

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 631

H.P. 399

House of Representatives, February 25, 2025

An Act to Allow a Home Distiller to Distill and Share Homemade Spirituos Liquor

Received by the Clerk of the House on February 20, 2025. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in black ink that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative SCHMERSAL-BURGESS of Mexico. (BY REQUEST)
Cosponsored by Senator MARTIN of Oxford and
Representatives: BAGSHAW of Windham, HALL of Wilton, HENDERSON of Rumford,
LAVIGNE of Berwick, LYMAN of Livermore Falls, OLSEN of Raymond, PERKINS of
Dover-Foxcroft, SOBOLESKI of Phillips.

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

2 **Sec. 1. 28-A MRSA §1358** is enacted to read:

3 **§1358. Home distillery establishments**

4 **1. Definitions.** For purposes of this section, the following terms have the following
5 meanings.

6 A. "Home distillery" means a distillery located in a dwelling or on property connected
7 with a dwelling, including, but not limited to, a shed, yard or enclosure. For purposes
8 of this paragraph, "dwelling" means a residential structure, including, but not limited
9 to, a house, individual condominium unit, mobile home or trailer, if it is used as a
10 residence.

11 B. "Mash capacity" means the volume of a mash tun, which is the vessel used to mix
12 crushed grains and water to begin the brewing process.

13 C. "Proof gallon" means one liquid gallon of spirits that is 50% alcohol at 60 degrees
14 Fahrenheit.

15 **2. Personal use allowed.** Notwithstanding chapter 83, the owner of a home distillery
16 may produce distilled spirits solely for personal use, including, but not limited to, personal
17 consumption, serving the product to the owner's family members and guests to be
18 consumed on the premises where the home distillery is located or shipping the product to
19 the owner's family members and friends.

20 **3. Prohibitions.** The owner of a home distillery may not:

21 A. Have on the premises of the home distillery stills or distilling apparatuses that have
22 a mash capacity of more than 15.5 gallons;

23 B. Produce more than 24 proof gallons of distilled spirits per person 21 years of age
24 or older residing on the premises where the home distillery is located in a calendar
25 year;

26 C. Produce more than 48 proof gallons in a calendar year; or

27 D. Sell or offer for sale any spirits produced in the home distillery.

28 **4. Violation.** Violation of this section is a Class E crime.

29 **SUMMARY**

30 This bill allows the owner of a home distillery to produce distilled spirits solely for
31 personal use, including, but not limited to, personal consumption, serving the product to
32 the owner's family members and guests to be consumed on the premises where the home
33 distillery is located or shipping the product to the owner's family members and friends.

34 The bill prohibits the owner of a home distillery from having on the premises stills or
35 distilling apparatuses that have a mash capacity of more than 15.5 gallons; producing more
36 than 24 gallons of distilled spirits per person 21 years of age or older residing on the
37 premises where the home distillery is located in a calendar year; producing more than 48
38 gallons in a calendar year; or selling or offering for sale any spirits produced in the home
39 distillery. The bill specifies that a violation of these provisions is a Class E crime.