

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
129<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**

August 2019

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# STATE OF MAINE

129<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 129<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 129<sup>th</sup> Legislature is Thursday, September 19, 2019. 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*

11. It changes the description of ballot security containers to be more generic in terms of the methods used to secure them.
12. It allows the warden at the voting place to open the packages of ballots up to two hours before the polls open.
13. It shortens the time that municipalities have to submit their official return of votes to the Secretary of State from three business days to two business days after the election.
14. It clarifies that a candidate or referendum election tabulation is considered final on the date the Secretary of State submits the tabulation to the Governor.
15. It clarifies the circumstances in which the Governor must issue an election certificate.
16. It authorizes the use of a courier to retrieve ballots in the event of a recount and to deliver them to the recount facility.
17. It clarifies provisions pertaining to recounts of elections to the United States Congress.
18. It adds a new method for returning a voted absentee ballot to the municipal clerk.
19. It provides that municipalities may opt to process absentee ballots beginning on the fourth day before election day, including on a Sunday.
20. It changes the manner by which the municipal clerk must give notice of the municipality's intent to process absentee ballots prior to election day.
21. It removes an incorrect reference to a census block in Augusta that was included in State Representative District 80 that already was correctly included in State Representative District 85.
22. It repeals a provision of the Maine Revised Statutes, Title 30-A that addresses the nomination petitions for county commissioners.
23. It clarifies that the municipal treasurer's statement that must accompany a question for ratification of a municipal bond issue may either be printed on the ballot or printed as a separate document that is made available to voters.
24. It provides that an unenrolled candidate must remain unenrolled from March 1st until the general election in order to remain qualified as an unenrolled candidate for the office sought.
25. It clarifies that a person may not, within the voting place or on public property within 250 feet of the entrance to the voting place, influence or attempt to influence another person's decision regarding a candidate for an office that is on the ballot for the election being held that day.

**LD 1734**     **An Act To Create a Postsecondary Educational Institution Sampling License**

**PUBLIC 282**

Sponsor(s)  
LUCINI L

Committee Report  
OTP-AM

Amendments Adopted  
S-185

This bill, which was submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204, creates a new license type for state-supported postsecondary educational institutions that offer a course or

*Joint Standing Committee on Veterans and Legal Affairs*

courses for a degree program in the hospitality industry, culinary arts or food sciences. The license authorizes a state-supported postsecondary educational institution to purchase and permit sampling of liquor in conjunction with the educational institution's curriculum.

**Committee Amendment "A" (S-185)**

This amendment changes the title of the bill and specifies that any accredited postsecondary educational institution in the State that offers a course or courses involving the hospitality industry, culinary arts or food sciences is eligible for a license to permit sampling of liquor by faculty and students who are at least 21 years of age and enrolled in the course or courses. All sampling of liquor must be conducted in accordance with the educational institution's alcohol safety procedures or guidelines.

**Enacted Law Summary**

Public Law 2019, chapter 282 provides that an accredited postsecondary educational institution in the State that offers a course or courses involving the hospitality industry, culinary arts or food sciences is eligible for a license to permit sampling of liquor by faculty and students who are at least 21 years of age and enrolled in the course or courses. All sampling of liquor must be conducted in accordance with the educational institution's alcohol safety procedures or guidelines.

**LD 1761      An Act To Assist Small Beer Manufacturers and Small Hard Cider Manufacturers      PUBLIC 529**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L GIDEON S	OTP-AM	S-281

This bill changes the definition of "small brewery" by increasing the amount of malt liquor a small brewery may brew from 50,000 gallons to 30,000 barrels per year.

The bill also defines a "small beer manufacturer" as a small brewery or out-of-state brewer that is brewing, lagering and kegging, bottling or packaging its own malt liquor, not to exceed 30,000 barrels per year. If a small beer manufacturer terminates its distribution relationship with a wholesale licensee, unless for good cause, causes a wholesale licensee to resign from an agreement, unless for good cause, or unreasonably withholds its consent to any assignment, transfer or sale of a wholesale licensee's business and that small beer manufacturer's brands make up no more than 3% of the wholesale licensee's business, the bill sets the maximum amount of the termination fee that the wholesale licensee is entitled to receive from that small beer manufacturer in connection with the termination.

The bill amends the laws governing certain notice requirements that the small beer manufacturer must satisfy in connection with the termination, provides expedited arbitration proceedings for a small beer manufacturer and a wholesale licensee in connection with a dispute regarding the amount of the termination fee and provides that, regardless of whether the terminated wholesale licensee has received payment of the termination fee from the small beer manufacturer, upon written notice of the termination to the wholesale licensee, the small beer manufacturer may appoint a new wholesale licensee to distribute the relevant products in the terminated wholesale licensee's territory or, if the small beer manufacturer is a small brewery, sell the terminated brand or brands of the small beer manufacturer directly to retail licensees in the terminated wholesale licensee's territory without selling the brand or brands to a wholesale licensee.

Lastly, this bill allows a wholesale licensee and a small beer manufacturer to agree upon or limit the amount of a termination fee pursuant to a distribution agreement as long as that termination fee does not exceed the maximum amount of the termination fee, as set forth in the bill.

**Committee Amendment "A" (S-281)**