

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 852

H.P. 629 House of Representatives, March 20, 1987  
Reference to the Committee on Legal Affairs suggested and  
ordered printed.

EDWIN H. PERT, Clerk  
Presented by Representative RAND of Portland.  
Cosponsored by Representative COLES of Harpswell.

STATE OF MAINE

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

1 AN ACT to Amend the Liquor Laws as they  
2 Pertain to State Brewers.  
3

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

6 28 MRSA §501, sub-§1-B is enacted to read:

7 1-B. Other breweries. The following provisions  
8 apply to the manufacturer's license issued to a brew-  
9 ery, other than a small Maine brewery licensed under  
10 subsection 1-A.

11 A. The holder of a brewery license may produce  
12 malt liquor in an amount exceeding 50,000 gallons  
13 per year.

1 B. The holder of a brewery license may permit  
2 sampling of the malt liquor product on the  
3 premises:

4 (1) By employees for the purpose of quality  
5 control of the product;

6 (2) By wholesalers for the purpose of de-  
7 termining whether to carry the brewery's  
8 product as a wholesale product; and

9 (3) By the public in conjunction with a  
10 tour of the brewery's facilities, provided  
11 minors are not permitted to consume any  
12 product with an alcohol content greater than  
13 1/2 of 1%.

14 C. The holder of a brewery license may sell on  
15 the brewery premises during regular business  
16 hours a specialty package of malt liquor produced  
17 at the brewery, the volume of which is not to ex-  
18 ceed one gallon, to be consumed off the premises.

19 D. The holder of a brewery license may sell the  
20 brewery's product to wholesalers.

21 E. The holder of a brewery license may be issued  
22 one license for the sale of liquor to be consumed  
23 on the premises for a location other than the  
24 brewery. The retail license issued under this  
25 paragraph allows the licensee to sell the  
26 products of the brewery, other than the specialty  
27 package under paragraph C, as well as other re-  
28 tail products permitted to be sold under the re-  
29 tail license, directly to retail customers, to be  
30 consumed on the premises. The retail license  
31 must be held exclusively by the holder of the  
32 brewery license.

33 STATEMENT OF FACT

34 The purpose of this bill is to clarify the law  
35 concerning breweries, other than small Maine brew-  
36 eries, and to enact provisions to allow breweries to  
37 conduct business in the State.

1 Under current law, the brewmaster at the brewery  
2 cannot sample the malt liquor to determine if the  
3 product is of the quality desired by the manufactur-  
4 er. This bill allows the tasting or sampling for the  
5 purpose of quality control. The bill also allows  
6 sampling by wholesalers for the purpose of determin-  
7 ing whether or not they want to distribute that  
8 product. Sampling by the public is also permitted in  
9 conjunction with a tour of the brewery, provided  
10 that, however, minors are not permitted to consume  
11 any product containing more than 1/2 of 1% alcohol by  
12 volume.

13 This bill allows the brewery to sell its products  
14 as a specialty package, which cannot be larger than  
15 one gallon. These sales can be made on the brewery  
16 premises, to be consumed off the premises.

17 This bill provides that the holder of the brewery  
18 license may sell to wholesalers, as well as hold one  
19 retail license. The retail license will permit the  
20 holder to sell the products of the brewery as well as  
21 other liquor. In selling the brewery products under  
22 the retail license for consumption on the premises,  
23 the licensee holding both the brewery license and the  
24 retail license does not have to sell the products to  
25 wholesalers before selling the malt liquor at retail  
26 under the retail license. The retail license will  
27 apply to a location other than the actual brewery;  
28 although the brewery and the retail business can be  
29 located on the same real estate, they must operate  
30 completely separately. The business to which this  
31 retail license applies must be wholly-owned by the  
32 holder of the brewery license.

33 All other provisions of the Maine Revised Stat-  
34 utes, Title 28, which apply to manufacturers of malt  
35 liquor also apply to breweries licensed under this  
36 new section.

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