

# 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**

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-

section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. 32 MRSA §299-A** is enacted to read:

**§299-A. Wine auctions**

A person licensed under section 285 may not auction privately held wine without a permit issued by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations according to Title 28-A, section 1209.

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

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Alcoholic Beverages - General Operation 0015**

Initiative: Provides funds to establish a new Office Associate II position.

GENERAL FUND	2015-16	2016-17
POSITIONS -	1.000	1.000
LEGISLATIVE COUNT		
Personal Services	\$44,647	\$60,981
All Other	\$3,734	\$4,979
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GENERAL FUND TOTAL	\$48,381	\$65,960

See title page for effective date.

**CHAPTER 367**

**H.P. 574 - L.D. 840**

**An Act To Collect and Report Data on the Implementation of Proficiency-based Diplomas and Standards-based Student Learning**

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

**Sec. 1. 20-A MRSA §4722-A, sub-§5** is enacted to read:

**5. Implementation of proficiency-based diplomas.** Beginning in the 2015-2016 school year, the department shall annually collect and report data on the progress of public schools and public charter schools towards the implementation of proficiency-based diplomas in relation to the ongoing transition plan required pursuant to section 4502, subsection 1, including the number of students graduating with proficiency-based diplomas and the number of students awarded proficiency in each of the content areas of the system of learning results established under

section 6209 and in each of the guiding principles set forth in department rules governing implementation of the system of learning results established pursuant to section 6209. By January 15, 2017, and annually thereafter, the department shall provide an annual report of the data collected for the prior school year to the joint standing committee of the Legislature having jurisdiction over education matters, and the department shall post the annual report on its publicly accessible website.

See title page for effective date.

**CHAPTER 368**

**H.P. 520 - L.D. 767**

**An Act To Create Jobs in Aroostook and Washington Counties**

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

**Sec. 1. 30-A MRSA §5250-I, sub-§5-B** is enacted to read:

**5-B. Call center.** "Call center" means a business enterprise that employs 50 or more full-time employees for the purpose of customer service.

**Sec. 2. 30-A MRSA §5250-I, sub-§18**, as amended by PL 2005, c. 351, §4 and affected by §26, is further amended to read:

**18. Qualified Pine Tree Development Zone employees.** "Qualified Except for employees in call centers in Aroostook and Washington counties, "qualified Pine Tree Development Zone employees" means new, full-time employees hired in this State by a qualified Pine Tree Development Zone business for work directly in one or more qualified business activities for whom a retirement program subject to the Employee Retirement Income Security Act of 1974, 29 United States Code, Sections 101 to 1461, as amended, and group health insurance are provided and whose income derived from employment within the Pine Tree Development Zone, calculated on a calendar year basis, is greater than the most recent annual per capita personal income in the county in which the qualified employee is employed. "Qualified Pine Tree Development Zone employees" does not include employees shifted to a qualified business activity from a non-qualified activity of the qualified Pine Tree Development Zone business or an affiliated business. The commissioner shall determine whether a shifting of employees has occurred.

For employees in call centers in Aroostook and Washington counties, "qualified Pine Tree Development Zone employees" means new, full-time employees hired in this State by a qualified Pine Tree Develop-