

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

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Legislative Document

No. 253

H.P. 190

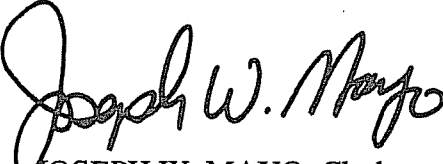
House of Representatives, February 2, 1993

**An Act Concerning Maine Wineries and Microbreweries.**

(EMERGENCY)

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Reference to the Committee on Legal Affairs suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative CONSTANTINE of Bar Harbor.  
Cosponsored by Representatives: HOGLUND of Portland, WENTWORTH of Arundel, Senator:  
LUTHER of Oxford.

2           **Emergency preamble.** Whereas, Acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
as emergencies; and

4           Whereas, current law does not allow tasting tours in small  
6 breweries, nor does current law allow ordering by mail of malt  
liquor and wine for personal use; and

8           Whereas, unless these changes are effectuated immediately,  
10 businesses, especially seasonal businesses, will lose a valuable  
economic opportunity; and

12           Whereas, in the judgment of the Legislature, these facts  
14 create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
16 necessary for the preservation of the public peace, health and  
safety; now, therefore,

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

20           **Sec. 1. 28-A MRSA §1355, sub-§2, ¶A-1 is enacted to read:**

22           A-1. A holder of a small Maine brewery license may permit  
24 sampling of the malt liquor product on the premises for the  
following purposes.

26                   (1) Employees may sample the product for the purpose  
28 of quality control of the product.

30                   (2) Wholesalers and retailers may sample the product  
32 for the purpose of determining whether to carry the  
34 product as a wholesale or retail product, provided that  
the holder of the small Maine brewery license pays the  
excise tax on the product sampled according to section  
1652.

36                   (3) The public may sample the product in conjunction  
38 with a tour of the brewery's facilities, provided that:

40                           (a) The holder of the small Maine brewery license  
42 pays the excise tax on the product according to  
section 1652; and

44                           (b) Minors are not permitted to consume any  
46 product with an alcohol content greater than 1/2  
of 1%.

48           **Sec. 2. 28-A MRSA §2077-A is enacted to read:**

50           §2077-A. Interstate reciprocal mail-ordering of malt liquor and  
52 wine

2 1. Receipt. Notwithstanding section 2077, a person may  
4 apply to the commission and be issued a permit to receive, for  
6 personal use and not for resale, a shipment of malt liquor or  
8 wine from another state. For receipt of each shipment the  
10 following requirements must be satisfied.

12 A. The receiver may not be under 21 years of age.

14 B. The total amount of malt liquor received may not exceed  
16 2.4 gallons per month per individual, and the total amount  
18 of wine received may not exceed 2.4 gallons per month per  
20 individual.

22 C. The receiver may not be a licensee or licensed  
24 establishment.

26 D. The receiver must obtain a \$5 permit for every shipment  
28 of malt liquor that is received and a \$10 permit for every  
30 shipment of wine that is received.

32 2. Shipment. Notwithstanding section 2077, a person who  
34 lives in a state that affords Maine residents an equal reciprocal  
36 shipping privilege may ship, for personal use and not for resale,  
38 malt liquor or wine. For each shipment the following  
40 requirements must be satisfied.

42 A. The producer and shipper must be unlicensed in Maine.

44 B. The product must be one that is not normally for sale in  
46 the State to licensees, and the product must be clearly  
48 identified by label.

50 C. Brokers within the State may not solicit consumers to  
52 engage in interstate reciprocal malt liquor and wine  
54 shipments under this section.

56 D. Shippers located outside the State may not advertise  
58 interstate malt liquor and wine shipments in the State.

60 It is not the intent of this section to impair distribution  
62 of malt liquor and wine through distributors or importing  
64 distributors, but only to permit shipments of malt liquor and  
66 wine for personal use.

68 **Emergency clause.** In view of the emergency cited in the  
70 preamble, this Act takes effect when approved.

## 72 STATEMENT OF FACT

74 This bill allows taste tours in small breweries and the  
76 ordering by mail of malt liquor and wine for personal use.