

# 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**

**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.**

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**Augusta, Maine**  
**2017**

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Retail Marijuana Regulatory Coordination Fund N233**

Initiative: Allocates funds to establish the Retail Marijuana Regulatory Coordination Fund.

OTHER SPECIAL REVENUE FUNDS	2016-17	2017-18	2018-19
All Other	\$500	\$1,400,000	\$0
<b>TOTAL</b>	<b>\$500</b>	<b>\$1,400,000</b>	<b>\$0</b>

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

DEPARTMENT TOTALS	2016-17	2017-18	2018-19
OTHER SPECIAL REVENUE FUNDS	\$500	\$1,400,000	\$0
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$500</b>	<b>\$1,400,000</b>	<b>\$0</b>

**LEGISLATURE**

**Legislature 0081**

Initiative: Appropriates funds on a one-time basis to the Legislature to provide resources for the Joint Select Committee on Marijuana Legalization Implementation for the purposes of covering the costs of consultant services and necessary travel and expenses and any other purposes determined to be appropriate by the Joint Select Committee on Marijuana Legalization Implementation to assist the committee in the performance of its duties.

GENERAL FUND	2016-17	2017-18	2018-19
All Other	\$0	\$200,000	\$0
<b>TOTAL</b>	<b>\$0</b>	<b>\$200,000</b>	<b>\$0</b>

**LEGISLATURE**

DEPARTMENT TOTALS	2016-17	2017-18	2018-19
GENERAL FUND	\$0	\$200,000	\$0

DEPARTMENT TOTAL - ALL FUNDS	2016-17	2017-18	2018-19
GENERAL FUND	\$0	\$200,000	\$0
OTHER SPECIAL REVENUE FUNDS	\$500	\$1,400,000	\$0
<b>SECTION TOTAL - ALL FUNDS</b>	<b>\$500</b>	<b>\$1,600,000</b>	<b>\$0</b>

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

Effective June 29, 2017.

**CHAPTER 279**

**H.P. 354 - L.D. 491**

**An Act To Extend the Allowed Time for the Interchange of Educators between School Administrative Units and the Department of Education**

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

**Sec. 1. 5 MRSA §3003, last ¶**, as enacted by PL 1967, c. 266, is amended to read:

The Except as provided in section 3003-A, the period of individual assignment or detail under an interchange program ~~shall~~ may not exceed 12 months, nor ~~shall~~ may any person be assigned or detailed for more than 12 months during any 36-month period. Details relating to any matter covered in this chapter may be the subject of an agreement between the sending and receiving agencies. Elected officials ~~shall~~ may not be assigned from a sending agency nor detailed to a receiving agency.

**Sec. 2. 5 MRSA §3003-A** is enacted to read:

**§3003-A. Educator interchange program; period of assignment**

The period of an individual assignment of an educator under an interchange program, authorized under section 3003, between the educator's school administrative unit as the sending agency and the Department of Education as the receiving agency may not exceed 24 months nor may any educator be assigned under such an interchange program for more than 24 months

during any 36-month period. For the purposes of this section, "educator" means a teacher, principal or other education professional employed by a school administrative unit.

See title page for effective date.

## CHAPTER 280

### H.P. 1133 - L.D. 1642

#### An Act To Clarify Licensing Provisions for the Manufacture and Sale of Liquor

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations is charged with enforcing the laws relating to licensing of the manufacture and sale of liquor; and

**Whereas,** the bureau's recent interpretation of a law regarding brewery ownership could lead to consequences that were not intended by the Legislature; and

**Whereas,** it is imperative that the law be clarified as soon as possible to avoid unintended consequences that could imperil operations by breweries during premium tourism season; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 28-A MRSA §1355-A, sub-§2, ¶I,** as amended by PL 2017, c. 34, §1, is further amended to read:

I. A licensee may be issued one retail license under chapter 43 per licensed location for the sale of liquor to be consumed on the premises at the retail premises.

~~(1) The retail license must be held exclusively by the holder of the brewery, small brewery, winery, small winery, distillery or small distillery license.~~

(2) The retail license authorizes the sale of products of the brewery, small brewery, winery, small winery, distillery or small distillery, in addition to other liquor permitted to be

sold under the retail license, to be consumed on the premises.

(3) All records related to activities under a manufacturer license issued under this section must be kept separate from records related to the retail license.

(4) A distillery or small distillery must meet the requirements of subsection 5, paragraphs D and E.

(5) The licensee shall ensure that products purchased for off-premises consumption under paragraph D are not consumed on the licensed premises.

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

**2-A. Majority interest requirement.** A person licensed as a manufacturer under this section who is authorized by this section to hold a retail license may be issued a retail license as long as the manufacturer has a controlling interest in both the licensed manufacturing facility and the licensed retail establishment, regardless of the business structure of either licensed entity.

**Sec. 3. 28-A MRSA §1355-A, sub-§5, ¶E,** as enacted by PL 2011, c. 629, §22, is amended to read:

E. A holder of a distillery or small distillery license may be issued one license under chapter 43 per distillery location for a connected establishment for the sale of liquor to be consumed on the premises at the distillery.

(1) For the purposes of this paragraph, "connected establishment" means a Class A restaurant or a Class A restaurant/lounge that is owned ~~exclusively~~ by the holder of the in-state manufacturer license.

(2) All records of the manufacturer license must be kept separate from the records of the retail licensee.

**Sec. 4. Bureau of Alcoholic Beverages and Lottery Operations prohibited from suspending, revoking or refusing to renew certain licenses under certain circumstances.** Before June 30, 2018, the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations may not suspend, revoke or refuse to renew a license issued under the Maine Revised Statutes, Title 28-A, section 1355-A or Title 28-A, chapter 43 or 45 that was initially issued prior to June 1, 2017 solely on the basis that the establishment licensed under Title 28-A, chapter 43 or 45 was determined by the bureau after June 1, 2017 to not be exclusively held or exclusively owned by a person