

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST SPECIAL SESSION

August 26, 2019

SECOND REGULAR SESSION

January 8, 2020 to March 17, 2020

**THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION**

NON-EMERGENCY LAWS IS

NOVEMBER 25, 2019

**THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION**

NON-EMERGENCY LAWS IS

JUNE 16, 2020

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

**Augusta, Maine
2020**

CHAPTER 615
S.P. 738 - L.D. 2089

An Act To Clarify Certificate
of Approval Requirements
under the State's Liquor Laws

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

Sec. 1. 28-A MRSA §2, sub-§8, as amended
by PL 1997, c. 373, §11, is repealed and the following
enacted in its place:

8. Certificate of approval holder. "Certificate of
approval holder" means:

- A. An in-state manufacturer of malt liquor, wine or spirits licensed under section 1355-A;
- B. An out-of-state manufacturer of or out-of-state wholesaler of malt liquor or wine that has been issued a certificate of approval under section 1361;
or
- C. An out-of-state spirits supplier that has been issued a certificate of approval by the bureau under section 1381.

Sec. 2. 28-A MRSA §1351, as amended by PL
1997, c. 373, §112, is further amended to read:

§1351. Certificate of approval

1. Certificate of approval required. All ~~in-state manufacturers, out-of-state manufacturers and of malt liquor or wine, out-of-state wholesalers of malt liquor or wine and out-of-state spirits suppliers~~ must obtain a certificate of approval from the bureau.

2. Definition. For purposes of this section, "out-of-state spirits supplier" means an out-of-state spirits manufacturer or a person that engages in the out-of-state purchase of spirits for resale to the bureau.

Sec. 3. 28-A MRSA §1364, sub-§5 is enacted to read:

5. Limitation on definition of "certificate of approval holder." Notwithstanding section 2, subsection 8, as used in this section, "certificate of approval holder" means an in-state manufacturer of malt liquor or wine licensed under section 1355-A or an out-of-state manufacturer of or out-of-state wholesaler of malt liquor or wine that has been issued a certificate of approval under section 1361.

Sec. 4. 28-A MRSA c. 51, sub-c. 5 is enacted to read:

SUBCHAPTER 5
SPIRITS

§1381. Certificate of approval; spirits

1. Definition. For purposes of this section, "out-of-state spirits supplier" means an out-of-state spirits manufacturer or a person that engages in the out-of-state purchase of spirits for resale to the bureau.

2. Certificate of approval required. An out-of-state spirits supplier may not transport spirits into the State or cause spirits to be transported into the State unless the out-of-state spirits supplier has obtained a certificate of approval from the bureau in accordance with this section.

3. Fee for certificate of approval. The fee for a certificate of approval under this section is \$1,000 per year, except that the fee for an out-of-state spirits supplier that transports or causes to be transported a total of 450 liters of spirits or less per year is \$100. Payment of the fee must accompany the application for the certificate of approval.

4. Conditions on certificate of approval. A certificate of approval under this section is subject to the laws of the State and the rules of the bureau.

5. Shipment restrictions. Except as provided in sections 2073 and 2075, a person that has been issued a certificate of approval under this section may only transport spirits into the State or cause spirits to be transported into the State if the spirits are delivered to a warehouse designated by the commission under section 81.

6. Phased-in fee. Notwithstanding subsection 3, until September 1, 2021, the fee for a certificate of approval under this section is \$500 per year, except that the fee for an out-of-state spirits supplier that transports or causes to be transported a total of 450 liters of spirits or less per year is \$100. Payment of the fee must accompany the application for the certificate of approval.

This subsection is repealed September 1, 2021.

Sec. 5. 28-A MRSA §1401-A is enacted to read:

§1401-A. Limitation on definition of "certificate of approval holder"

Notwithstanding section 2, subsection 8, as used in this chapter, unless the context otherwise indicates, "certificate of approval holder" means an in-state manufacturer of malt liquor or wine licensed under section 1355-A or an out-of-state manufacturer of or out-of-state wholesaler of malt liquor or wine that has been issued a certificate of approval under section 1361.

Sec. 6. 28-A MRSA §1451, sub-§1-A is enacted to read:

1-A. Certificate of approval holder. Notwithstanding section 2, subsection 8, "certificate of approval holder" means an in-state manufacturer of malt liquor or wine licensed under section 1355-A or an out-of-

state manufacturer of or out-of-state wholesaler of malt liquor or wine that has been issued a certificate of approval under section 1361.

Sec. 7. Effective date. This Act takes effect September 1, 2020.

Effective September 1, 2020.

CHAPTER 616

H.P. 1516 - L.D. 2126

An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2020 and June 30, 2021

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 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; 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:

PART A

Sec. A-1. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Bureau of General Services - Capital Construction and Improvement Reserve Fund 0883

Initiative: Provides funding for maintenance and repair of state facilities. Any unexpended or unencumbered funds from this project at the end of the fiscal year may not lapse but must be carried forward to be used for the same purpose.

GENERAL FUND	2019-20	2020-21	
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All Other	\$2,000,000	\$0	
GENERAL FUND TOTAL	\$2,000,000	\$0	

Central Administrative Applications Z234

Initiative: Provides funding for the human resources management system.

GENERAL FUND	2019-20	2020-21	
All Other	\$1,900,000	\$0	
GENERAL FUND TOTAL	\$1,900,000	\$0	

Information Services 0155

Initiative: Provides necessary All Other for information security enhancements.

GENERAL FUND	2019-20	2020-21	
All Other	\$1,748,821	\$0	
GENERAL FUND TOTAL	\$1,748,821	\$0	

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

	2019-20	2020-21	
DEPARTMENT TOTALS			
GENERAL FUND	\$5,648,821	\$0	
DEPARTMENT TOTAL - ALL FUNDS	\$5,648,821	\$0	

Sec. A-2. Appropriations and allocations. The following appropriations and allocations are made.

AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF

Bureau of Agriculture 0393

Initiative: Provides one-time funding to replace the 2002 FT120 butterfat, protein and solids analyzer to ensure a safe milk supply for the public.

GENERAL FUND	2019-20	2020-21	
Capital Expenditures	\$45,000	\$0	
GENERAL FUND TOTAL	\$45,000	\$0	

Parks - General Operations Z221

Initiative: Provides funding to increase salaries for 38 Lifeguard positions and 5 Lifeguard Supervisor positions and provides funds for the required certification training.

GENERAL FUND	2019-20	2020-21	
Personal Services	\$0	\$64,687	
GENERAL FUND TOTAL	\$0	\$64,687	

AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF

	2019-20	2020-21	
DEPARTMENT TOTALS			