

# 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 THIRTIETH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**September 29, 2021**

**SECOND REGULAR SESSION**  
**January 5, 2022 to May 9, 2022**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**DECEMBER 29, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 8, 2022**

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

---

---

**Augusta, Maine**  
**2022**

A. Graduated discount rates, which must be structured in a way that does not adversely affect agency liquor stores that stock a low level of inventory; and

B. Increased discount rates to be awarded as part of a sales incentive program for agency liquor stores. In adopting a sales incentive program under this paragraph, the bureau shall consider the effect of the sales incentive program on state revenue and on any pending or existing contracts awarded under section 90.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. B-3. Report on discount rate rulemaking.** The Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations shall submit a report to the joint standing committee of the Legislature having jurisdiction over alcoholic beverages matters no later than February 1, 2023 describing the steps taken by the bureau after the effective date of this Act to adopt or amend or to propose to adopt or amend rules governing the wholesale prices of spirits under the Maine Revised Statutes, Title 28-A, section 606, subsection 4-A, including rules establishing graduated discount rates or a sales incentive program for agency liquor stores. The report must include a copy of any rules finally adopted after the effective date of this Act or a description of the substance of the rules that the bureau has proposed or intends to propose for adoption after the effective date of this Act. The joint standing committee of the Legislature having jurisdiction over alcoholic beverages matters may report out legislation based upon the report to any session of the 131st Legislature.

**Sec. B-4. Bureau of Alcoholic Beverages and Lottery Operations to convene stakeholder group regarding sale and distribution of certain spirits products; report.** The Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations shall convene a stakeholder group to consider changes to the law that would allow the importation and sale of spirits products containing between 8% and 15% alcohol by volume by certificate of approval holders under the Maine Revised Statutes, Title 28-A, section 1361 and that would allow the production and sale of such spirits products by in-state manufacturers of malt liquor or wine licensed under Title 28-A, section 1355-A. The stakeholder group must include, at a minimum, agency liquor stores; on-premises and off-premises retail licensees; certificate of approval holders under Title 28-A, sections 1361 and 1381; in-state manufacturers licensed under Title 28-A, section 1355-A, including small breweries and small distilleries; and wholesale licensees.

The stakeholder group shall hold at least 3 meetings for the purpose of considering the following:

1. Changes to current law that would allow retailers licensed to sell malt liquor or wine for on-premises or off-premises consumption that are not agency liquor stores to sell spirits products containing between 8% and 15% alcohol by volume, including but not limited to amending the definition of "low-alcohol spirits products" and creating a new category of spirits product that includes products commonly known as "ready-to-drink" cocktails; and

2. Changes to current law that would establish the category of the spirits products identified in subsection 1 that certificate of approval holders under Title 28-A, section 1361 should be authorized to import and sell and that manufacturers of malt liquor or wine licensed under Title 28-A, section 1355-A should be authorized to produce and sell; the categories of the spirits products identified in subsection 1 that wholesale licensees should be authorized to distribute for resale; and the categories of spirits products identified in subsection 1 that the State should continue to distribute to agency liquor stores.

No later than March 1, 2023, the bureau shall submit a report summarizing any conclusions reached and proposals supported by the stakeholder group, which may include suggested legislation, to the joint standing committee of the Legislature having jurisdiction over alcoholic beverages matters. The committee may report out legislation related to the report to the 131st Legislature in 2023.

See title page for effective date.

---

---

**CHAPTER 593**

**H.P. 455 - L.D. 619**

**An Act Regarding Eligibility  
for Burial in the Maine  
Veterans' Memorial Cemetery  
System**

**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 Honorable John L. Tuttle, Jr., served for 10 years as a member of the Maine Army National Guard and for nearly 30 years in both the Senate and House of Representatives in the Maine State Legislature; and

**Whereas,** the Honorable John L. Tuttle, Jr., passed away on January 27, 2022 while serving his 12th term in the House of Representatives; and

**Whereas,** there is pending federal legislation that will allow states to determine eligibility criteria for burial in state veterans' cemeteries of those who died while

a member or former member of the military forces identified in this legislation; and

**Whereas**, the Legislature wishes to honor the services of the Honorable John L. Tuttle, Jr., by allowing his burial in the Maine Veterans' Memorial Cemetery System in accordance with the pending federal legislation; 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. 37-B MRSA §504, sub-§4, ¶B-1** is enacted to read:

B-1. The director may allow the earth burial in one of the cemeteries of a person, and any spouse or minor child of that person, who meets the criteria established by the department by rule and who died while:

- (1) A member or former member of the National Guard;
- (2) A member or former member of the state military forces or the Reserve Components of the United States Armed Forces; or
- (3) A member of a reserve officer training corps of the United States Armed Forces.

The department shall adopt rules necessary to implement this paragraph, including rules governing the eligibility for burial in the cemeteries. In establishing criteria for the burial of a person under this paragraph, the department shall ensure that such criteria comply with any applicable state or federal requirements. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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

Effective April 14, 2022.

---

---

**CHAPTER 594**

**H.P. 1314 - L.D. 1763**

**An Act To Update References to the United States Internal Revenue Code of 1986 Contained in the Maine Revised Statutes**

**Emergency preamble.** **Whereas**, acts and resolves of the Legislature do not become effective until

90 days after adjournment unless enacted as emergencies; and

**Whereas**, state tax law needs to be updated to conform to federal law before the 90-day period expires to avoid delay in the processing of income tax returns for 2021; and

**Whereas**, legislative action is immediately necessary to ensure continued and efficient administration of the state income tax and certain other state taxes; 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. 36 MRSA §111, sub-§1-A**, as amended by PL 2021, c. 398, Pt. H, §1, is further amended to read:

**1-A. Code.** "Code" means the United States Internal Revenue Code of 1986 and amendments to that Code as of ~~April 30~~ December 31, 2021.

**Sec. 2. Application.** This Act applies to tax years beginning on or after January 1, 2021 and to any prior tax year as specifically provided by the United States Internal Revenue Code of 1986 and amendments to that Code as of December 31, 2021.

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

Effective April 14, 2022.

---

---

**CHAPTER 595**

**H.P. 1416 - L.D. 1910**

**An Act To Improve Children's Mental Health by Requiring Insurance Coverage for Certain Mental Health Treatment**

**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 COVID-19 pandemic has exacerbated the need for mental health treatment, especially among young people in the State; and

**Whereas**, in response to COVID-19 and on an ongoing basis, it is important for young people in the State to have access to mental health treatment that uses evidence-based practices; and