

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 616

H.P. 429

House of Representatives, March 3, 2015

An Act Regarding the Sale of Hard Cider

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative TIMBERLAKE of Turner.
Cosponsored by Senator MASON of Androscoggin and
Representatives: DILLINGHAM of Oxford, KINNEY of Limington, LUCHINI of Ellsworth,
MARTIN of Eagle Lake, McCABE of Skowhegan, TURNER of Burlington, Senators: DILL
of Penobscot, PATRICK of Oxford.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 28-A MRSA §1355-A, sub-§4**, as enacted by PL 2011, c. 629, §22, is
3 amended to read:

4 **4. Wineries; small wineries.** Except as otherwise provided in this section, the
5 following provisions apply to wineries and small wineries. For the purposes of this
6 subsection, wineries and small wineries include manufacturers of hard cider licensed by
7 the bureau as wineries and small wineries in accordance with this section.

8 A. A holder of a winery license may produce more than 50,000 gallons per year of
9 wines, sparkling wines and fortified wines.

10 B. A holder of a small winery license may produce not more than 50,000 gallons per
11 year of wines, sparkling wines and fortified wines.

12 (1) A holder of a small winery license may sell or deliver its products to licensed
13 retailers or wholesalers. The licensee may sell, on the premises for consumption
14 off the premises, wine produced at the licensed premises by the bottle, by the
15 case or in bulk to licensed retailers, including, but not limited to, off-premises
16 retail licensees, restaurants and clubs. Notwithstanding section 1361, the licensee
17 may sell its products directly to a retail licensee under this paragraph without
18 selling to a wholesale licensee.

19 (2) A holder of a small winery license, upon application to and approval of the
20 bureau and payment of the license fees, may obtain licenses for off-premises
21 consumption for up to 2 additional locations other than the location of the in-state
22 manufacturer licensed under this section. The holder of the licenses is not
23 required to conduct any bottling or production at the additional licensed locations
24 but may conduct all activities permitted by this section at the additional licensed
25 locations. For the holder of a small winery license who manufactures only hard
26 cider, one of the additional locations may be at the site of the orchard or farm
27 from which fruit is harvested in the production of the hard cider. The orchard or
28 farm must be owned by the holder of the small winery license who produces hard
29 cider, but the orchard or farm may be a corporation that is separate from the small
30 winery.

31 C. A holder of a winery or small winery license may fortify wine produced by the
32 winery license holder and import spirits solely for this purpose.

33 (1) If a small winery license holder produces fortified wine pursuant to this
34 paragraph, the combined total of wine, sparkling wine and fortified wine
35 produced at the small winery may not exceed 50,000 gallons per year.

36 For purposes of this subsection, "fortified wine" means wine to which spirits have been
37 added as long as the resulting liquor does not exceed 24% alcohol by volume.

38 **SUMMARY**

39 This bill clarifies that hard cider manufactured by the holder of a winery or small
40 winery license is subject to the same provisions as wine. The bill provides that one of the

1 additional locations where a small winery may sell its product, including hard cider, may
2 be at the farm or orchard where the fruit used to make the cider was harvested. It also
3 provides that the farm or orchard must be owned by the license holder but may be a
4 corporation that is separate from the winery.