

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.

Augusta, Maine
2017

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

licensed to manufacture liquor under Title 28-A, section 1355-A.

The prohibition described in this section does not apply if the reason for suspension, revocation or failure to renew is due to the licensee's substantial misrepresentation of or failure to disclose material facts required for the issuance or renewal of the license.

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

Effective June 29, 2017.

CHAPTER 281

H.P. 329 - L.D. 463

An Act To Improve the Funding of County Jails

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

Sec. 1. 30-A MRSA §701, sub-§2-C, as enacted by PL 2015, c. 335, §11, is amended to read:

2-C. Tax assessment for correctional services beginning July 1, 2015. Beginning July 1, 2015, the counties shall annually collect no less than \$62,172,371 from municipalities for the provision of correctional services in accordance with this subsection. The counties may collect an amount that is more than the base assessment limit established in this subsection, except that the additional amount each year may not exceed the base assessment limit as adjusted by the growth limitation factor established in section 706-A, subsection 3 or 3%, whichever is less. If a county collects in a year an amount that is more than the base assessment limit established for that county pursuant to this subsection, the base assessment limit in the succeeding year is the amount collected in the prior year. For the purposes of this subsection, "correctional services" includes management services, personal services, contractual services, commodity purchases, capital expenditures and all other costs, or portions thereof, necessary to maintain and operate correctional services. "Correctional services" does not include county jail debt unless there is a surplus in the account that pays for correctional services at the end of the state fiscal year.

The assessment to municipalities within each county may not be ~~greater or~~ less than the base assessment limit, which is:

- A. A sum of \$4,287,340 in Androscoggin County;
- B. A sum of \$2,316,666 in Aroostook County;
- C. A sum of \$11,575,602 in Cumberland County;

- D. A sum of \$1,621,201 in Franklin County;
- E. A sum of \$1,670,136 in Hancock County;
- F. A sum of \$5,588,343 in Kennebec County;
- G. A sum of \$3,188,700 in Knox County;
- H. A sum of \$2,657,105 in Lincoln County;
- I. A sum of \$1,228,757 in Oxford County;
- J. A sum of \$5,919,118 in Penobscot County;
- K. A sum of \$878,940 in Piscataquis County;
- L. A sum of \$2,657,105 in Sagadahoc County;
- M. A sum of \$5,363,665 in Somerset County;
- N. A sum of \$2,832,353 in Waldo County;
- O. A sum of \$2,000,525 in Washington County; and
- P. A sum of \$8,386,815 in York County.

See title page for effective date.

CHAPTER 282

H.P. 910 - L.D. 1313

An Act To Establish Energy Policy in Maine

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

Sec. 1. 35-A MRSA §10109, sub-§3-A, as enacted by PL 2015, c. 498, §1, is amended to read:

3-A. Payments. The trust shall transfer funds to the extent funds are available to the commission ~~\$3,000,000 per each year during fiscal years 2016-17, 2017-18 and 2018-19 and 2019-20~~ in accordance with this subsection to be used by the commission for disbursements to affected customers. ~~Affected customers who use~~ An affected customer who uses the entire disbursement received by that customer toward an efficiency measure approved by the trust in the fiscal year in which it is received must receive \$1 of assistance from the trust for every \$3 ~~of the disbursement plus any additional customer funds~~ that is are applied by the affected customer toward the cost of the approved efficiency measure as long as the total of assistance from the trust and the disbursement allocated by the commission under this subsection for that customer for that fiscal year does not exceed 65% of the total measure cost.

For the purposes of this subsection, "affected customer" means a customer who is not primarily in the business of selling electricity, is receiving service at a transmission or subtransmission voltage level as defined in section 10110, subsection 6 within the electrical utility transmission system administered by an in-