

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 2016 to August 2, 2017

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
NOVEMBER 1, 2017

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

Augusta, Maine
2017

4-A. Small beverage producer. "Small beverage producer" means a person or beverage plant that manufactures or bottles no more than 10,000 gallons of beverages a year.

Sec. 2. 32 MRSA §1852 is amended to read:

§1852. Plant requirements

Every beverage plant used for the preparation, manufacture and bottling of any beverage ~~shall~~ must be adequately lighted and ventilated and all floors ~~shall~~ must be constructed of cement, concrete or tile laid in cement or other material impervious to water, and ~~shall~~ must have sufficient pitch to ~~insure~~ ensure drainage; walls and ceilings ~~shall~~ must be varnished or painted in light color and kept clean; doors, windows and other openings of any room in which beverages or the ingredients of such beverages ~~shall~~ are prepared ~~shall~~ must be screened. Wash basins, sinks and toilets ~~shall~~ must be provided for employees. ~~No~~ A toilet ~~shall~~ may not open directly into any room used for the preparation or bottling of any beverage. The syrup room ~~shall~~ must be separately enclosed, well ventilated and lighted, provided with sinks and taps for hot and cold water, thoroughly protected against vermin, flies, dirt and dust and so constructed as to be easily cleaned.

~~Every~~ Except for a small beverage producer, every beverage plant ~~shall~~ must be equipped with mechanical container-washing apparatus and machinery, and with mechanical and sanitary machines for bottling and for carbonating, if carbonated beverages are manufactured. A small beverage producer may wash and fill glass beverage containers by hand and carbonate beverages by hand if all other requirements of this section are met.

All machines, apparatus, vessels, fountains, tanks or other equipment, caps and ingredients used in the manufacture of beverages ~~shall~~ must be kept in a sanitary condition. No vessels or tanks ~~shall~~ must be used for syrup mixing or for storing such mixed syrup unless they are of glass or stainless steel, porcelain lined, block tin lined or made of some other suitable impervious material.

Beverage plants ~~shall~~ must be located in buildings so constructed that the bottling operation is performed in separate rooms, but such construction ~~shall~~ must allow for modern practices in the loading or unloading of trucks in the same rooms, and for modern practices in the use of conveyor systems or other means of mechanical handling.

Sec. 3. 32 MRSA §1854, as amended by PL 1977, c. 696, §242; PL 1979, c. 731, §19; and PL 2011, c. 657, Pt. W, §6, is further amended to read:

§1854. Cleaning of containers

All reusable glass containers used in the manufacture of beverages ~~shall~~ must, before being filled or

refilled, be thoroughly cleaned and sanitized by washing ~~in an automatic washing machine~~ in a solution of not less than 3% caustic alkali; at a temperature not lower than 110° Fahrenheit to be followed by a rinsing in potable water. All other reusable and all single service containers ~~shall~~ must be cleaned and sanitized before being filled or refilled by suitable means approved by the Commissioner of Agriculture, Conservation and Forestry.

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

Effective June 1, 2017.

CHAPTER 114

H.P. 1001 - L.D. 1449

**An Act To Support Maine
Military Charities**

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

Sec. 1. 37-B MRSA §3, sub-§1, ¶D, as amended by PL 2015, c. 465, Pt. A, §1, is further amended to read:

D. Have the following powers and duties.

- (1) The Adjutant General shall administer the department subordinate only to the Governor.
- (2) The Adjutant General shall establish methods of administration consistent with the law necessary for the efficient operation of the department.
- (3) The Adjutant General may prepare a budget for the department.
- (4) The Adjutant General may transfer personnel from one bureau to another within the department.
- (5) The Adjutant General shall supervise the preparation of all state informational reports required by the federal military establishment.
- (6) The Adjutant General shall keep an accurate account of expenses incurred and, in accordance with Title 5, sections 43 to 46, make a full report to the Governor as to the condition of the military forces, and as to all business transactions of the Military Bureau, including detailed statements of expenditures for military purposes.
- (7) The Adjutant General is responsible for the custody, care and repair of all military property belonging to or issued to the State

for the military forces and shall dispose of military property belonging to the State that is unserviceable. The Adjutant General shall account for and deposit the proceeds from that disposal with the Treasurer of State, who shall credit them to the Capital Repair, Maintenance, Construction and Acquisition Account of the Military Bureau.

(8) The Adjutant General may sell for cash to officers of the state military forces, for their official use, and to organizations of the state military forces, any military or naval property that is the property of the State. The Adjutant General shall, with an annual report, render to the Governor an accurate account of the sales and deposit the proceeds of the sales with the Treasurer of State, who shall credit them to the General Fund.

(9) The Adjutant General shall represent the state military forces for the purpose of establishing the relationship between the federal military establishment and the various state military staff departments.

(10) The Adjutant General shall accept, receive and administer federal funds for and on behalf of the State that are available for military purposes or that would further the intent and specific purposes of this chapter and chapter 3. The Adjutant General shall provide the personnel, supplies, services and matching funds required by a federal cost-sharing arrangement pursuant to 31 United States Code, Chapters 63 and 65 (2013); 32 United States Code (2013); and National Guard Regulation 5-1 (2010). The Adjutant General shall receive funds and property and an accounting for all expenditures and property acquired through such a federal cost-sharing arrangement and make returns and reports concerning those expenditures and that property as required by such a federal cost-sharing arrangement.

(11) The Adjutant General shall acquire, construct, operate and maintain military facilities necessary to comply with this Title and Title 32 of the United States Code and shall operate and maintain facilities now within or hereafter coming within the jurisdiction of the Military Bureau.

