

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 2113

6
7 S.P. 787

In Senate, February 23, 1984

8 Approved for introduction by the Legislative Council pursuant to Joint
9 Rule 26.

10 Referred to the Committee on Legal Affairs. Ordered printed and sent
down for concurrence.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Perkins of Hancock.

11 Cosponsors: Senator Brown of Washington, Representative Swazey of
Bucksport and Senator Charette of Androscoggin.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FOUR
16

17 AN ACT Concerning Maine Farm Wineries.
18

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

21 Sec. 1. 28 MRSa §452, as amended by PL 1979, c.
22 663, §164, is further amended by adding after the 2nd
23 paragraph a new paragraph to read:

24 Notwithstanding the provisions of this section,
25 the excise tax imposed on table wine containing 14.5%
26 or less alcohol by volume produced by a licensed
27 Maine farm winery, shall be 5¢ per gallon, or its
28 metric equivalent, on the first 10,000 gallons of ta-
29 ble wine produced in one year; 10¢ per gallon, or its
30 metric equivalent, on all wine produced in excess of
31 10,000 gallons, but not in excess of 25,000 gallons;
32 and 20¢ per gallon, or its metric equivalent, on all
33 wine produced in excess of 25,000 gallons.

34 Sec. 2. 28 MRSa §501, sub-§3-A is enacted to
35 read:

1 3-A. Maine farm wineries. Maine farm wineries
2 shall pay an annual license fee of\$50.

3 For purposes of this section. "Maine farm winery"
4 means a facility that is fermenting, aging and bot-
5 tling its own wines within the State. If an inade-
6 quate amount of agricultural products used for raw
7 materials exists within the State, a holder of a
8 Maine farm winery license may file an affidavit and
9 application with the Bureau of Alcoholic Beverages
10 setting forth the unavailability of raw materials
11 within the State and requesting permission to import
12 those agricultural products from out-of-state. If
13 the bureau finds that there is in fact an inadequate
14 supply of raw materials within the State, it may au-
15 thorize the importation. If out-of-state raw materi-
16 als contribute to more than 50% of the yearly wine
17 production of a winery, then an excise tax shall be
18 levied on that out-of-state raw material at a rate of
19 4¢ per gallon, or its metric equivalent, on liquid
20 raw materials and 2¢ per pound on solid or semisolid
21 raw materials. The commission shall promulgate rules
22 for the collection of the excise tax.

23 A holder of a Maine farm winery license may produce
24 table wines and sparkling wines containing 14.5% or
25 less alcohol by volume, with option of fortification,
26 in an amount not to exceed 50,000 gallons per year,
27 or their metric equivalent.

28 A holder of a Maine farm winery license may serve
29 complimentary samples of wine and sell, during regu-
30 lar business hours, table wines produced at the win-
31 ery by the bottle, case or in bulk on the premises of
32 the winery to persons who are not minors. A holder
33 of a Maine farm winery license may serve complimenta-
34 ry samples of wine on Sunday after the hour of 12
35 o'clock noon and may sell table wines on Sunday after
36 the hour of 12 o'clock noon if the municipality in
37 which the winery is located has authorized the sale
38 of table wines on Sunday for consumption off the
39 premises pursuant to section 101.

40 A holder of a Maine farm winery license may, upon ap-
41 plication to and approval of the commission and pay-
42 ment of the license fee set out in this subsection,
43 obtain a license for one additional location other

1 than the winery licensed under this subsection. The
2 holder of the license shall not be required to con-
3 duct any bottling or production of wine at the 2nd
4 licensed location, but may conduct all activities
5 which are permitted by this section at the winery.

6 A holder of a Maine farm winery license may sell or
7 deliver his product to licensed retailers and whole-
8 salers. In addition, he may sell, on the premises,
9 wine produced at the winery by the bottle, case or in
10 bulk to licensed retailers, including, but not lim-
11 ited to, retail stores, restaurants and clubs.

12 Sec. 3. 28 MRSA §501, sub-§4, as amended by PL
13 1979, c. 130, §5, is repealed and the following en-
14 acted in its place:

15 4. Other wineries. Wineries using exclusively
16 the agricultural products of other states or foreign
17 countries shall pay an annual license fee of ...\$50.

18 In addition to such license fee of \$50, an excise tax
19 shall be imposed in the amount of 4¢ per gallon, or
20 its metric equivalent, on liquid raw materials and 2¢
21 per pound on solid or semisolid raw materials, under
22 the supervision of the commission, which shall make
23 the necessary rules for their collection.

24 STATEMENT OF FACT

25 This bill provides for licensing of Maine farm
26 wineries to encourage, develop and improve the mar-
27 ketability of indigenous wines.

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