party voluntarily becomes or remains unemployed or underemployed, if sufficient evidence is introduced concerning a party's current earning capacity. In the absence of evidence in the record to the contrary, a party that is personally providing primary care for a child under the age of ~~3 years~~ 24 months is deemed not available for employment. The court shall consider anticipated child care and other work-related expenses in determining whether to impute income, or how much income to impute, to a party providing primary care to a child between the ages of ~~3~~ 24 months and 12 years. A party who is incarcerated in a correctional or penal institution is deemed available only for employment that is available through such institutions.

**Sec. 3. 19-A MRSA §2006, sub-§5, ¶A,** as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

A. When the parent who is not the primary care provider is legally obligated to support a child in that party's household other than the child for whom a support order is being sought, an adjustment must be made to that party's parental support obligation. The adjustment is made by using the nonprimary residential care provider's annual gross income to compute a theoretical support obligation under the support guidelines for each child in that household. Neither the child support received by nor the financial contributions of the other parent of each child in the household are considered in the theoretical support calculation. The obligation is then subtracted from the annual gross income, and the adjusted income is the amount used to calculate support. The adjustment is used in all appropriate cases, ~~except when the result would be a reduction in an award previously established.~~

**Sec. 4. 19-A MRSA §2302, sub-§4,** as enacted by PL 2001, c. 255, §1, is amended to read:

**4. Department notification responsibilities.** As soon as practicable after the department knows that an obligor has become an assisted obligor, the department shall send notices to the obligor and obligee notifying them of:

- A. The obligor's status as an assisted obligor;
- B. The existence of the suspension in subsection 2;