

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

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

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

Augusta, Maine
2019

**CHAPTER 167
S.P. 516 - L.D. 1619**

**An Act Regarding Licenses for
the Sale of Liquor for
On-premises Consumption**

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

Whereas, municipalities must be allowed to stop the sale of certain types of liquor in particular zones by summer; 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 §1011, sub-§1-A is enacted to read:

1-A. Exception. Notwithstanding subsection 1, when considering an application for a new Class X license or the renewal of a Class X license under section 653, a municipality may grant the application subject to a condition that limits the types of liquor that may be sold for consumption on the premises.

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

Effective May 30, 2019.

**CHAPTER 168
S.P. 294 - L.D. 1015**

**An Act To Support Maine
Craft Distillers**

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

Whereas, this Act increases the discount rate for licensed small distilleries located in Maine that do not send their products through the State's spirits warehouse and distribution system and instead sell their products directly to consumers; and

Whereas, in order to allow small distilleries to take advantage of this change in time for the summer,

this change is scheduled to take place July 1, 2019; 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 §606, sub-§4-B is enacted to read:

4-B. Discount rate for small distilleries. Beginning July 1, 2019, the bureau shall set the price of spirits produced by a small distillery licensed under section 1355-A, subsection 5, paragraph B and retained by that small distillery for sale under section 1355-A, subsection 5, paragraph G or H at a discount of 22.75% of the list price.

Sec. 2. 28-A MRSA §1355-A, sub-§2, ¶C, as enacted by PL 2011, c. 629, §22, is amended to read:

C. A licensee under this section may sell to nonlicensees during regular business hours from the licensed premises where liquor is produced by the licensee liquor produced by the bottle, by the case or in bulk for consumption off the licensed premises. Spirits sold by distillers and small distillers in accordance with this paragraph must be first sold to the State, subject to the listing, pricing and distribution provisions of this Title.

Sec. 3. 28-A MRSA §1355-A, sub-§5, ¶G, as amended by PL 2015, c. 440, §1, is further amended to read:

G. Notwithstanding paragraph D, a holder of a small distillery license licensed under paragraph B, subparagraph (3) to operate a retail location for that sells its products directly to consumers for off-premises consumption under paragraph B, subparagraph (3) or subsection 2, paragraph C, D or E 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 retail from its off premises location under section 606, subsection 4-B. A small distillery is not required to transport spirits that will be sold for off-premises consumption under paragraph B, subparagraph (3) as described in this paragraph 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. 4. 28-A MRSA §1355-A, sub-§5, ¶H, as enacted by PL 2015, c. 440, §2, is amended 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 that sells its products directly to consumers for on-premises consumption under paragraph E or subsection 2, paragraph B, E or F~~ 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 under section 606, subsection 4-B.~~ A small distillery is not required to transport spirits that will be sold for on-premises consumption ~~under paragraph E as described in this paragraph~~ 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.

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

Effective May 30, 2019.

CHAPTER 169

H.P. 860 - L.D. 1186

An Act To Address Electricity Costs of Agricultural Fairs

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

Whereas, this legislation needs to take effect before the expiration of the 90-day period in order to be in effect for the 2019 agricultural fair 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. 35-A MRSA §10124 is enacted to read:

§10124. Agricultural fair assistance program

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Agricultural fair" has the same meaning as in Title 7, section 81, subsection 1.

B. "Demand charge" means a charge on an electric bill that is based on the customer's peak demand for electricity.

C. "Fund" means the agricultural fair assistance program fund established under subsection 3.

D. "Program" means the agricultural fair assistance program established under subsection 2.

2. Program established. The trust shall establish and administer an agricultural fair assistance program to help agricultural fairs reduce electricity costs through the most cost-effective opportunities available. Under the program, the trust shall:

A. Conduct outreach and provide technical assistance to agricultural fairs to:

(1) Identify opportunities to reduce electricity costs, including but not limited to opportunities to reduce peak electricity demand; and

(2) Enroll agricultural fairs in existing programs offered by the trust as appropriate; and

B. Offer custom financial incentives to agricultural fairs to implement electric efficiency and conservation measures, including but not limited to measures to reduce peak electricity demand.

The program may use a definition of cost-effective other than the definition adopted by the trust pursuant to section 10110, subsection 2.

3. Fund established. The trust shall establish the agricultural fair assistance program fund as a nonlapsing fund administered by the trust to fund the program. The commission shall assess each transmission and distribution utility an amount necessary to collect the total amount of demand charges paid by agricultural fairs in the State to transmission and distribution utilities during the prior year. All amounts collected under this subsection must be transferred to the fund. Any interest earned on funds in the fund must be credited to