

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON VETERANS
AND LEGAL AFFAIRS**

May 2014

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STATE OF MAINE
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LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

The *Digest* is arranged within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER.....carried over to a subsequent session of the Legislature
CON RES XXX chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSESHouse & Senate disagreed; legislation died
DIED IN CONCURRENCE defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT action incomplete when session ended; legislation died
EMERGENCYenacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE.....emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT.....legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW.....sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY.....ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX chapter # of enacted public Law
RESOLVE XXX chapter # of finally passed resolve
VETO SUSTAINED.....Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the Second Regular Session of the 126th Legislature is August 1, 2014. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Veterans and Legal Affairs

Committee Amendment "A" (S-421)

This amendment clarifies that the report due to the joint standing committee of the Legislature having jurisdiction over veterans and legal affairs on the status of the request to the United States Department of Veterans Affairs to recognize environmental hazards impacting veterans who were members of the Maine National Guard stationed at Gagetown, New Brunswick, Canada must include a summary of any correspondence with the State's congressional delegation.

Enacted Law Summary

Resolve 2013, chapter 100 directs the Commissioner of Defense, Veterans and Emergency Management to request the United States Department of Veterans Affairs to recognize the environmental hazards present at the 5th Canadian Division Support Base in Gagetown, New Brunswick, Canada, and the resulting potential health risks and disabilities to veterans who, as members of the Maine National Guard, trained in partnership with Canadian military forces in Gagetown. Chapter 100 requires the commissioner to report on the status of the request to the joint standing committee of the Legislature having jurisdiction over veterans and legal affairs by January 10, 2015. The report must include a summary of any correspondence with the State's Congressional delegation with regard to the status of the request.

LD 1637 An Act Regarding Taste-testing Event Licenses

**PUBLIC 531
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND MONAGHAN-DERRIG	OTP-AM ONTP	S-475

This bill amends the laws governing licensing of special taste-testing events by:

1. Allowing malt liquor and wine wholesalers and manufacturers similarly licensed in another state to qualify for a special event license;
2. Increasing the number of licenses for licensed events that may be obtained by a manufacturer or wholesaler per year from five to ten;
3. Allowing additional persons to pour samples of wine and malt liquor at such events;
4. Allowing a brewery or winery that is not a certificate of approval holder but is licensed for a special event to provide malt liquor or wine for the event when that malt liquor or wine is not registered with the State but is registered with the federal government; and
5. Changing the timing regarding when excise taxes and premiums must be paid.

Committee Amendment "A" (S-475)

This amendment replaces the bill. The amendment repeals two provisions in current law that establish a special taste-testing festival license and a special food and beverage industry taste-testing event license and replaces them with one taste-testing event license that allows for sampling of malt liquor, wine and spirits. Under this amendment, a taste-testing event license may be issued to a manufacturer or distributor who has been issued a certificate of approval from the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations. It also allows for a certificate of approval holder to sponsor manufacturers or distributors who have not been issued a certificate of approval so that they may take part in the taste-testing event. A certificate of approval holder may take part in up to ten licensed events per year. An event may last up to four consecutive days.

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Under the amendment, a taste-testing event must be held in a venue with clearly defined points of entry that prohibit the consumption of alcoholic beverages outside the designated area. A patron of the event pays a single admission price for the event and is not charged for samples provided. Taste-testing event licensees must ensure that persons who are intoxicated may not be served at the event and that samples of malt liquor, wine or spirits are not presented in a manner that permits patrons to help themselves. Minors are prohibited from the event unless the taste testing takes place in an area of the venue where minors are not allowed. Those providing the samples to patrons must wear identification, such as a badge, so that a person being served a sample can clearly read the name of the manufacturer or distributor providing the sample. The amendment also requires that an affidavit be provided to the bureau attesting that those pouring samples have not been found in violation of a law governing the service of alcohol to minors. Sample sizes are limited to four ounces of malt liquor, one and one-half ounces of wine and one-half ounce of spirits. The overall sample limit is 12 samples per person, per day of the event. The amendment also provides for certain exceptions to the sample size and overall limits.

Spirits provided for taste testing at the event must be spirits that are listed for sale by the Bureau of Alcoholic Beverages and Lottery Operations. The amendment provides that all required taxes on liquor served at the event must be paid in advance. Empty bottles of liquor not listed for sale in the State must be removed from the State after the event. The amendment requires that the Bureau of Alcoholic Beverages and Lottery Operations create a pamphlet or similar document, available on the bureau's publicly accessible website, that describes the requirements and conditions of the event, including generally applicable laws.

