

MAINE STATE LEGISLATURE

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L.D. 1335

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DATE: 5.25.05

(Filing No. S-263)

LEGAL AND VETERANS AFFAIRS

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**STATE OF MAINE
SENATE
122ND LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to S.P. 462, L.D. 1335, Bill, "An Act To Add Value to Maine Agricultural Products"

Amend the bill by striking out the title and substituting the following:

'An Act To Create a Small Distillery Off-premises License'

Further amend the bill by inserting after the enacting clause and before section 1 the following:

'Sec. 1. 28-A MRSA §2, sub-§29-A is enacted to read:

29-A. Small distillery. "Small distillery" means a distiller that produces distilled spirits in an amount that does not exceed 50,000 gallons per year.'

Further amend the bill in section 3 by striking out all of subsection 5 and inserting in its place the following:

'5. Small distillery off-premises license. Notwithstanding chapter 19, a person who holds a distiller license under section 1551, subsection 3, paragraph A and is a small distillery may obtain a small distillery off-premises license to sell spirits for consumption off the distillery premises, as long as the spirits are manufactured by the distillery, the distiller obtained the spirits for sale from the State and the spirits are sold on the premises of the distillery at the retail prices established by the alcohol bureau in accordance with its rules.'

2 A. The small distillery off-premises license fee is \$100
annually.

4 B. A person may not hold more than one small distillery
off-premises license.

6 C. A small distillery off-premises licensee shall keep
8 records regarding off-premises sales separate and apart from
10 records relating to any other transaction in which the
licensee engages.

12 D. The bureau, upon application by the holder of a small
14 distillery off-premises license whose distillery has
produced distilled spirits in an amount that exceeds 50,000
16 gallons in one year, may renew that holder's small
distillery off-premises license for only one additional
18 year.'

Further amend the bill by relettering or renumbering any
20 nonconsecutive Part letter or section number to read
consecutively.

22
24 **SUMMARY**

26 This amendment substitutes the word "distiller" for
"manufacturer" to limit the scope of the bill and defines a
28 "small distillery" to mean a distillery that does not produce
spirits in excess of 50,000 gallons per year. It provides that a
30 person may hold only one small distillery off-premises license
and limits the renewal of the license to one additional year for
32 distilleries that exceed the 50,000-gallon limit. It also
exempts the holder of a small distillery off-premises license
34 from being licensed as an agency store and clarifies that a
person must hold a distiller license to be eligible for a small
36 distillery off-premises license. This amendment clarifies that
spirits sold on the distillery premises must go through the state
38 control system and requires that off-premises sales records be
kept separate from the distiller's other business records. It
40 also clarifies that the license fee is \$100 annually.

FISCAL NOTE REQUIRED
(See attached)



122nd MAINE LEGISLATURE

LD 1335

LR 1552(02)

An Act To Add Value to Maine Agricultural Products

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Legal and Veterans Affairs

Fiscal Note Required: Yes

Fiscal Note

Minor revenue increase - General Fund