

# MAINE STATE LEGISLATURE

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## LEGAL AND VETERANS AFFAIRS

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## STATE OF MAINE

## HOUSE OF REPRESENTATIVES

## 124TH LEGISLATURE

## FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 353, L.D. 498, Bill, "An Act  
Regarding Alcoholic Beverage Tastings"

Amend the bill in section 1 in §460 in subsection 1 in the last line (page 1, line 8 in L.D.) by inserting after the following: "prohibited" the following: 'except as permitted under section 1205 or 1207'

Amend the bill in section 1 in §460 by striking out all of subsection 2 (page 1, lines 9 to 29 in L.D.) and inserting the following:

**2. Conditions on taste-testing activities.** The conditions under this subsection apply to taste-testing activities under this section.

A. Distilled spirits may not be served to persons who have not yet attained 21 years of age.

B. A person may not be served more than a total of 1 1/2 ounces, in 1/2 ounce servings, of distilled spirits having an alcohol content of 80 proof or less; or, for distilled spirits containing an alcohol content of greater than 80 proof, a person may not be served more than a total of 3/4 of an ounce in 1/4 ounce servings.

C. Distilled spirits must be dispensed using a standard measuring device.

D. Distilled spirits having an alcohol content of greater than 80 proof may not be offered for tasting at the same time as distilled spirits having an alcohol content of 80 proof or less.

E. A person may not be charged a fee for any distilled spirits served as part of a taste-testing activity.

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

G. Taste testing must be limited to a designated area.

H. Taste testing must be conducted within the hours of retail sale established in this Title.

**COMMITTEE AMENDMENT**

1 I. The agency liquor store must obtain the written permission of the bureau before  
 2 conducting any taste-testing activity.

3 J. The agency liquor store may conduct up to 3 tastings per month but no more than  
 4 12 taste-testing events per year, including tastings conducted under sections 1205 and  
 5 1207.

6 K. Taste testing is not allowed in any municipality where on-premises and off-  
 7 premises sales are not allowed pursuant to chapter 5.

8 L. The agency liquor store must notify the bureau of the date and time scheduled for  
 9 all taste-testing events.

10 M. The agency liquor store must purchase all distilled spirits served at a taste testing  
 11 from the wholesale liquor provider as defined in section 501.'

12 Amend the bill in section 2 by striking out all of §1205 (page 2, lines 1 to 35 in L.D.)  
 13 and inserting the following:

14 **'§1205. Taste testing of wine**

15 **1. Taste testing on off-premise retail licensee's premises.** Subject to the  
 16 conditions in subsection 2, the bureau may authorize an off-premise retail licensee, ~~50%~~  
 17 ~~or more of whose gross income is derived from the sale of wine, malt liquor or spirits,~~  
 18 stocking at least 125 different wine labels or a fine wine store to conduct taste testings of  
 19 wine on that licensee's premises. Any other consumption of alcoholic beverages on an  
 20 off-premise retail licensee's premises is prohibited.

21 **2. Conditions on taste-testing activities.** The following conditions apply to taste-  
 22 testing activities under this section:

23 A. ~~No wine~~ Wine may not be served to persons who have not yet attained the age of  
 24 21 years;

25 B. ~~No~~ A person may not be served more than a total of 5 ounces of wine having an  
 26 alcohol content of 14% or less; or, for wine having an alcohol content greater than  
 27 14%, a person may not be served more than a total of 3 ounces of wine;

28 C. ~~No~~ A person may not be charged a fee for any wine served as part of a taste-  
 29 testing activity;

30 D. ~~No~~ A person may not be served who is visibly intoxicated;

31 E. Taste testing is must be limited to a designated area;

32 F. Taste testing ~~shall~~ must be conducted within the hours of retail sale established in  
 33 this Title;

34 G. The retail licensee must obtain the written permission of the bureau before  
 35 conducting any taste-testing activity;

36 H. ~~A~~ The retail licensee may conduct up to 3 tastings per month but no more than  
 37 one taste-testing- 12 taste-testing events per month year, including tastings conducted  
 38 under sections 460 and 1207;

I. Taste testing is not allowed in any municipality where ~~on-premise~~ on-premises and ~~off-premise~~ off-premises sales are not allowed pursuant to chapter 5;

J. The retail licensee must notify the ~~Bureau of Liquor Enforcement~~ bureau of the date and time scheduled for ~~an on-premise taste testing~~ all taste-testing events; and

K. The retail licensee must purchase all wine served at a taste testing from a wholesale licensee.

**3. Rules.** The Department of Public Safety may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

For the purposes of this section, "fine wine store" means a store that carries at least 250 different wine labels or carries at least 125 different wine labels, holds a wine license only and meets the compatible merchandise requirement of section 1201, subsections 6 and 7.'

