

# MAINE STATE LEGISLATURE

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L.D. 1641

DATE: 5.27.05

(Filing No. S-277)

LEGAL AND VETERANS AFFAIRS

Reported by:

MAJORITY

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STATE OF MAINE
SENATE
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 607, L.D. 1641, Bill, "An Act To Create a Small Distillery License"

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

'An Act To Create a Small Brewer Distiller License'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 28-A MRSA §1355, sub-§§8 and 9 are enacted to read:

8. Small brewer distiller license. The following conditions apply to small brewer distiller licenses.

A. To be eligible for a small brewer distiller license, a person must hold a small breweries license under subsection 2 and obtain a basic permit for distilling, rectifying, blending and bottling spirits from the federal Department of the Treasury, Bureau of Alcohol, Tobacco, Firearms and Explosives.

B. A holder of a small brewer distiller license may produce distilled spirits in an amount not to exceed 30,000 gallons per year.

C. A holder of a small brewer distiller license may hold up to 3 Maine retail licenses for the sale of liquor to be produced at the distillery and to be consumed on the

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to S.P. 607, L.D. 1641

2 premises at a connected establishment. For purposes of this  
3 paragraph, "connected establishment" means a Class A  
4 restaurant or Class A restaurant/lounge that is owned in  
5 whole or in part by the holder of the small brewer distiller  
6 license. All records of the small brewer distiller license  
7 must be kept separate from the records of the retail  
8 licensee.

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10 D. Spirits produced by a holder of a small brewer distiller  
11 license must be sold to the State and are subject to the  
12 listing, pricing and distribution provisions of this Title.

13  
14 E. A holder of a small brewer distiller license may permit  
15 sampling of the spirits on the distillery premises by  
16 employees for quality control purposes.

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18 F. A holder of a small brewer distiller license may list on  
19 a product's label and in its advertising the ingredients and  
20 the product's average percentage of the recommended daily  
21 allowances of nutritional requirements.

22  
23 G. The holder of a small brewer distiller license is  
24 subject to all inspections and other oversight applied to  
25 large distilleries in the State by the State Government and  
26 the Federal Government.

27  
28 9. Small brewer distiller licensee that exceeds production  
29 limit; license renewal. The bureau, upon application by the  
30 holder of a small brewer distiller license whose distillery has  
31 produced distilled spirits in an amount that exceeds 30,000  
32 gallons in one year, may renew that holder's small brewer  
33 distiller license for only one additional year.

34 **Sec. 2. 28-A MRSA §1551, sub-§3, ¶¶F and G, as enacted by PL**  
35 **1987, c. 342, §114, are amended to read:**

36  
37 **F. Maine farm winery, includes bottling (one**  
38 **year).....\$50; and**

39  
40 **G. Small Maine brewery, includes bottling (one**  
41 **year).....\$50; and**

42  
43 **Sec. 3. 28-A MRSA §1551, sub-§3, ¶H is enacted to read:**

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45 **H. Small brewer distiller, includes bottling (one year)**  
46 **.....\$100.'**

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**SUMMARY**

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This amendment replaces the bill and creates a small brewer distiller license that allows the holder to have up to 3 Maine retail licenses for connected establishments owned in whole or in part by the holder of the small brewer distiller license. To be eligible for the license, a person must hold a small breweries license and have a basic federal permit for distilling spirits; and to maintain the license, a person may not distill more than 30,000 gallons of spirits per year. It provides that spirits produced by the distillery must be sold to the State and are subject to the listing, pricing and distribution of the Maine Revised Statutes, Title 28-A. This amendment also provides for the sampling of spirits produced at the distillery for quality control purposes and allows certain information to be printed on the distilled product's label and sets the license fee at \$100 annually.

**FISCAL NOTE REQUIRED**  
(See attached)



Approved: 05/24/05 *MAC*

# 122nd MAINE LEGISLATURE

LD 1641

LR 2109(02)

**An Act To Create a Small Distillery License**

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

**Committee: Legal and Veterans Affairs**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund  
Minor revenue increase - General Fund