

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
128<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

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

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# STATE OF MAINE

128<sup>TH</sup> LEGISLATURE  
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## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 128<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and 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. An appendix provides a summary of relevant session statistics.

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 HOUSES*..... House & 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  
*EMERGENCY*..... enacted 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 First Regular Session of the 128<sup>th</sup> Legislature is Wednesday, November 1, 2017. 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*

certification as to whether the organization has received money to influence elections in this State.

**Committee Amendment "A" (H-526)**

This amendment, which is the minority report of the committee, incorporates a fiscal note.

**LD 1525      An Act To Clarify the Laws Governing Alcohol Manufacturer Licenses      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L SAVIELLO T	ONTP	

This bill removes duplicative language regarding samples provided to the public by manufacturers licensed to produce wine, malt liquor and spirits in the State. The bill consolidates into one paragraph the provisions that govern the sale of a manufacturer's product for off-premises consumption to nonlicensees from the licensed manufacturer's facility. It also repeals and replaces in a separate subsection the provisions governing the authorization of a licensed manufacturer in the State to have a retail establishment licensed for the sale of liquor to be consumed on the premises, issued in accordance with the Maine Revised Statutes, Title 28-A, chapter 43.

**LD 1533      An Act To Update the Laws Relating to Liquor Licensing and Enforcement      PUBLIC 167**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L	OTP-AM	H-363

This bill:

1. Replaces the term "golf club" with "golf course" to eliminate the confusion in Title 28-A between golf clubs and other types of clubs;
2. Eliminates a threshold amount for a single retail purchase of liquor;
3. Clarifies which type of establishments on the same premises as an off-premises retailer must serve full course meals or food;
4. Removes the requirement that a business prior to being considered for an agency liquor store license must have sold malt liquor and wine for one year and have been violation free for that same period;
5. Amends language that establishes a minimum inventory value of spirits based on the population threshold established in the Maine Revised Statutes, Title 28-A, section 461;
6. Removes language providing an exception for businesses with more than five locations in the State that are sold to a company that has sold malt liquor or wine in another state;
7. Eliminates the fee for an application for a relocation of an agency liquor store within the same municipality and adds a requirement that the application for relocation include proof that all existing agency liquor stores in the same municipality were notified of the relocation prior to approval by that municipality;
8. Repeals the requirement that the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations hold a public hearing on the relocation application. The only approval needed is

## *Joint Standing Committee on Veterans and Legal Affairs*

from the municipality on the relocation request by the agency liquor store;

9. Adds railroads to the list of public service corporation licensees in order to align with the definition of "public service corporation";
10. Clarifies that identification issued by a federally recognized Indian tribe in the State is an acceptable form of identification for the purposes of purchasing liquor;
11. Amends the provision of law requiring that any malt liquor served from a faucet, spigot or dispensing apparatus must be identified by trade name to include all types of liquor;
12. Reduces the number of gallons that constitute a keg;
13. Establishes that mobile service bars used on golf courses may serve all types of liquor; and
14. Corrects provisions of law to refer to the director of the bureau instead of the Commissioner of Administrative and Financial Services. These changes were inadvertently left out of Public Law 2013, chapter 368, Part V and Public Law 2013, chapter 476, Part A. The bill also provides that the director or the director's designee may approve an alcohol server education course that meets specific criteria.

### **Committee Amendment "A" (H-363)**

This amendment requires the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to establish a process by which an existing agency liquor store in the same municipality to which another agency liquor store is applying to relocate may submit support of or objections to the bureau regarding the relocation. The bill proposes to eliminate from the criteria for issuance of a new agency liquor store license that the applicant be licensed to sell beer and wine for at least one year prior to application and that the applicant was not found to have violated any provision of that license. The amendment provides that an applicant is not required to have been previously licensed to sell beer and wine, but that if the applicant was licensed to conduct those sales the applicant did so without a violation of law. The amendment adds a requirement that the applicant demonstrate that the applicant will act as a responsible licensee. The amendment also changes the laws regarding mobile service bars at golf courses and disc golf courses, reflecting changes made in Public Law 2017, chapter 17.

### **Enacted Law Summary**

Public Law 2017, chapter 167 makes the follow changes to the laws governing liquor in that it:

1. Replaces the term "golf club" with "golf course" to eliminate the confusion in Title 28-A between golf clubs and other types of clubs;
2. Eliminates a threshold amount for a single retail purchase of liquor;
3. Clarifies which type of establishments on the same premises as an off-premises retailer must serve full course meals or food;
4. It removes from the criteria for issuance of a new agency liquor store license that the applicant be licensed to sell beer and wine for at least one year prior to application and that the applicant was not found to have violated any provision of that license. In its place, chapter 167 provides that an applicant is not required to have been previously licensed to sell beer and wine, but that if the applicant was licensed to conduct those sales the applicant did so without a violation of law and adds a requirement that the applicant demonstrate that the applicant will act as a responsible licensee;
5. Amends language that establishes a minimum inventory value of spirits based on the population threshold;

*Joint Standing Committee on Veterans and Legal Affairs*

6. Removes language providing an exception for businesses with more than five locations in the State that are sold to a company that has sold malt liquor or wine in another state;
7. Eliminates the fee for an application for a relocation of an agency liquor store within the same municipality;
8. Repeals the requirement that the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations hold a public hearing on the relocation application. It requires the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to establish a process by which an existing agency liquor store in the same municipality as another agency liquor store applying to relocate may submit support of or objections to the bureau regarding the relocation. The only approval needed is from the municipality on the relocation request by the agency liquor store;
9. Adds railroads to the list of public service corporation licensees in order to align with the definition of "public service corporation";
10. Clarifies that identification issued by a federally recognized Indian tribe in the State is an acceptable form of identification for the purposes of purchasing liquor;
11. Amends the provision of law requiring that any malt liquor served from a faucet, spigot or dispensing apparatus must be identified by trade name to include all types of liquor;
12. Reduces the number of gallons that constitute a keg;
13. Establishes that mobile service bars used on golf courses and disc golf courses may serve all types of liquor; and
14. Corrects provisions of law to refer to the director of the bureau instead of the Commissioner of Administrative and Financial Services. These changes were inadvertently left out of Public Law 2013, chapter 368, Part V and Public Law 2013, chapter 476, Part A. Chapter 167 also provides that the director or the director's designee may approve an alcohol server education course that meets specific criteria.

**LD 1536 An Act To Allow Maine Manufacturers To Sell Spirits at Farmers' Markets and To Allow Taste Testings at Farmers' Markets**

**PUBLIC 168**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HICKMAN C	OTP-AM	H-364

This bill allows the sale of wine, spirits and malt liquor manufactured in Maine for off-premises consumption at taste-testing events and the sale of spirits manufactured in Maine at farmers' markets. Under current law, the sale of wine and malt liquor at farmers' markets is allowed. The bill also allows taste testings to be conducted at farmers' markets.

**Committee Amendment "A" (H-364)**

This amendment strikes the provisions in the bill that permit a manufacturer who takes part in a taste-testing event to also sell the manufacturer's products at that event for off-premises consumption. The bill eliminates the requirement that a manufacturer provide advance notice to the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations that the manufacturer is selling its product at a farmers' market. The amendment maintains that requirement and requires that notice of a taste-testing event also be provided to the bureau. The amendment clarifies that spirits sold by a small distillery at a farmers' market may be sold in the same manner as permitted under current law when a small distillery sells spirits from its manufacturing facility for off-premises consumption. The amendment maintains the authorization in the bill that manufacturers of