

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTIETH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 2020 to March 30, 2021**

**FIRST SPECIAL SESSION**  
**April 28, 2021 to July 19, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 18, 2021**

**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**  
**2021**

in these positions who would benefit from continuing to be covered by the United States Social Security Act or other retirement programs; 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. 5 MRSA §17001, sub-§42, ¶A**, as amended by PL 2019, c. 460, §1, is further amended to read:

A. Any employee of a public school or a school management and leadership center established pursuant to Title 20-A, chapter 123 who fills any position that the Department of Education requires be filled by a person who holds the appropriate certification or license required for that position, other than an educational technician position for which certification is not required under Title 20-A, section 13019-H, and:

(1) Holds appropriate certification from the Department of Education, including an employee whose duties include, in addition to those for which certification is required, either the setup, maintenance or upgrading of a school computer system the use of which is to assist in the introduction of new learning to students or providing school faculty orientation and training related to use of the computer system for educational purposes; or

(2) Holds an appropriate license issued to a professional employee by a licensing agency of the State;

**Sec. 2. Retroactivity.** This Act applies retroactively to July 1, 2018.

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

Effective March 17, 2021.

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**CHAPTER 7**

**S.P. 132 - L.D. 306**

**An Act To Temporarily Waive  
Certain Requirements for  
Relicensing for Restaurants  
That Serve 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 spread of the novel coronavirus disease referred to as COVID-19 has created a public health emergency; and

**Whereas**, in response to this public health emergency, the Governor issued an executive order on March 18, 2020 requiring all restaurants to close their dine-in facilities; and

**Whereas**, although restaurants across the State were permitted to reopen for dine-in service by June 17, 2020, they were required to limit indoor seating capacity and, beginning November 20, 2020, were additionally required to close their dine-in facilities by 9:00 p.m. nightly to prevent spread of the virus; and

**Whereas**, the combined effects of the public health emergency and subsequent public health measures have negatively impacted the ability of restaurants to satisfy certain criteria for maintenance of their licenses to sell liquor for on-premises consumption under current law; 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. One-time waiver of requirements for food sales for license renewal.** Notwithstanding any provision of the law to the contrary, an applicant for renewal of an on-premises retail license issued by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations under the Maine Revised Statutes, Title 28-A is not required to demonstrate that it has satisfied any applicable requirement under Title 28-A, chapter 43 for income from the sale of food during the previous year if the license to be renewed expires, prior to the granting of any extension under section 2, during the period beginning on January 1, 2021 and ending on January 1, 2022. The bureau must grant any license renewal denied between January 1, 2021 and the effective date of this Act if the sole reason for the denial was the licensee's failure to demonstrate compliance with any applicable requirement under Title 28-A, chapter 43 for income from the sale of food.

**Sec. 2. One-time extension of on-premises retail licenses.** Notwithstanding any provision of law to the contrary, the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations, upon receipt of an application for renewal of an on-premises retail license issued under the Maine Revised Statutes, Title 28-A that expires during the period beginning on the effective date of this Act and ending one year after that date, shall grant a 90-day extension of the license if the license to be renewed was

active during the entire period beginning March 18, 2020 and ending June 16, 2020.

**Sec. 3. Retroactivity.** This Act applies retroactively to January 1, 2021.

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

Effective March 17, 2021.

**CHAPTER 8  
S.P. 133 - L.D. 307**

**An Act To Expand the Market  
for Maine Liquor  
Manufacturers**

**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 spread of the novel coronavirus disease referred to as COVID-19 has created a public health emergency; and

**Whereas,** in response to this public health emergency, the Governor issued an executive order on March 18, 2020 requiring the closure of tasting rooms and requiring restaurants and bars, including those operated by Maine manufacturers of spirits, wine and malt liquor, to close their dine-in facilities; and

**Whereas,** although restaurants were permitted to reopen for dine-in service by June 17, 2020, they were required to limit indoor seating capacity and, from November 20, 2020 through January 2021, were additionally required to close their dine-in facilities by 9:00 p.m. nightly to prevent spread of the virus; and

**Whereas,** the reopening of bars and tasting rooms has been postponed until further notice; and

**Whereas,** the combined effects of the public health emergency and subsequent public health measures have significantly affected the economic health of Maine manufacturers of spirits, wine and malt liquor; 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 §707, sub-§7,** as amended by PL 2019, c. 665, §9, is further amended to read:

**7. Exceptions.** This section does not prohibit:

A. A manufacturer or out-of-state wholesaler from extending the usual and customary credit to a wholesale licensee for the purchase of malt liquor or wine; ~~or~~

B. A manufacturer or out-of-state wholesaler from furnishing materials and equipment for the use of a wholesale licensee or the wholesale licensee's employees, including:

- (1) Painting the wholesale licensee's vehicles;
- (2) Supplying legal advertising signs used by the wholesale licensee in the course of the wholesale licensee's business; and
- (3) Supplying uniforms for the employees of the wholesale licensee; or

C. A manufacturer licensed under section 1355-A from selling and shipping its products to an individual in another state for personal use and not for resale, as long as the sale and shipment are authorized by and conducted in accordance with the requirements of the law of the state where the shipment is delivered.

**Sec. 2. 28-A MRSA §1357** is enacted to read:

**§1357. Sales to persons in another state**

Notwithstanding any provision of this Title to the contrary, a manufacturer licensed under section 1355-A may sell and ship its products to a person located in another state, as long as the sale and shipment are authorized by and conducted in accordance with the requirements of the law of the state where the shipment is delivered.

**Sec. 3. 28-A MRSA §1651, sub-§1,** as amended by PL 2019, c. 404, §29, is further amended to read:

**1. State spirits tax.** Except as provided in section 83-C, subsection 2-A and section 606, the commission shall determine and set the retail price at which ~~to sell~~ all spirits to agency liquor stores that will produce sufficient revenue to pay all spirits-related expenses of the bureau and to return to the Liquor Operation Revenue Fund established in Title 30-A, section 6054 and the General Fund an amount substantially equal to the amount of state spirits tax collected in the previous fiscal year.

C. The bureau shall charge agency liquor stores the refund value pursuant to Title 38, section 3103 in addition to the wholesale price for each product purchased.

**Sec. 4. 28-A MRSA §1651, sub-§3, ¶C,** as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

C. To industrial establishments for use as an ingredient in the manufacture of food products; ~~or~~