Amend the bill in section 3 in §1206 in the first paragraph in the last line (page 3, line 3 in L.D.) by striking out the following: "sections 1205 and 1505" and inserting the following: 'sections 460, 1205 and 1207'

Amend the bill by inserting after section 3 the following:

**'Sec. 4. 28-A MRSA §1207** is enacted to read:

**§1207. Taste testing of malt liquor**

**1. Taste testing on off-premise retail licensee's premises.** Subject to the conditions in subsection 2, the bureau may authorize an off-premise retail licensee stocking at least 100 different brands of malt liquor to conduct taste testing of malt liquor on that licensee's premises. Any other consumption of alcoholic beverages on an off-premise retail licensee's premises is prohibited, except as permitted under section 460 or 1205.

**2. Conditions on taste-testing activities.** The conditions under this subsection apply to taste-testing activities under this section.

A. Malt liquor may not be served to persons who have not yet attained 21 years of age.

B. A person may not be served more than a total of 12 ounces of malt liquor having an alcohol content of 6% or less; for malt liquor having an alcohol content greater than 6% but less than 12%, a person may not be served more than a total of 6 ounces; or, for malt liquor having an alcohol content of 12% or greater, a person may not be served more than a total of 3 ounces.

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

D. A person may not be served who is visibly intoxicated.

E. Taste testing must be limited to a designated area.

F. Taste testing must be conducted within the hours of retail sale established in this Title.

- 1 G. The retail licensee must obtain the written permission of the bureau before
- 2 conducting any taste-testing activity.
- 3 H. The retail licensee may conduct up to 3 tastings per month but no more than 12
- 4 taste-testing events per year, including tastings under section 460 or 1205.
- 5 I. Taste testing is not allowed in any municipality where on-premises and off-
- 6 premises sales are not allowed pursuant to chapter 5.
- 7 J. The retail licensee must notify the bureau of the date and time scheduled for all
- 8 taste-testing events.
- 9 K. The retail licensee must purchase all malt liquor served at a taste testing from a
- 10 wholesale licensee.

11 **3. Rules.** The Department of Public Safety may adopt rules to implement this  
 12 section. Rules adopted pursuant to this subsection are routine technical rules as defined  
 13 in Title 5, chapter 375, subchapter 2-A.'

14 Amend the bill by inserting after section 4 the following:

15 **'Sec. 5. Appropriations and allocations.** The following appropriations and  
 16 allocations are made.

17 **PUBLIC SAFETY, DEPARTMENT OF**  
 18 **Liquor Enforcement 0293**

19 Initiative: Provides funding for a Public Safety Inspector II position and related All Other  
 20 costs to ensure inspection and enforcement at agency liquor stores and retail stores  
 21 holding additional alcoholic beverage tastings.

22	<b>GENERAL FUND</b>	<b>2009-10</b>	<b>2010-11</b>
23	POSITIONS - LEGISLATIVE COUNT	1,000	1,000
24	Personal Services	\$63,106	\$66,852
25	All Other	\$4,750	\$4,800
26	Capital Expenditures	\$26,000	\$0
27			
28	<b>GENERAL FUND TOTAL</b>	<b>\$93,856</b>	<b>\$71,652</b>
29			

30 Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
 31 section number to read consecutively.

32 **SUMMARY**

33 This amendment provides that certain off-premise retail licensees may offer malt  
 34 liquor for tasting in addition to wine and spirits. Tastings are limited to one type of

- 1 alcohol and may be held up to 3 times per month but no more than 12 times per year.
- 2 The amendment also adds an appropriations and allocations section.

**FISCAL NOTE REQUIRED**

(See attached)

**124th MAINE LEGISLATURE****LD 498****LR 341(02)****An Act Regarding Alcoholic Beverage Tastings****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**

	<b>2009-10</b>	<b>2010-11</b>	<b>Projections 2011-12</b>	<b>Projections 2012-13</b>
<b>Net Cost (Savings)</b>				
General Fund	\$93,856	\$71,652	\$73,711	\$75,834
<b>Appropriations/Allocations</b>				
General Fund	\$93,856	\$71,652	\$73,711	\$75,834

**Fiscal Detail and Notes**

The bill includes a General Fund appropriation to the Department of Public Safety of \$93,856 in fiscal year 2009-10 and \$71,652 in fiscal year 2010-11 for a Public Safety Inspector II position and related administrative costs to handle increased activity of tastings. The bill allows the 340 agency liquor stores to hold wine, spirits and malt liquor tastings, and allows retail stores to hold malt liquor tastings. It is assumed that 300 of the agency stores will participate and another 100 retail stores will hold malt liquor tastings. The position would inspect the area where the tastings are held and ensure compliance of the establishments. It is also assumed that consumers who participate in these events may make different choices in alcoholic purchases, as opposed to purchasing additional products. Therefore, no additional excise tax is expected.