

# 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**

snowmobile, outboard motor, motorboat, aircraft or any other vehicle or upon any machine, ~~firearm~~ or other object, other than a firearm. A violation of this subparagraph is a Class E crime; or

(2) ~~He~~ The person possesses any such object or any such item after that number has been altered, removed or obscured. A violation of this subparagraph is a Class E crime; or

E. With intent to defraud or to prevent identification:

(1) The person alters, removes or obscures the manufacturer's make, model or serial number on any firearm. A violation of this subparagraph is a Class C crime; or

(2) The person possesses a firearm altered as set out in subparagraph (1) or intentionally or knowingly transports any such firearm. A violation of this subparagraph is a Class C crime.

~~2. Criminal simulation is a Class E crime.~~

See title page for effective date.

**CHAPTER 365**

**S.P. 366 - L.D. 1040**

**An Act To Enhance Funding Opportunities for the Youth Conservation Corps**

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

**Sec. 1. 38 MRSA §480-II** is enacted to read:

**§480-II. Program to reduce erosion and protect lake water quality**

**1. Program.** The commissioner shall contract with a private organization to establish and administer a program to reduce shoreline erosion and protect lake water quality, as described in subsections 2 and 3, as long as the commissioner determines that there are sufficient funds available to support the program and that a suitable private organization is available to establish and administer the program.

**2. Informational material to be provided.** The program established pursuant to this section may provide for the distribution of informational material on erosion control measures, including planting shrubs, bushes and other vegetation near the shoreline, spreading mulch on bare soil, placing rock riprap along shorelines and building infiltration steps and trenches to direct water into the ground or woods or away from the shoreline.

**3. Erosion control measures to be implemented.** The program established pursuant to this section must facilitate the performance of necessary erosion control measures on or near the shoreline of a lake, pond or great pond.

**4. Program funding.** The program established pursuant to this section is funded by sums that are appropriated by the Legislature or transferred from time to time by the State Controller.

**Sec. 2. Department of Environmental Protection to contract with private organization in 2016 and 2017.** For the years 2016 and 2017, the Department of Environmental Protection shall distribute the funds appropriated in section 3 through a competitive bid process to a private organization to establish and administer the program to reduce erosion and protect lake water quality under the Maine Revised Statutes, Title 38, section 480-II. The department shall ensure that any contract entered into with a private organization under this section requires that:

1. The erosion control measures described in Title 38, section 480-II, subsection 3 be performed in the summers of 2016 and 2017 with labor provided by a youth conservation corps organized or based in the State;

2. No more than 10% of the funds appropriated by the Legislature for the program in section 3 or received by the contracted organization as matching funding is used for the administration of the program by the contracted organization;

3. The scope of the program as implemented by the contracted organization is determined by the amount of funds appropriated in section 3; and

4. The contracted organization disburses to a youth conservation corps no more than \$1 from the funds appropriated for the program in section 3 for every \$2 in matching funds contributed to the program by that youth conservation corps. Federal and state funds may not be considered matching funds under the program.

**Sec. 3. Appropriations and allocations.** The following appropriations and allocations are made.

**ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

**Land and Water Quality 0248**

Initiative: Provides ongoing funding to contract with a private organization to reduce shoreline erosion and protect lake water quality.

GENERAL FUND	2015-16	2016-17
All Other	\$20,000	\$20,000

GENERAL	\$20,000	\$20,000
FUND TOTAL		

See title page for effective date.

**CHAPTER 366**

**S.P. 345 - L.D. 983**

**An Act To Clarify Wine Auction Licenses**

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

**Sec. 1. 28-A MRSA §1209** is enacted to read:

**§1209. Sale of privately held wine by auction**

Notwithstanding any provision to the contrary in section 1201, chapter 55 or chapter 57, this section governs wine auctions.

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

A. "Auction permittee" means a person licensed under Title 32, section 285 who is issued a permit pursuant to this section.

B. "Fine and rare wine" means a wine that is not available for purchase in this State through a licensed retailer or wholesaler.

C. "Privately held wine" means fine and rare wine owned for consumption or investment purposes by a person who is not licensed as a liquor manufacturer, retailer, distributor or wholesaler in any state or by the Federal Government.

D. "Wine auction" means an event at which an auction permittee auctions privately held wine owned by or consigned to the auction permittee.

**2. Wine auctions.** A wine auction may be held by an auction permittee only in accordance with this section. A person legally owning privately held wine may sell or commission for sale the privately held wine to an auction permittee by means of an auction pursuant to this section. Privately held wine may not be auctioned under this section to a person who holds a license under this subpart or subpart 3.

**3. Permit; fee.** Subject to the conditions in subsection 4, the bureau may issue a permit to conduct a wine auction to a person licensed under Title 32, section 285 who applies for a wine auction permit. A permit issued pursuant to this subsection is valid for the length of the auction, which may not exceed 2 days. The permit fee for a wine auction is \$250.

**4. Conditions.** The following conditions apply to a wine auction and a wine auction permit under this section.

A. The auction permittee shall submit to the bureau an inventory of the privately held wine to be sold at the auction on a form determined by the bureau. The inventory form must include the owner of the privately held wine and identifying information as to where the privately held wine was purchased by the owner. For the purposes of subsection 1, paragraph B, wine is considered fine and rare wine if it is not available for purchase in this State through a licensed retailer or wholesaler at the time the inventory is submitted to the bureau.

B. The auction permittee shall notify the bureau at least 30 days prior to the auction of the address, date and time scheduled for the wine auction.

C. The auction permittee shall obtain written verification of the identity of each successful bidder who purchases privately held wine at the wine auction. The information must include, at a minimum, the name and address of the person.

D. Privately held wine sold at the wine auction may not be opened or consumed on the premises of the wine auction.

E. The auction permittee shall notify the bureau of each sale of privately held wine at the wine auction.

F. The privately held wine to be sold at auction may not be stored on the premises where the wine auction is conducted except while the wine auction is being conducted.

G. The auction permittee shall ensure that each recipient of privately held wine sold at the wine auction is 21 years of age or older.

H. The auction permittee shall ensure that each bottle of privately held wine sold at the wine auction has a permanently affixed label stating that the wine is privately held wine.

**5. Excise tax; sales tax.** An auction permittee shall comply with the provisions of chapter 65 and Title 36, Part 3 including all requirements relating to the collection, reporting and remittance of the excise and sales and use taxes of the State on sales of privately held wine sold at a wine auction. The bureau may refuse to issue a wine auction permit to an auction permittee who has violated this subsection.

**6. Beverage container deposit.** A container of privately held wine auctioned under this section must comply with the provisions of Title 32, chapter 28.

**7. Rules.** The bureau shall adopt rules to implement this section. Rules adopted pursuant to this sub-