

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST SPECIAL AND SECOND REGULAR SESSIONS



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

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

November 2020

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STATE OF MAINE

129TH LEGISLATURE
FIRST REGULAR SESSION



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 129th 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 129th 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.

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plants.

In the Marijuana Legalization Act, it provides for sample collectors to collect samples of marijuana and marijuana products for mandatory testing by marijuana testing facilities and provides for the licensing of marijuana establishment support entities.

It allows the Department of Administrative and Financial Services, Maine Revenue Services to provide tax information directly to the Department of Administrative and Financial Services, office of marijuana policy for the purposes of determining applicant eligibility for licenses issued by the office.

It amends the Freedom of Access Act to exclude from the definition of "public record" application materials provided to the office of marijuana policy regarding security, trade secrets and standard operating procedures.

This bill, which had been voted but not yet reported out of committee was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

LD 2114 An Act To Implement the Recommendations of the Secretary of State CARRIED OVER
Regarding Automatic Voter Registration

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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This bill, which was reported out by the Joint Standing Committee on Veterans and Legal Affairs pursuant to Public Law 2019, chapter 409, section 7, implements the recommendations of the Secretary of State for implementation of the automatic voter registration system. The bill replaces the requirement that the Department of the Secretary of State, Bureau of Motor Vehicles scan documentation that will be used to create a pending voter registration record for an individual who has not opted out of automatic voter registration and who applies for a driver's license or nondriver identification card with a requirement that the bureau record the individual's documentation for pending voter registration record purposes. The bill also authorizes the bureau to create a pending voter registration record for an individual who has previously applied for a driver's license or nondriver identification card and submitted documentation sufficient to create a pending voter registration record if the individual appears before the bureau to conduct another transaction and does not opt out of automatic voter registration.

The bill directs the Secretary of State to submit, by January 1, 2021, a report to the joint standing committee of the Legislature having jurisdiction over voter registration matters on the progress made toward implementing automatic voter registration and the estimated time required to complete all activities necessary for implementation. The joint standing committee may report out legislation to the First Regular Session of the 130th Legislature based on the report.

This bill, which had been voted but not yet reported out of committee was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

LD 2120 An Act Regarding Sales of Alcohol in Municipalities and PUBLIC 672
Unincorporated Places EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINIL	OTP-AM	S-436

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Current law requires a municipality to affirmatively authorize the licensing of businesses to sell liquor in that municipality through a local option election. In an unincorporated place, the county commissioners must decide whether to authorize or not authorize the licensing of businesses to sell liquor in that unincorporated place. Based on the type of sales authorized in that municipality or unincorporated place, the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations issues retail licenses to the establishments or agency liquor stores in that municipality or unincorporated place.

Since a municipality or unincorporated place may not be able to provide proof that the sale of liquor was authorized in that municipality or unincorporated place, despite the presence in that municipality or unincorporated place of establishments licensed by the bureau, the continuation of licensing by the bureau is in jeopardy. In order to prevent the loss of licensing, this bill provides a window, until July 1, 2022, for a municipality or unincorporated place to either provide the bureau with proof of an affirmative vote or decision or to hold a local option election or, in the case of an unincorporated place, a county commissioner decision to authorize the sale of liquor. This bill requires the bureau, no later than October 1, 2020, to notify a municipality or unincorporated place that has a business licensed by the bureau in it that the bureau does not have a record of a local option vote or decision authorizing the sale of liquor in that municipality or unincorporated place. In order to continue as a municipality or unincorporated place in which the sale of liquor is authorized, that municipality or unincorporated place must either provide proof of a local option election or decision authorizing the sale of liquor or, before July 1, 2022, hold a local option election to authorize the sale of liquor or, in the case of an unincorporated place, decide affirmatively to authorize the sale of liquor. Beginning July 1, 2022, if a municipality or unincorporated place that has been notified of noncompliance fails to affirm the authorization to sell liquor, the bureau is prohibited from licensing an establishment or agency liquor store in that municipality or unincorporated place. If the bureau fails to notify a municipality or unincorporated place in which there is a business licensed by the bureau that the municipality or unincorporated place is in noncompliance with the requirement to hold a local option election or issue a decision authorizing the sale of liquor in that municipality or unincorporated place by October 1, 2020, then the bureau may not fail to continue to license a business based on that noncompliance.

This bill also makes the following changes to the laws regarding the authorization of the sale of liquor in a municipality.

1. It reduces the number of signatures of voters needed on a petition to hold a local option election to determine whether the sale of liquor is authorized in a municipality from 15% of the number of votes cast in the last gubernatorial election in that municipality to signatures of 30 voters in that municipality.
2. As an alternative to the petition process, it allows the municipal officers in a municipality to vote to hold a local option election.

Committee Amendment "A" (S-436)

This amendment, which is the unanimous report of the committee, requires the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to notify each municipality in the State of the bureau's preliminary determination, based on the bureau's records of local option elections conducted in that municipality, whether the bureau may issue licenses for the sale of liquor by retail establishments in that municipality. Unlike the bill, this requirement applies not only to municipalities in which retail establishments are currently licensed for the sale of liquor but also to municipalities where liquor is not currently sold by licensed retail establishments. If a municipality disagrees with the bureau's preliminary determination that a type of retail liquor establishment may not be licensed in the municipality, it may, by July 1, 2022, either provide the bureau with proof of a previous local option election authorizing the sale of liquor by that type of retail establishment or conduct a new local option election to authorize the sale of liquor by that type of retail establishment. On July 1, 2022, the bureau must finally determine which types of retail establishments may be licensed for the sale of liquor in each municipality and post a copy of this final determination on its publicly accessible website. This final determination governs whether the bureau may issue licenses for the retail sale of liquor in the municipality beginning on July 1,

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2022 and ending on the date that the municipality conducts a new local option election authorizing or prohibiting the issuance of retail liquor licenses in that municipality.

