

# 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)

MS  
MS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

L.D. 2

Date: 3-31-11

MAJORITY

(Filing No. S- 25)

VETERANS AND LEGAL AFFAIRS

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

125TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 17, L.D. 2, Bill, "An Act To Allow Farm Wineries To Charge for Wine Tastings"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 28-A MRSA §1355, sub-§3, ¶B, as amended by PL 1993, c. 730, §46, is further amended to read:

B. A holder of a farm winery license may serve complimentary samples of wine and sell, during regular business hours, wines produced at the winery by the bottle, by the case or in bulk on the premises of the winery to persons who are not minors. A holder of a farm winery license may serve complimentary samples of wine on Sunday after the hour of 12 noon and may sell wines on Sunday after the hour of 12 noon if the municipality in which the winery is located has authorized the sale of wines on Sunday for consumption off the premises under chapter 5. A farm winery may charge for samples of wine served in accordance with paragraph B-1.

Sec. 2. 28-A MRSA §1355, sub-§3, ¶B-1 is enacted to read:

B-1. A farm winery that wishes to charge for samples shall otherwise comply with the conditions in paragraph B and shall file a form as prescribed by the bureau. After submission of the form to the bureau, each sample poured is subject to a charge in an amount determined by the farm winery and is subject to the sales tax for alcoholic beverages in accordance with Title 36, section 1811. A farm winery shall maintain a record of wine samples subject to a charge and maintain those records for a period of 2 years. A farm winery that charges for samples of wine may not offer complimentary samples until the bureau has been notified that samples are no longer subject to a charge. This paragraph is repealed February 1, 2014.

SUMMARY

This amendment establishes a framework for a farm winery that wishes to charge for samples of wine produced by the winery. In order to charge for samples, the farm winery

2012

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9

must notify the Department of Public Safety's bureau that administers the liquor licensing laws and maintain a record of samples. Each sample poured is subject to the 7% sales tax on alcoholic beverages. Once a farm winery charges for samples it may not offer complimentary samples unless it notifies the bureau that samples are no longer subject to a charge.

**FISCAL NOTE REQUIRED**

(See attached)



# 125th MAINE LEGISLATURE

LD 2

LR 454(02)

**An Act To Allow Farm Wineries To Charge for Wine Tastings**

**Fiscal Note for Bill as Amended by Committee Amendment "A" S-25**

**Committee: Veterans and Legal Affairs**

**Fiscal Note Required: Yes**

---

## Fiscal Note

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

### Fiscal Detail and Notes

Allowing farm wineries to charge for wine tastings subject to certain record-keeping and reporting requirements may result in a minor increase in sales tax revenue from any additional sales that may occur. Additional costs to the Department of Public Safety associated with enforcement of the provisions of this legislation can be absorbed with existing staff and within existing budgeted resources.