

# 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.

**LD 1826**

**An Act To Update the Laws Relating to Liquor Licensing and Enforcement**

**PUBLIC 404**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L	OTP-AM OTP-AM	S-293

This bill, which was submitted by the Department of Administrative and Financial Services, makes technical changes and corrections to the laws governing liquor including by changing the phrase "distilled spirits" to "spirits" and the phrase "alcoholic beverages" to "liquor" to be consistent with defined terms; changing the phrase "list price" to "retail price" to refer to the price of spirits that is set by the State Liquor and Lottery Commission and paid by consumers; and changing the phrase "discounted list price" to "wholesale price" to describe the price below the retail price that is charged to a small distiller when it purchases its spirits from the State to sell directly to customers. The bill removes outdated language regarding the control of the spirits business by the bureau and the sale of fortified wines, corrects a reference to "agent" to read "sales representative" and corrects a reference regarding the issuance of licenses to manufacturers, bottlers and rectifiers to clarify that the bureau and not the commission issues those licenses.

The bill clarifies that a previous violation of either the laws or the rules governing liquor disqualifies an applicant from receiving an agency liquor store license if the violation has been adjudicated by the District Court.

The bill authorizes the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to offer instant redeemable coupons to consumers through the bureau's publicly accessible website and other digital media platforms; under current law, these coupons may only be offered by spirits manufacturers and suppliers. The bill removes the authority of reselling agents to offer instant redeemable coupons for the benefit of on-premises licensees.

The bill increases the number of allowable signs used by retail licensees from two to five and requires that agency liquor store licensees designate two of the five signs to advertise that the retail location is an agency liquor store.

The bill authorizes spirits "brokers," defined as persons who represent suppliers or manufacturers of spirits, to participate in up to 10 taste-testing events for the public per year.

The bill amends the law authorizing sales representatives of spirits manufacturers or suppliers to provide samples of spirits to retail licensees. It repeals the requirements that sales representatives purchase the samples from the State's wholesale liquor provider and pay taxes on the samples and enacts new language requiring the sales representative to take the samples from the bailment inventory of a supplier housed at the warehouse managed by the State's wholesale liquor provider. The bill also authorizes spirits manufacturers and suppliers to donate spirits to on-premises events in a similar manner as certificate of approval holders and wholesalers.

**Committee Amendment "A" (S-293)**

This amendment, which is the majority report of the committee, makes the following changes to the bill.

1. It makes technical changes to reflect the emergency enactment of Public Law 2019, chapter 79 and Public Law 2019, chapter 168.
2. It moves provisions of current law that authorize the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to, in special circumstances, set prices on spirits at different levels than those established by the State Liquor and Lottery Commission from a section of the Maine Revised Statutes, Title 28-A related to the state tax on spirits to a section of Title 28-A related to the administration of the spirits business by the bureau.

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

3. It clarifies that an on-premises retail licensee must purchase spirits from an agency liquor store that is licensed as a reselling agent.
4. It authorizes the bureau or a manufacturer or supplier of spirits to offer instant redeemable coupons to customers through a publicly accessible website, digital media platform or print media.
5. It expands the list of entities that may benefit from a donation of liquor to be auctioned or offered as a prize for fund-raising purposes or sold by a licensed on-premises retailer during a fund-raising event to include a county, city, town or municipal agency or department.
6. It allows a licensed on-premises retailer to deliver a serving or drinks containing up to four-and-one-half ounces of spirits to a person at one time.
7. It clarifies the section of the bill that prohibits placing more than five signs advertising the sale of liquor on the outside of any licensed retail premises. Under the amendment, neither a sign in which the only reference to liquor is the name of the licensed premises or an image accompanying the name of the licensed premises nor a patio umbrella that bears the brand name or image of a liquor product and that is located in the outside seating area of a licensed premises counts as one of the five permitted signs.
8. The bill authorizes a "broker", which is defined as a person who represents suppliers and manufacturers of spirits, to conduct up to 10 spirits taste-testing events per year. The amendment further authorizes a spirits supplier or "foreign manufacturer", which is defined as a person who produces spirits outside of the State, to obtain a license to conduct up to 10 spirits taste-testing events per year.
9. It clarifies that revenue from the state tax on spirits must be transferred to the Liquor Operation Revenue Fund established in Title 30-A, section 6054 and to the General Fund.