(12) The Adjutant General may adopt rules pertaining to compliance with state and federal contracting requirements, subject to Title 5, chapter 375. Those rules must provide for approval of contracts by the appropriate state agency.

(13) The Adjutant General shall allocate and supervise any funds made available by the Legislature to the Civil Air Patrol.

(14) The Adjutant General shall report at the beginning of each biennium to the joint standing committee of the Legislature having jurisdiction over veterans' affairs on any recommended changes or modifications to the laws governing veterans' affairs, particularly as those changes or modifications relate to changes in federal veterans' laws. The report must include information on the status of communications with the United States Department of Veterans Affairs regarding the potential health risks to and the potential disabilities of veterans who as members of the Maine National Guard were exposed to environmental hazards at the Canadian military support base in Gagetown, New Brunswick, Canada.

(15) The Adjutant General may receive personal property from the United States Department of Defense that the Secretary of Defense has determined is suitable for use by agencies in law enforcement activities, including counter-drug activities, and in excess of the needs of the Department of Defense pursuant to 10 United States Code, Section 2576a, and transfer ownership of that personal property to state, county and municipal law enforcement agencies notwithstanding any other provision of law. The Adjutant General may receive excess personal property from the United States Department of Defense for use by the department, notwithstanding any other provision of law.

(16) The Adjutant General may establish a science, mathematics and technology education improvement program for schoolchildren known as the STARBASE Program. The Adjutant General may accept financial assistance and in-kind assistance, advances, grants, gifts, contributions and other forms of financial assistance from the Federal Government or other public body or from other sources, public or private, to implement the STARBASE Program. The Adjutant General may employ a director and other employees, permanent or temporary, to operate the STARBASE Program.

(17) The Adjutant General shall establish a system, to be administered by the Director of the Bureau of Maine Veterans' Services, to express formally condolence and appreciation to the closest surviving family members of members of the United States Armed Forces who, since September 11, 2001, are killed in

action or die as a consequence of injuries that result in the award of a Purple Heart medal. In accordance with the existing criteria of the department for the awarding of gold star medals, this system must provide for the Adjutant General to issue up to 3 gold star medals to family members who reside in the State, one to the spouse of the deceased service member and one to the parents of the service member. If the parents of the service member are divorced, the Adjutant General may issue one medal to each parent. If the service member has no surviving spouse or parents or if they live outside of the State, the Adjutant General may issue a gold star medal to the service member's next of kin, as reported to the department, who resides in the State.

(18) The Adjutant General may establish a National Guard Youth Challenge Program consistent with 32 United States Code, Section 509 (1990). The Adjutant General may accept financial assistance from the Federal Government or other public body or from other sources, public and private, to implement the National Guard Youth Challenge Program. The Adjutant General may employ a director and other employees, permanent or temporary, to operate the program.

(19) The Adjutant General may execute cooperative agreements for purposes described or defined by this Title and other arrangements necessary to operate the department.

(20) The Adjutant General shall act as the Governor's homeland security advisor.

(21) The Adjutant General shall implement a program to identify residents of the State who are not considered veterans but are military retirees or former members of the Maine Army National Guard or Maine Air National Guard who successfully completed service.

(22) The Adjutant General may provide logistical and administrative support to military welfare societies as defined in 10 United States Code, Section 1033(b)(2) in the performance of their functions and to state military welfare societies as defined in section 101-A, subsection 3 in the performance of their functions to provide relief directly to members of the Maine National Guard and the Maine Air National Guard and to facilitate the distribution of emergency financial relief in accordance with section 158.

Sec. 2. 37-B MRSA §101-A, sub-§3 is enacted to read:

3. State military welfare society. "State military welfare society" means a nonprofit agency composed primarily of serving or former Maine Army National Guard or Maine Air National Guard members established to solicit and accept donations for the purpose of providing emergency financial relief to members of the state military forces. A state military welfare society may be the same organization as a military welfare society as defined in 10 United States Code, Section 1033(b)(2).

Sec. 3. 37-B MRSA §158, as amended by PL 2015, c. 437, §3, is further amended to read:

§158. Maine Military Family Relief Fund

The Maine Military Family Relief Fund, referred to in this section as "the fund," is established as a nonlapsing fund in the department administered according to rules adopted by the Adjutant General. The funds deposited in the fund include, but are not limited to, fines imposed by the court on any person convicted under Title 17-A, section 354, subsection 2, paragraph A of theft by deception due to that person's intentional creation or reinforcement of a false impression that the person is a veteran or a member of the Armed Forces of the United States or a state military force. The Adjutant General is authorized to award loans and grants from the fund for emergencies and other special needs to members or families of members of the Maine National Guard or residents of the State who are members or families of members of the Reserves of the Armed Forces of the United States and to distribute funds to a statewide nonprofit organization established for the purpose of providing assistance to members or families of members of the Maine National Guard or residents of the State who are members or families of members of the Reserves of the Armed Forces of the United States. The Adjutant General is authorized to distribute money from the fund to state military welfare societies that the Adjutant General has designated in accordance with section 3, subsection 1, paragraph D, subparagraph (22) for the purpose of providing emergency relief to members of the state military forces and their families in accordance with this section and rules adopted in accordance with this section. The Adjutant General shall require that funds distributed to a designated military welfare society must be segregated from all other funds administered by the society and shall require regular reports on how the society distributed the funds. The Military Bureau shall adopt rules establishing eligibility criteria for the loans and grants. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.