

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2016 to April 29, 2016

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 29, 2016

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

Augusta, Maine
2016

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

JUDICIAL DEPARTMENT

Courts - Supreme, Superior and District 0063

Initiative: Provides funding for the child protective guardian ad litem hourly rate increase from \$50 per hour to \$60 per hour effective July 1, 2016 to be consistent with the rate paid to attorneys appointed to represent parents.

GENERAL FUND	2015-16	2016-17
All Other	\$0	\$443,000
GENERAL FUND TOTAL	\$0	\$443,000

Courts - Supreme, Superior and District 0063

Initiative: Provides funding for the increase in hours from a 37.5-hour workweek to a 40-hour workweek for the administrative bargaining unit, remaining employees in the professional and supervisory bargaining units and confidential nonmanagement employees effective the first pay period following July 1, 2016.

GENERAL FUND	2015-16	2016-17
Personal Services	\$0	\$770,000
GENERAL FUND TOTAL	\$0	\$770,000

Courts - Supreme, Superior and District 0063

Initiative: Provides funding for the increase in the executive branch network charges based on current users.

GENERAL FUND	2015-16	2016-17
All Other	\$93,776	\$93,776
GENERAL FUND TOTAL	\$93,776	\$93,776

Courts - Supreme, Superior and District 0063

Initiative: Deappropriates one-time funds no longer needed for courthouse feasibility studies.

GENERAL FUND	2015-16	2016-17
All Other	(\$215,000)	\$0
GENERAL FUND TOTAL	(\$215,000)	\$0

Judicial - Debt Service Z097

Initiative: Reduces funding by recognizing one-time savings in debt service costs in fiscal year 2015-16 and fiscal year 2016-17.

GENERAL FUND	2015-16	2016-17
All Other	(\$400,000)	(\$1,300,000)
GENERAL FUND TOTAL	(\$400,000)	(\$1,300,000)
JUDICIAL DEPARTMENT		
DEPARTMENT TOTALS	2015-16	2016-17
GENERAL FUND	(\$521,224)	\$6,776
DEPARTMENT TOTAL - ALL FUNDS	(\$521,224)	\$6,776

Sec. 3. Effective date. That section of this Act that enacts the Maine Revised Statutes, Title 4, section 1556, subsection 2, paragraph I takes effect July 1, 2016.

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

Effective April 7, 2016, unless otherwise indicated.

**CHAPTER 440
H.P. 1152 - L.D. 1687**

An Act To Assist Small Distilleries

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

Sec. 1. 28-A MRSA §1355-A, sub-§5, ¶G, as enacted by PL 2013, c. 359, §1, is amended to read:

G. Notwithstanding paragraph D, a holder of a small distillery license ~~that produces less than 25,000 gallons of spirits annually and is licensed under paragraph B, subparagraph (3) to operate a retail location for off-premises consumption may pay the alcohol bureau the difference between the distillery's price charged to the alcohol bureau and the discounted list price charged by the bureau when a distillery purchases its own spirits to be sold at retail from its off-premises location. The alcohol bureau shall establish a procedure to allow a distillery to purchase spirits produced by the distillery for sale at a retail location as described in this paragraph. A small distillery is not required to transport spirits that will be sold for off-premises consumption under paragraph B, subparagraph (3) to a warehouse operated by the bureau or by a wholesaler contracted by the bureau under section 90 for distribution to the location where the small distillery is authorized to sell spirits produced by~~

the small distillery for off-premises consumption. A holder of a small distillery license shall record the quantity of spirits sold for off-premises consumption that were not transported to a warehouse as described in this paragraph and submit monthly reports of this information, along with the full amount of state liquor tax due as prescribed by chapter 65, to the bureau in a manner prescribed by the bureau.

Sec. 2. 28-A MRSA §1355-A, sub-§5, ¶H is enacted to read:

H. Notwithstanding paragraph D, a holder of a small distillery license licensed under paragraph E to operate a location licensed under chapter 43 for on-premises consumption may pay the bureau the difference between the distillery's price charged to the bureau and the discounted list price charged by the bureau when a distillery purchases its own spirits to be sold at its on-premises location. A small distillery is not required to transport spirits that will be sold for on-premises consumption under paragraph E to a warehouse operated by the bureau or by a wholesaler contracted by the bureau under section 90 for distribution to the location where the small distillery is authorized to sell spirits produced by the small distillery for on-premises consumption. A holder of a small distillery license shall record the quantity of spirits sold for on-premises consumption that were not transported to a warehouse as described in this paragraph and submit monthly reports of this information, along with the full amount of state liquor tax due as prescribed by chapter 65, to the bureau in a manner prescribed by the bureau.

See title page for effective date.

CHAPTER 441

H.P. 1148 - L.D. 1678

An Act To Change the Definition of "Hard Cider" for Consistency with Federal Law

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

Sec. 1. 28-A MRSA §2, sub-§12-A, as amended by PL 2009, c. 652, Pt. A, §41, is further amended to read:

12-A. Hard cider. "Hard cider" means liquor produced by fermentation of the juice of apples or pears, including, but not limited to, flavored, sparkling or carbonated cider, that contains not less than 1/2 of 1% alcohol by volume and not more than ~~7%~~ 8.5% alcohol by volume.

Sec. 2. Effective date. This Act takes effect January 1, 2017.

Effective January 1, 2017.

CHAPTER 442

S.P. 682 - L.D. 1668

An Act To Facilitate Internal Hiring by Reforming the Use of Registers in the State Civil Service System

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

Sec. 1. 5 MRSA §7036, sub-§5, as amended by PL 1999, c. 668, §10, is further amended to read:

5. Be responsible for development and implementation of system of registers of eligibles. Be responsible for the development and use of registers of eligibles and the updating of these registers.

~~The~~ After meeting and consulting with collective bargaining representatives of affected employees, the director shall implement the procedures authorized by this subsection with the goal to establish an efficient hiring process that meets the satisfaction of the agencies that the office serves;

Sec. 2. 5 MRSA §7051, sub-§6, ¶B, as amended by PL 2007, c. 466, Pt. A, §15, is further amended to read:

B. The director shall establish a policy to protect persons in temporary positions from remaining in a temporary position for an unreasonable period of time, ~~not to exceed one year that may not exceed one year except that an extension may be granted to an individual by the director when unusual circumstances warrant that extension.~~

Sec. 3. 5 MRSA §7062, sub-§§1 and 3, as enacted by PL 1985, c. 785, Pt. B, §38, are amended to read:

1. Placement of names on register. In establishing registers of eligible persons pursuant to this section, the names of all persons attaining the minimum final earned ratings established by the director ~~shall~~ must be placed on the register ~~in order of their ratings.~~

3. Removal from list prohibited under certain circumstances. ~~No~~ A person may not be removed from a register of eligibles for:

- A. Specifying the conditions under which the applicant will accept employment in a classification;
- B. Specifying a department, bureau or division in which the applicant will accept employment in a classification; or