### **Committee Amendment "B" (S-294)**

This amendment, which is the minority report of the committee, is identical to the majority report of the committee except that it removes the provisions of the bill authorizing the bureau to offer instant redeemable coupons to spirits customers through a publicly accessible website or digital media platform.

This amendment was not adopted.

### **Enacted Law Summary**

Public Law 2019, chapter 404 makes the following changes to the liquor laws.

1. It makes technical changes and corrections including by changing the phrase "distilled spirits" to "spirits" and the phrase "alcoholic beverages" to "liquor" to be consistent with defined terms and changing the phrase "list price" to "retail price" to refer to the price of spirits that is set by the State Liquor and Lottery Commission and paid by consumers. It removes outdated language regarding the control of the spirits business by the bureau and the sale of fortified wines, corrects a reference to "agent" to read "sales representative" and corrects a reference regarding the issuance of licenses to manufacturers, bottlers and rectifiers to clarify that the bureau and not the commission issues those licenses.
2. It moves provisions of current law that authorize the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to, in special circumstances, set prices on spirits at different levels than those established by the State Liquor and Lottery Commission from a section of the Maine Revised Statutes, Title 28-A related to the state tax on spirits to a section of Title 28-A related to the administration of the spirits business by the bureau.

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3. It clarifies that a previous violation of either the laws or the rules governing liquor disqualifies an applicant from receiving an agency liquor store license if the violation has been adjudicated by the District Court.
4. It clarifies that an on-premises retail licensee must purchase spirits from an agency liquor store that is licensed as a reselling agent.
5. It authorizes the bureau or a manufacturer or supplier of spirits to offer instant redeemable coupons to customers through a publicly accessible website, digital media platform or print media. It removes the authority of reselling agents to offer instant redeemable coupons for the benefit of on-premises licensees.
6. It authorizes spirits manufacturers and suppliers to donate spirits to on-premises events in a similar manner as certificate of approval holders and wholesalers and expands the list of entities that may benefit from a donation of liquor to be auctioned or offered as a prize for fund-raising purposes or sold by a licensed on-premises retailer during a fund-raising event to include a county, city, town or municipal agency or department.
7. It allows a licensed on-premises retailer to deliver a serving or drinks containing up to four-and-one-half ounces of spirits to a person at one time.
8. It increases the number of allowable signs advertising the sale of liquor used by retail licensees from two to five and requires that agency liquor store licensees designate two of the five signs to advertise that the retail location is an agency liquor store. It clarifies that neither a sign in which the only reference to liquor is the name of the licensed premises or an image accompanying the name of the licensed premises nor a patio umbrella that bears the brand name or image of a liquor product and that is located in the outside seating area of a licensed premises count as one of the five allowable signs.
9. It authorizes a spirits supplier, foreign manufacturer of spirits or a spirits broker to conduct up to 10 spirits taste-testing events per year.
10. It repeals the requirements that sales representatives purchase from the State's wholesale liquor provider and pay taxes on spirits samples that the sales representative will provide to retail licensees and instead requires the sales representative obtain spirits that will be provided to retail licensees as samples from the bailment inventory of a supplier housed at the warehouse managed by the State's wholesale liquor provider.
11. It clarifies that revenue from the state tax on spirits must be transferred to the Liquor Operation Revenue Fund established in Title 30-A, section 6054 and to the General Fund.

**LD 1837      Resolve, Regarding Legislative Review of Chapter 1: Adult Use  
Marijuana, a Late-filed Major Substantive Rule of the Department of  
Administrative and Financial Services, Office of Marijuana Policy**

**CARRIED OVER**

Sponsor(s)

Committee Report

Amendments Adopted

This resolve provides for legislative review of Chapter 1: Adult Use Marijuana, a major substantive rule of the Department of Administrative and Financial Services, office of marijuana policy that was filed outside the legislative rule acceptance period.

The substance of this resolve was incorporated in Public Law 2019, chapter 491 (LD 719).

This resolve was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.