The amendment also provides that a limited certificate of approval currently available to wine manufacturers who ship less than 120 gallons of wine into the State per year is also available to manufacturers of malt liquor subject to the same gallon limit.

Enacted Law Summary

Public Law 2013, chapter 531 repeals two provisions in current law that establish a special taste-testing festival license and a special food and beverage industry taste-testing event license and replaces them with one taste-testing event license that allows for sampling of malt liquor, wine and spirits. Under chapter 531, a taste-testing event license may be issued to a manufacturer or distributor who has been issued a certificate of approval from the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations. It also allows for a certificate of approval holder to sponsor manufacturers or distributors who have not been issued a certificate of approval so that they may take part in the taste-testing event. A certificate of approval holder may take part in up to ten licensed events per year. An event may last up to four consecutive days.

Chapter 531 requires that a taste-testing event must be held in a venue with clearly defined points of entry that prohibit the consumption of alcoholic beverages outside the designated area. A patron of the event pays a single admission price for the event and is not charged for samples provided. Taste-testing event licensees must ensure that persons who are intoxicated may not be served at the event and that samples of malt liquor, wine or spirits are not presented in a manner that permits patrons to help themselves. Minors are prohibited from the event unless the taste testing takes place in an area of the venue where minors are not allowed. Those providing the samples to patrons must wear identification, such as a badge, so that a person being served a sample can clearly read the name of the manufacturer or distributor providing the sample. The law also requires that an affidavit be provided to the bureau attesting that those pouring samples have not been found in violation of a law governing the service of alcohol to minors. Sample sizes are limited to four ounces of malt liquor, one and one-half ounces of wine and one-half ounce of spirits. The overall sample limit is 12 samples per person, per day of the event. Chapter 531 also provides for certain exceptions to the sample size and overall limits.

Spirits provided for taste testing at the event must be spirits that are listed for sale by the Bureau of Alcoholic Beverages and Lottery Operations. The law provides that all required taxes on liquor served at the event must be paid in advance. Empty bottles of liquor not listed for sale in the State must be removed from the State after the event. The law also requires that the Bureau of Alcoholic Beverages and Lottery Operations create a pamphlet or similar document, available on the bureau's publicly accessible website, that describes the requirements and

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conditions of the event, including generally applicable laws.

Chapter 531 also provides that a limited certificate of approval currently available to wine manufacturers who ship less than 120 gallons of wine into the State per year is also available to manufacturers of malt liquor subject to the same gallon limit.

Public Law 2013, chapter 531 was enacted as an emergency measure effective April 8, 2014.

LD 1653 An Act To Designate the Maine Armed Forces Museum Operated by the PUBLIC 463
Maine Military Historical Society as the Official State Military History
Museum

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASON G LONGSTAFF	OTP	

This bill designates the museum operated by the Maine Military Historical Society, the Maine Armed Forces Museum, as the official state military history museum.

Enacted Law Summary

Public Law 2013, chapter 463 designates the museum operated by the Maine Military Historical Society, the Maine Armed Forces Museum, as the official state military history museum.

LD 1655 An Act To Amend the Military Bureau Laws PUBLIC 469

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE BEAULIEU	OTP-AM	S-395

This bill specifies the duties of the Adjutant General as they relate to federal cost-sharing arrangements. The bill renames the Capital Repair Account the Capital Repair, Maintenance, Construction and Acquisition Account, specifies how the funds in that account may be spent and raises from \$300,000 or more to \$1,000,000 or more the cost of a capital repair project for which approval by the Legislature is required.

Committee Amendment "A" (S-395)

This amendment reduces the amount expended from the Capital Repair, Maintenance, Construction and Acquisition Account for a capital repair, maintenance and construction project or land acquisition that would require approval by the Legislature from \$1,000,000, as the bill proposes, to \$500,000. It also requires that any construction, maintenance or capital repair projects and any land acquisitions costing less than \$500,000 be included in the biennial report required by current law.

Enacted Law Summary

Public Law 2013, chapter 469 specifies the duties of the Adjutant General as they relate to federal cost-sharing arrangements. The law renames the Capital Repair Account the Capital Repair, Maintenance, Construction and Acquisition Account. It specifies how the funds in that account may be spent and raises from \$300,000 or more to \$500,000 or more the cost of a capital repair project for which approval by the Legislature is required. Chapter 469 also specifies that any construction, maintenance or capital repair projects and any land acquisitions that come under the \$500,000 threshold be included in the biennial report required to be submitted under current law.