

MAINE STATE LEGISLATURE

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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

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

Augusta, Maine
2017

C. The instructor of the course does not provide information or access to the monitor as required by subsection 7.

D. Fraud or deceit is used to obtain course approval or in providing the course or issuing certificates.

A person aggrieved by a decision of the ~~commissioner or the commissioner's~~ director of the bureau or director's designee to refuse to issue or renew approval or to suspend or revoke approval for an alcohol server education course may, within 30 days of receipt of that decision, appeal the decision to the District Court.

Sec. 30. 28-A MRSA §2519, sub-§9, as enacted by PL 2001, c. 502, §7, is amended to read:

9. Approval of Internet-based alcohol server education courses. The ~~commissioner or the commissioner's~~ director of the bureau or director's designee may approve an Internet-based alcohol server education course if the course meets the criteria developed under this section. An approved Internet-based alcohol server education course must have an advisor, certified under subsection 6-D, available to answer questions for persons using the Internet-based alcohol server education course.

See title page for effective date.

CHAPTER 168

H.P. 1056 - L.D. 1536

An Act To Allow Maine Manufacturers To Sell Spirits at Farmers' Markets and To Allow Taste Testings at Farmers' Markets

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

Sec. 1. 28-A MRSA §1366, sub-§1, as amended by PL 2011, c. 629, §24, is further amended to read:

1. Retail sales at farmers' market. A licensee under section 1355-A, subsection 3, paragraph B ~~or~~ subsection 4, paragraph B; subsection 5, paragraph B or an employee of the licensee who is at least 21 years of age may sell wine, spirits or malt liquor manufactured in the State by the licensee at a farmers' market pursuant to this section.

Sec. 2. 28-A MRSA §1366, sub-§3, as enacted by PL 2011, c. 280, §3, is amended to read:

3. Conditions. A licensee under subsection 1 may sell wine, spirits or malt liquor at a farmers' market under the following conditions:

A. The licensee shall apply for and must have received authorization to sell at farmers' markets from the bureau and paid an annual fee of \$75. The application pursuant to this paragraph must be in a form determined by the bureau. The licensee shall submit the application at least 30 days prior to the date when wine, spirits or malt liquor is to be sold at a farmers' market;

B. Prior to each month during which the licensee wishes to sell or conduct a taste testing at a farmers' market, the licensee shall provide to the bureau a list of the date, time and location of each farmers' market at which the licensee intends to sell or conduct a taste testing and must receive approval from the bureau for that month;

B-1. The licensee shall keep and maintain a record of the dates, times and locations of the licensee's participation in a farmers' market under this section;

C. The farmers' market must consist of at least 6 separate stalls or booths that sell farm or food products, not including ~~alcoholic beverages~~ liquor, and must be authorized by the bureau under subsection 4;

D. The stall or booth operated by the licensee at the farmers' market is considered part of the licensed premises of the licensee for purposes of this chapter;

E. All wine, spirits and malt liquor must be pre-packaged and sold by the bottle or case; and

F. Taste testing ~~or sampling~~ of wine, spirits and malt liquor ~~is not permitted at the farmers' market~~ may be conducted in accordance with section 1367.

G. Spirits sold in accordance with this subsection are subject to the listing, pricing and distribution provisions of this Title. The holder of a small distillery license may provide spirits for sale at a farmers' market in the same manner as permitted under section 1355-A, subsection 5, paragraph G.

Sec. 3. 28-A MRSA §1366, sub-§4, as enacted by PL 2011, c. 280, §3, is amended to read:

4. Farmers' market authorization. At least 30 days prior to the sale of wine, spirits or malt liquor, a farmers' market must obtain municipal approval to sell wine, spirits and malt liquor under this section and apply for and receive authorization from the bureau for a licensee authorized under subsection 3, paragraph A to sell wine, spirits or malt liquor at the farmers' market. If the farmers' market is held on private property, the application must include a written statement signed by the owner of the property permitting the sale of wine, spirits or malt liquor in accordance with this section. The bureau may request a diagram of the layout of the farmers' market. An application required by

this subsection must be in a form determined by the bureau.

Sec. 4. 28-A MRSA §1367 is enacted to read:

§1367. Tastings at farmers' markets

1. Taste testing. Subject to the conditions set forth in this section and the applicable bylaws of the farmers' market, a brewery, small brewery, winery, small winery, distillery or small distillery licensed under section 1355-A may conduct taste-testing events at a farmers' market. For purposes of this section, "farmers' market" has the meaning as in Title 7, section 415, subsection 1, paragraph A. A farmers' market may allow up to 2 dates per month on which a licensee described in this subsection may conduct a taste-testing event.

2. Conditions on taste-testing activities. The following conditions apply to taste-testing activities allowed under this section.

A. An individual at a taste-testing activity may not be charged a fee.

B. An individual at a taste-testing activity may not be served a taste-testing sample of more than 4 ounces of malt liquor, 1 1/2 ounces of wine or 1/2 ounce of spirits. An individual is limited to 6 samples per day per manufacturer licensed under section 1355-A.

C. Malt liquor, wine or spirits for taste testing may not be poured in advance and made available for individuals participation in the taste testing to serve themselves.

D. An individual at a taste-testing activity who is visibly intoxicated may not be served malt liquor, wine or spirits.

E. Taste-testing activities must be conducted within the hours of retail sales established in this Title.

F. Taste-testing activities are not allowed in any municipality where on-premises and off-premises sales are not allowed pursuant to chapter 5.

G. A licensee under section 1355-A conducting a taste-testing activity at a farmers' market must keep a record of when and where the activity took place.

H. A licensee may provide for taste testing only liquor that is manufactured by the licensee in accordance with section 1355-A.

See title page for effective date.

CHAPTER 169

S.P. 539 - L.D. 1544

An Act To Update the Maine Insurance Code To Maintain Conformance with Uniform National Standards

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

PART A

Sec. A-1. 24 MRSA §2306, as amended by PL 1997, c. 592, §3, is further amended to read:

§2306. Reports

~~Annually, on or before March 1st, every~~ Every corporation organized under this chapter shall file in the office of the superintendent ~~a statement~~ annual and quarterly financial statements substantially similar to those required of health insurers under Title 24-A, sections 423, 423-A and 423-D verified by at least 2 of the principal officers of that corporation showing its condition on the previous December 31st. The statement must be on an annual or quarterly statement blank of the National Association of Insurance Commissioners for use by nonprofit hospital or medical service corporations, be prepared in accordance with the association's annual or quarterly statement instructions, follow practices and procedures prescribed by the association's accounting practices and procedures manual and be accompanied by any useful or necessary modification or adaptation and any additional information required by the superintendent. The superintendent may by rule or order require the filing of more frequent reports.

A nonprofit hospital or medical service corporation that controls and operates a health maintenance organization as a division or line of business of the corporation shall file on a continuing basis any additional periodic financial reports required by ~~the superintendent by rule~~ Title 24-A, section 4208.

Sec. A-2. 24 MRSA §2317-B, sub-§§1-A and 1-B are enacted to read:

1-A. Title 24-A, section 423-C. Reports of material transactions, Title 24-A, section 423-C;

1-B. Title 24-A, section 423-G. Corporate governance annual disclosure, Title 24-A, section 423-G;

Sec. A-3. 24 MRSA §2317-B, sub-§16-B is enacted to read:

16-B. Title 24-A, chapter 11. Assets and liabilities, Title 24-A, chapter 11;

Sec. A-4. 24-A MRSA §423-A, as enacted by PL 1985, c. 330, §6, is amended to read: