

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 498

H.P. 353

House of Representatives, February 12, 2009

An Act Regarding Alcoholic Beverage Tastings

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative TUTTLE of Sanford.
Cosponsored by Senator PLOWMAN of Penobscot and
Representatives: BEAULIEU of Auburn, CAREY of Lewiston, Senators: MARRACHÉ of
Kennebec, SULLIVAN of York.

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

2 Sec. 1. 28-A MRSA §460 is enacted to read:

3 **§460. Agency liquor store taste testing of distilled spirits**

4 **1. Taste testing on agency liquor store premises.** Subject to the conditions in
5 subsection 2, the bureau may authorize an agency liquor store stocking at least 200
6 different codes of distilled spirits products to conduct taste testing of distilled spirits on
7 that licensee's premises. Any other consumption of alcoholic beverages on an agency
8 liquor store's premises is prohibited.

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

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

13 B. A person may not be served more than a total of 1 1/2 ounces of distilled spirits.

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

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

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

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

20 G. The agency liquor store must obtain the written permission of the bureau before
21 conducting any taste-testing activity.

22 H. The agency liquor store may conduct no more than 12 taste-testing events per
23 year.

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

26 J. The agency liquor store must notify the bureau of the date and time scheduled for
27 an on-premises taste testing.

28 K. The agency liquor store must purchase all distilled spirits served at a taste testing
29 from the wholesale liquor provider as defined in section 501.

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

33 Sec. 2. 28-A MRSA §1205, as amended by PL 2005, c. 32, §1, is further amended
34 to read:

1 **§1205. Taste testing of wine**

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

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

10 A. ~~No wine~~ Wine may not be served to persons who have not yet attained the age of
11 21 years;

12 B. ~~No~~ A person may not be served more than a total of 5 ounces of wine;

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

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

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

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

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

21 H. ~~A~~ The retail licensee may conduct no more than ~~one taste testing~~ 12 taste-testing
22 events per month year;

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

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

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

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

32 ~~For the purposes of this section, "fine wine store" means a store that carries at least~~
33 ~~250 different wine labels or carries at least 125 different wine labels, holds a wine license~~
34 ~~only and meets the compatible merchandise requirement of section 1201, subsections 6~~
35 ~~and 7.~~

36 **Sec. 3. 28-A MRSA §1206**, as enacted by PL 1993, c. 266, §23, is amended to
37 read:

