

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1335

S.P. 462

In Senate, March 17, 2005

An Act To Add Value to Maine Agricultural Products

(EMERGENCY)

Reference to the Committee on Legal and Veterans 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 President EDMONDS of Cumberland.
Cosponsored by Representative PATRICK of Rumford and
Senators: GAGNON of Kennebec, HASTINGS of Oxford, MITCHELL of Kennebec,
PLOWMAN of Penobscot, TURNER of Cumberland, Representatives: BLANCHETTE of
Bangor, BROWN of South Berwick, FISHER of Brewer.

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

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6 **Whereas,** it is necessary that this legislation take effect
immediately in order to allow affected in-state manufacturers to
obtain off-premises licenses prior to the summer season; and

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

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

16 **Sec. 1. 28-A MRSA §707, sub-§3,** as amended by PL 1987, c. 342,
18 §41, is further amended to read:

20 **3. Retail licensee; interest in wholesaler or certificate**
22 **of approval. No Except as authorized in section 1012, subsection**
5, a retail licensee may not have any financial interest, direct
or indirect, in any:

24 A. Maine manufacturer's or wholesaler's license; or

26 B. Certificate of approval issued to an out-of-state
28 manufacturer or foreign wholesaler of malt liquor or wine.

30 **Sec. 2. 28-A MRSA §707, sub-§4,** as repealed and replaced by PL
32 1987, c. 342, §42, is amended to read:

34 **4. Certificate of approval holder or Maine manufacturer;**
interest in wholesaler or retail license. No Except as
authorized in section 1012, subsection 5, a certificate of
36 approval holder or in-state manufacturer may **not** have any
financial interest, direct or indirect, in any:

38 A. Maine wholesale license; or

40 B. Maine retail license.

42 **Sec. 3. 28-A MRSA §1012, sub-§5** is enacted to read:

44 **5. Distillery off-premises license. An in-state**
46 **manufacturer may obtain a license to sell spirits for consumption**
off the manufacturer's premises, as long as the spirits were
48 **manufactured by that manufacturer, the manufacturer obtained the**
spirits for sale from a wholesale liquor provider and the spirits
50 **are sold on the premises of the manufacturer.**

2 A. The license fee is \$100.

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

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SUMMARY

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This bill creates a limited off-premises license to allow an in-state manufacturer of spirits to sell only its product on its premises, as long as the product goes through the usual distribution process for spirits.