

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

STATE LAW LIBRARY  
AUGUSTA, MAINE



# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

---

Legislative Document

No. 1168

H.P. 807

House of Representatives, March 25, 2009

### An Act To Allow the Taste Testing of Malt Liquor and Spirits

(AFTER DEADLINE)

---

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative HARVELL of Farmington.  
Cosponsored by Senator SIMPSON of Androscoggin and  
Representatives: BOLAND of Sanford, BUTTERFIELD of Bangor, CLARK of Easton,  
CORNELL du HOUX of Brunswick, COTTA of China, KAENRATH of South Portland,  
SCHATZ of Blue Hill, TRINWARD of Waterville.

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

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

1           **§1205. Taste testing of wine and malt liquor**

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 to conduct taste testings of wine or malt liquor on that licensee's  
6 premises. Any other consumption of alcoholic beverages on an off-premise retail  
7 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 or malt liquor may not be served to persons who have not yet  
11 attained the age of 21 years;

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

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

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

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

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

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

22           H. ~~A The~~ retail licensee may conduct no more than one taste testing per month;

23           I. Taste testing is not allowed in any municipality where ~~on-premise~~ on-premises  
24 and ~~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 or malt liquor served at a taste testing  
28 from a 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.

**SUMMARY**

1  
2  
3  
4

This bill allows taste testing of distilled spirits in agency liquor stores and malt liquor in retail stores with off-premises licenses in the same manner and under the same conditions as wine taste testings are currently conducted.