

MAINE STATE LEGISLATURE

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(New Draft of S.P. 107, L.D. 260)
(New Title)

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FIRST REGULAR SESSION

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ONE HUNDRED AND ELEVENTH LEGISLATURE

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Legislative Document

No. 840

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S.P. 283

In Senate, February 24, 1983

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Reported by Senator Charette from the Committee on Legal Affairs and
printed under Joint Rule 2.

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JOY J. O'BRIEN, Secretary of the Senate

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STATE OF MAINE

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IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-THREE

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AN ACT Relating to Wholesaler's and
Taste-Testing Activities under the Liquor
Laws.

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

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Sec. 1. 28 MRSA §2, sub-§18, as amended by PL
1979, c. 319, §2, is further amended to read:

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18. Wholesaler. "Wholesaler" shall mean means
and ~~include~~ includes persons licensed by the commis-
sion to engage in the purchase and resale of malt or
brewed beverages and wines, or both, in the original
containers, as prepared for the market by the manu-
facturer at the place of manufacture, but not for
consumption, except testing, on the premises of ~~said~~
that wholesaler.

1 A wholesaler may, with the written permission of the
2 commission, designate a special area or room for the
3 specific purpose of taste testing new vinous or malt
4 liquor products. All such taste testing activity
5 shall not be open to the public and shall be con-
6 ducted within the special designated area only.

7 Sec. 2. 28 MRSa §651-A is enacted to read:

8 §651-A. Taste testing of new vinous or malt liquor
9 products

10 1. Taste testing on wholesaler's premises. A
11 wholesaler may, with the written permission of the
12 commission, designate a special area or room on the
13 wholesaler's premises for the specific purpose of
14 taste testing new vinous or malt liquor products.
15 Taste-testing activity shall be conducted only within
16 the special designated area and shall not be open to
17 the public.

18 2. Taste testing on retail licensee's prem-
19 ises. A wholesaler may, with the written permission
20 of the commission, rent or lease an area or room from
21 a retailer with a license permitting only on-premises
22 consumption for the purpose of inviting retail licen-
23 sees to taste test new vinous or malt liquor prod-
24 ucts. The wholesaler or a certificate of approval
25 holder may provide the products for taste testing if
26 all taxes and premiums required by this Title have
27 been paid. Taste-testing activity shall be conducted
28 only within the special designated area and shall be
29 open only to invited licensees or their authorized
30 agents and not to their family members, guests or the
31 general public. After the taste-testing activity is
32 concluded, the wholesaler or certificate of approval
33 holder shall remove all remaining products from the
34 licensee's premises.

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STATEMENT OF FACT

The initial version of Legislative Document 260 attempted to extend the taste-testing provisions of Title 28 by expanding the definition of wholesaler under section 2, subsection 18.

This new draft accomplishes the same result by eliminating all references to taste testing currently contained in Title 28, section 2, leaving it strictly as a definitional section, and enacting a new section in the proper chapter.

Title 28, section 651-A, subsection 1, contains the same provision which allows a wholesaler to conduct taste-testing activity for invited retail licensees on space leased from a retailer licensed for on-premises consumption only. The wholesaler or a certificate of approval holder may furnish the vinous or malt liquor products for taste testing if all taxes and premiums required under Title 28 have been paid. Taste-testing activities shall be open only to invited licensees and not to their family members, guests or the general public. All remaining products must be removed from the licensee's premises after the taste-testing activity concludes.

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