

MAINE STATE LEGISLATURE

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APR 2011
R. ROFS

L.D. 649

Date: 5/31/11

(Filing No. H-393)

VETERANS AND LEGAL AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 479, L.D. 649, Bill, "An Act Regarding Special Taste-testing Festivals"

Amend the bill by striking out the title and substituting the following:

'An Act To Establish a Special Food and Beverage Industry Taste-testing Event License'

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

'Sec. 1. 28-A MRSA §709, sub-§2, ¶E, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

E. Those licensed under ~~section~~ sections 1052-B, 1052-C, 1205, 1207 and 1402 offering free wine ~~samples or~~ tastings;

Sec. 2. 28-A MRSA §1052-C is enacted to read:

§1052-C. Special food and beverage industry taste-tasting event license

1. Special food and beverage industry taste-tasting event license. Malt liquor and wine wholesalers licensed under section 1401 and manufacturers licensed under section 1355 may apply jointly for a special food and beverage industry taste-tasting event license to participate in a special food and beverage industry taste-testing event under this section. This license authorizes taste testing of malt liquor, wine, fortified wine and spirits at an event designed to promote the food and beverage or hospitality industry where more than 50% of the participants in the event represent an industry or business that holds a license to manufacture, sell or serve alcoholic beverages.

2. Fee. The license fee for the special food and beverage industry event taste-testing license is \$20 for each wholesaler or manufacturer.

3. Application. The wholesaler and manufacturer licensees must apply jointly for a special food and beverage industry taste-testing event license by filing a written

1 application with the bureau at least 30 days before the special food and beverage industry
2 taste-testing event. The application must include the following:

3 A. The name and address of each licensee;

4 B. The title and purpose of the event;

5 C. The date, time and duration of the event;

6 D. The location of the event; and

7 E. Approval by the municipal officers or a municipal official designated by the
8 municipal officers of the municipality where the proposed special food and beverage
9 industry taste-testing event will be located. Notwithstanding section 653, the
10 approval may be granted without public notice.

11 **4. Up to 5 licensed events per year; one event per license.** A manufacturer or
12 wholesaler may obtain up to 5 licenses under this section per calendar year. Each license
13 permits an event lasting up to 3 consecutive days.

14 **5. Ruling on application.** Upon receipt of an application under subsection 3, the
15 bureau shall immediately approve or deny the application. The bureau shall advise the
16 applicants that the license may be revoked or suspended under chapter 33.

17 **6. Conditions.** The following conditions apply to special food and beverage
18 industry taste-testing events under this section.

19 A. A sales representative licensed in accordance with section 1502 of a manufacturer
20 that has been issued a license under this section may pour or provide a taste-testing
21 sample of any product the manufacturer is licensed to manufacture under this Title.

22 B. A certificate of approval holder may pour or provide a taste-testing sample of any
23 malt liquor, wine or fortified wine product the certificate of approval holder is
24 licensed to distribute under this Title.

25 C. A minor is prohibited from attending the event unless accompanied by a parent or
26 guardian or the alcohol served at the event is confined to a segregated area where
27 minors are prohibited.

28 D. Taste-testing must be conducted within the hours of retail sale established in this
29 Title.

30 E. A person who is visibly intoxicated may not be served.

31 **7. Additional provision for wine.** A sales representative licensed in accordance
32 with section 1502 may provide wine that is not registered with the bureau but has been
33 registered with the United States Department of the Treasury, Alcohol and Tobacco Tax
34 and Trade Bureau to a caterer licensed to serve alcoholic beverages at the food and
35 beverage industry taste-testing event for the purpose of promoting that wine for
36 distribution and sale in the State.

37 **8. Excise taxes; premiums.** A licensee under this section must pay the appropriate
38 excise taxes and premiums under sections 1652 and 1703 before the scheduled date of the
39 special food and beverage industry taste-testing event.

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(See attached)



Approved: 05/21/11 *mac*

125th MAINE LEGISLATURE

LD 649

LR 1310(02)

An Act Regarding Special Taste-testing Festivals

Fiscal Note for Bill as Amended by Committee Amendment "A"

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

General Fund revenue may increase by a minor amount due to the new special food and beverage industry event taste-testing license. Additional costs to the Department of Public Safety associated with issuing these licenses and enforcing the provisions of the license can be absorbed with existing staff and within existing budgeted resources.