

# (New Draft of H.P. 629, L.D. 852) FIRST REGULAR SESSION

## ONE HUNDRED AND THIRTEENTH LEGISLATURE

### Legislative Document

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NO. 1655

H.P. 1213 Reported by Representative MARTIN from the Committee on Legal Affairs and printed under Joint Rule 2.

EDWIN H. PERT, Clerk Original bill sponsored 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

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

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

28-A MRSA §1355, sub-§1-A is enacted to read:

1-A. Breweries. The following provisions apply to the manufacturer's license issued to a brewery, other than a small Maine brewery licensed under subsection 2.

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

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1	B. The holder of a brewery license may permit
2 3	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, provided
9	that the excise tax on any product sampled
10	is paid before sampling; and
11	(3) By the public in conjunction with a
12	tour of the brewery's facilities, provided
13	that:
14	(a) The excise tax on any product sam-
15	pled is paid before sampling; and
16	(b) Minors are not permitted to con-
17	sume any product with an alcohol con-
18	tent greater than 1/2 of 1%.
19	C. The holder of a brewery license may sell on
20	the brewery premises during regular business
21	hours a specialty package of malt liquor produced
22	at the brewery, the volume of which is not to ex-
23	ceed one gallon, to be consumed off the premises.
24 25	D. The holder of a brewery license may sell the brewery's product to wholesalers.
26	E. The holder of a brewery license may be issued
27	one license under chapter 43 for the sale of li-
28	quor to be consumed on the premises for a loca-
29	tion other than the brewery.
30	(1) The retail license must be held exclu-
31	sively by the holder of the brewery license.
32	(2) This retail license authorizes the sale
33	of products of the brewery, other than the
34	specialty package under paragraph C, in ad-
35	dition to other liquor permitted to be sold
36	under the retail license, to be consumed on
37	the premises.

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(3) Notwithstanding section 1361, the brewery licensee may sell products of the brewery directly to the retail licensee under this paragraph without selling to a wholesale licensee. The brewery licensee shall keep and maintain complete records on all sales to the retail licensee.

(4) All records of the brewery licensee shall be kept separate from the records of the retail licensee.

#### STATEMENT OF FACT

This new draft accomplishes the same purposes as the original bill. It is redrafted to conform to the recodification of the liquor laws enacted earlier this session. It also clarifies that any sampling of malt liquor, other than that done for quality control purposes, can include only malt liquor for which the excise taxes have been paid. The new draft clarifies that even though the brewery license and the additional retail license are held by the same person, completely separate records must be kept for each license. This means that the brewery must keep records concerning malt liquor produced by the brewery then sold under the retail license. The section specifically excepts the sale by the brewery to that one retail licensee from the requirement that manufacturers can sell only to wholesalers.

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