

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 1372

S.P. 442

In Senate, May 3, 1993

An Act to Provide for Special Liquor Licenses.

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CONLEY of Cumberland.

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

2
4 **Sec. 1. 28-A MRSA §2, sub-§19-A is enacted to read:**

6 19-A. Mid-size Maine brewery. "Mid-size Maine brewery"
8 means a facility that is brewing, lagering and kegging, bottling
10 or packaging its own malt liquor within the State, not to exceed
12 1,860,000 gallons per year.

14 **Sec. 2. 28-A MRSA §1052-A is enacted to read:**

16 §1052-A. Special taste-testing festival license

18 1. Special taste-testing festival license. Manufacturers
20 of malt liquor licensed under section 1355 and holders of an
22 equivalent license from another state may apply for an additional
24 license to participate in a special taste-testing festival under
26 this section. The special taste-testing festival license is
28 valid for no more than 3 consecutive days and is issued annually.

30 2. Fee. The license fee for the special taste-testing
32 festival license is \$50.

34 3. Application. The licensee must apply for a special
36 taste-testing festival license by filing a written application
38 with the commission at least 24 hours before the event. The
40 application must include the following:

42 A. Name and address of the applicant;

44 B. Title and purpose of the event;

46 C. Date, time and duration;

48 D. Location; and

50 E. Approval by the municipal officers or a municipal
 official designated by the municipal officers of the
 municipality where the proposed special taste-testing
 festival will be located, which, notwithstanding section
 653, may be granted without public notice.

4. Ruling on application. Upon receipt of the application,
 the commission may immediately approve or deny the application.
 The commission shall advise the applicant that the license may be
 revoked and suspended under chapter 33.

5. Conditions on taste-testing activities. The following
 conditions apply to taste-testing activities under this section:

2 A. Taste-testing must be limited to a designated area;

4 B. Persons who are not at least 21 years of age may attend
6 the special taste-testing festival but are not allowed in
8 the designated taste-testing area;

10 C. Taste-testing must be conducted within the hours of
12 retail sale established in this Title;

14 D. A person may not be charged a fee for any malt liquor
16 served as part of a taste-testing activity;

18 E. Each out-of-state manufacturer is limited to serving 200
20 gallons of malt liquor; and

22 F. A person may not be served who is visibly intoxicated.

24 6. Excise tax on malt liquor; premiums. Each licensee must
26 pay the appropriate excise taxes and premiums under sections 1652
28 and 1703 before the scheduled calendar date of the special
30 taste-testing festival.

32 Sec. 3. 28-A MRSA §1355, sub-§1-A, as repealed and replaced by
34 PL 1987, c. 623, §15, is amended to read:

36 1-A. Breweries. The following provisions apply to the
38 manufacturer's license issued to a brewery, other than a small
40 Maine brewery licensed under subsection 2 or a mid-size Maine
42 brewery licensed under subsection 8.

44 A. The holder of a brewery license may produce malt liquor
46 in an amount exceeding 50,000 1,860,000 gallons a year.

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

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

 (2) By wholesalers for the purpose of determining
whether to carry the brewery's product as a wholesale
product, provided that the holder of the brewery
license pays the excise tax on the product sampled
according to section 1652; and

 (3) By the public in conjunction with a tour of the
brewery's facilities, provided that:

2 (a) The holder of the brewery license pays the
excise tax on the product sampled according to
section 1652; and

4
6 (b) Minors are not permitted to consume any
product with an alcohol content greater than 1/2
of 1%.

8
10 C. The holder of a brewery license may sell on the brewery
premises during regular business hours a specialty package
12 of malt liquor produced at the brewery, the volume of which
is not to exceed one gallon, to be consumed off the premises.

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

16
18 E. The holder of a brewery license may be issued one
license under chapter 43 for the sale of liquor to be
20 consumed on the premises for a location other than the
brewery.

22 (1) The retail license must be held exclusively by the
holder of the brewery license.

24
26 (2) This retail license authorizes the sale of
products of the brewery, other than the specialty
28 package under paragraph C, in addition to other liquor
permitted to be sold under the retail license, to be
consumed on the premises.

30
32 (3) Notwithstanding section 1361, the brewery licensee
may sell products of the brewery directly to the retail
34 licensee under this paragraph without selling to a
wholesale licensee. The brewery licensee shall keep and
36 maintain complete records on all sales to the retail
licensee.

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

40
42 **Sec. 4. 28-A MRSA §1355, sub-§8 is enacted to read:**

44 8. Mid-size Maine breweries. The following conditions
apply to licenses issued to mid-size Maine breweries.

46 A. A holder of a mid-size Maine brewery license may produce
48 malt liquor containing 25% or less alcohol by volume in an
amount not to exceed 1,860,000 gallons per year.

2 B. A holder of a mid-size Maine brewery license may sell,
4 on the premises during regular business hours, malt liquor
produced at the brewery by the bottle, by the case or in
bulk.

6 C. A holder of a mid-size Maine brewery license may sell or
8 deliver up to 50,000 gallons of the product to licensed
10 retailers, including, but not limited to, off-premise retail
12 licensees, restaurants and clubs. Any volume of the product
in excess of 50,000 gallons that is not sold to an
out-of-state purchaser or sold in the brewery premises must
be sold through a distributor.

14 D. A holder of a mid-size Maine brewery license may apply
16 for one license for the sale of liquor to be consumed on the
premises for a location other than the brewery.

18 E. A holder of a mid-size Maine brewery license may list on
20 product labels and in its advertising the list of the
ingredients and the product's average percentage of the
22 recommended daily allowances of nutritional requirements.

24 **Sec. 5. 28-A MRSA §1551, sub-§3, ¶¶F and G, as enacted by PL**
1987, c. 342, §114, are amended to read:

26 F. Maine farm winery, includes bottling (one
28 year).....\$50; and

30 G. Small Maine brewery, includes bottling (one
year).....\$50+; and

32 **Sec. 6. 28-A MRSA §1551, sub-§3, ¶H is enacted to read:**

34 H. Mid-size Maine brewery, includes bottling (one
36 year).....\$300.

38 **STATEMENT OF FACT**

40 This bill creates a special license to allow manufacturers
42 of malt liquor to conduct an annual taste-testing festival. The
bill also establishes a new brewery license for mid-size
breweries.