The amendment further directs the bureau to notify the county commissioners of each county in which an unincorporated place is located that proof of an affirmative decision to authorize the retail sale of liquor for on-premises or off-premises consumption is a prerequisite to issuance of such licenses in an unincorporated place after July 1, 2022.

Until July 1, 2022, the bureau must continue to issue or renew licenses for the types of retail establishments that were licensed in a municipality or unincorporated place between March 1, 2017 and March 1, 2020, even if the bureau does not have a record of a local option election or a county commissioner decision authorizing the issuance of licenses to that type of retail establishment in the municipality or unincorporated place.

The amendment also changes the number of signatures needed on a petition to hold a local option election in a municipality. Under the amendment, the petition must be signed either by 30 voters in that municipality or by a number of voters equal to at least 5% of the number of votes cast in that municipality in the last gubernatorial election, whichever is fewer.

Enacted Law Summary

Public Law 2019, chapter 672 relaxes the procedures for initiating a local option election to authorize or to prohibit the retail sale of liquor in a municipality in two ways:

1. It reduces the number of voters' signatures required on a petition to hold a local option election from a number equal to at least 15% of the number of votes cast in the last gubernatorial election in that municipality to either 30 voters in that municipality or a number of voters equal to at least 5% of the number of votes cast in that municipality in the last gubernatorial election, whichever is fewer; and
2. As an alternative to the petition process, it allows the municipal officers in a municipality to vote to hold a local option election.

Public Law 2019, chapter 672 also requires the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to notify each municipality in the State of the bureau's preliminary determination, based on the bureau's records of local option elections previously conducted in that municipality, whether the bureau may issue licenses for the sale of liquor by retail establishments in that municipality. If any municipality disagrees with the bureau's preliminary determination that a type of retail liquor establishment may not be licensed in the municipality, it may, by July 1, 2022, either provide the bureau with proof of a previous local option election authorizing the sale of liquor by that type of retail establishment or conduct a new local option election to authorize the sale of liquor by that type of retail establishment. On July 1, 2022, the bureau must finally determine which types of retail establishments may be licensed for the sale of liquor in each municipality and post a copy of this final determination on its publicly accessible website. This final determination governs whether the bureau may issue licenses for the retail sale of liquor in each municipality beginning on July 1, 2022 and ending on the date that a municipality conducts a new local option election authorizing or prohibiting the issuance of retail liquor licenses in that municipality.

Public Law 2019, chapter 672 further directs the bureau to notify the county commissioners of each county in which an unincorporated place is located that proof of an affirmative decision to authorize the retail sale of liquor for on-premises or off-premises consumption is a prerequisite to issuance of such licenses in an unincorporated place after July 1, 2022.

Until July 1, 2022, the bureau must continue to issue or renew licenses for the types of retail establishments that were licensed in a municipality or unincorporated place between March 1, 2017 and March 1, 2020, even if the

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bureau does not have a record of a local option election or a county commissioner decision authorizing the issuance of licenses to that type of retail establishment in the municipality or unincorporated place.

Public Law 2019, chapter 672 was enacted as an emergency measure effective March 11, 2020.

LD 2125 An Act To Make Amendments to the Laws Governing Marijuana To CARRIED OVER
Increase Consistency and Safety

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSONT		

The purpose of this bill is to align the marijuana possession and transfer limitations between the laws governing adult use marijuana and the laws governing marijuana for medical use. This bill removes language in the adult use marijuana laws that authorizes the use, possession, transport, transfer, furnishing or purchase of two and one-half ounces of a combination of marijuana and marijuana concentrate that includes no more than five grams of marijuana concentrate and instead limits the permissible amount to two and one-half ounces of marijuana.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

LD 2131 An Act To Correct Errors, Inconsistencies and Conflicts in and to Revise CARRIED OVER
the State's Liquor Laws

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>

This bill was reported out by the Joint Standing Committee on Veterans and Legal Affairs pursuant to Resolve 2019, chapter 15, section 3. The bill changes the headnote of the Maine Revised Statutes, Title 17, section 2003-A to clarify that this section of law prohibits public drinking.

The bill also makes a number of changes to Title 28-A, the State's liquor laws, to standardize the language used in those laws, to correct errors, conflicts, ambiguities, omissions and inconsistencies in those laws and to revise those laws, including by making the following changes.

1. It makes a number of changes to address ambiguities, inconsistencies and conflicts in the laws governing certificates of approval, including the following.
 - A. It restructures the definition of "certificate of approval holder," a term that includes persons with certificates of approval as well as persons with in-state manufacturing licenses, to add clarity and ensure the defined term is used correctly throughout the Title.
 - B. It resolves a conflict in the law by removing in-state manufacturers, that receive licenses, from a provision requiring persons engaged in certain activities to obtain certificates of approval.
 - C. It changes from a certificate of approval to a license the type of authority that a person that operates a special warehouse storage facility must obtain because the laws specific to certificate of approval holders generally do not apply to special warehouse storage facilities. It further clarifies which laws are applicable to licensed special warehouse storage facilities.