

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

SECOND REGULAR SESSION-2010

Legislative Document

No. 1628

H.P. 1156

House of Representatives, December 23, 2009

**An Act To Amend the Laws Governing the Taste Testing of
Alcoholic Beverages**

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 21, 2009. Referred to the Committee on Legal and Veterans Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative FITTS of Pittsfield.

Cosponsored by Representatives: TUTTLE of Sanford, WELSH of Rockport, Senator PLOWMAN of Penobscot and Representatives: Speaker PINGREE of North Haven, RUSSELL of Portland, Senator: GOODALL of Sagadahoc.

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

3 **Whereas,** current law is prohibitive to retail establishments that wish to conduct
4 tastings of alcoholic beverages; and

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

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

10 **Sec. 1. 28-A MRSA §460, sub-§2, ¶N,** as enacted by PL 2009, c. 459, §1, is
11 amended to read:

12 ~~N. Taste testing activities must be conducted in a manner that precludes the~~
13 ~~possibility of observation by children.~~ For a minimum of 7 days immediately prior to
14 a taste-testing event, the agency liquor store shall post prominently at the entrance to
15 the store a sign that announces the date and time of the event. The Department of
16 Public Safety shall report annually by January 15th to the joint standing committee of
17 the Legislature having jurisdiction over alcohol regulation matters regarding the
18 ~~operation and effectiveness of this paragraph in providing proper notice to adults who~~
19 may wish to preclude minors from observing the taste testing of alcoholic beverages.

20 **Sec. 2. 28-A MRSA §1205, sub-§2, ¶L,** as enacted by PL 2009, c. 459, §2, is
21 amended to read:

22 ~~L. Taste testing activities must be conducted in a manner that precludes the~~
23 ~~possibility of observation by children.~~ For a minimum of 7 days immediately prior to
24 a taste-testing event, the retail licensee shall post prominently at the entrance to the
25 store a sign that announces the date and time of the event. The Department of Public
26 Safety shall report annually by January 15th to the joint standing committee of the
27 Legislature having jurisdiction over alcohol regulation matters regarding the
28 ~~operation and effectiveness of this paragraph in providing proper notice to adults who~~
29 may wish to preclude minors from observing the taste testing of alcoholic beverages.

30 **Sec. 3. 28-A MRSA §1207,** as enacted by PL 2009, c. 438, §5, is reallocated to
31 28-A MRSA §1208.

32 **Sec. 4. 28-A MRSA §1207, sub-§1,** as enacted by PL 2009, c. 459, §4, is
33 amended to read:

34 **1. Taste testing on off-premise retail licensee's premises.** Subject to the conditions
35 in subsection 2, the bureau may authorize an off-premise retail licensee stocking at least
36 100 different ~~brands~~ labels of malt liquor to conduct taste testing of malt liquor on that
37 licensee's premises. Any other consumption of alcoholic beverages on an off-premise
38 retail licensee's premises is prohibited, except as permitted under section 460 or 1205.

