

MAINE STATE LEGISLATURE

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SME
12/10/11

Date: 5/24/11

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Majority

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. 570, L.D. 763, Bill, "An Act To Allow the Sale of Locally Produced Beer and Wine at Farmers' Markets"

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

Sec. 1. 7 MRSA §415, sub-§1, ¶B, as amended by PL 2009, c. 547, §1, is further amended to read:

B. "Farm and food products" means any agricultural, horticultural, forest or other product of the soil or water, including, but not limited to, fruits, vegetables, eggs, dairy products, meat and meat products, poultry and poultry products, fish and fish products, grain and grain products, honey, nuts, maple products, apple cider, fruit juice, malt liquor, wine, ornamental or vegetable plants, nursery products, fiber or fiber products, firewood and Christmas trees.

Sec. 2. 28-A MRSA §1355, sub-§10 is enacted to read:

10. Farmers' market. A licensee under subsection 2 or 3 may sell wine or malt liquor pursuant to the provisions of section 1366.

Sec. 3. 28-A MRSA §1366 is enacted to read:

§1366. Retail sales at farmers' market

1. Retail sales at farmers' market. A licensee under section 1355, subsection 2 or 3 or an employee of the licensee who is at least 21 years of age may sell wine or malt liquor manufactured in the State by the licensee at a farmers' market pursuant to this section.

2. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Farmer" means a natural person who sells, with or without processing, agricultural products raised by the person on land in the State owned or leased by the person.

COMMITTEE AMENDMENT

- 1 B. "Farmers' market" has the same meaning as in Title 7, section 415, subsection 1,
2 paragraph B.
- 3 3. Conditions. A licensee under subsection 1 may sell wine or malt liquor at a
4 farmers' market under the following conditions:
- 5 A. The licensee shall apply for and must have received authorization to sell at
6 farmers' markets from the bureau and paid an annual fee of \$75. The application
7 pursuant to this paragraph must be in a form determined by the bureau. The licensee
8 shall submit the application at least 30 days prior to the date when wine or malt liquor
9 is to be sold at a farmers' market;
- 10 B. Prior to each month during which the licensee wishes to sell at a farmers' market,
11 the licensee shall provide to the bureau a list of the date, time and location of each
12 farmers' market at which the licensee intends to sell and must receive approval from
13 the bureau for that month;
- 14 C. The farmers' market must consist of at least 6 separate stalls or booths that sell
15 farm or food products, not including alcoholic beverages, and must be authorized by
16 the bureau under subsection 4;
- 17 D. The stall or booth operated by the licensee at the farmers' market is considered
18 part of the licensed premises of the licensee for purposes of this chapter;
- 19 E. All wine and malt liquor must be prepackaged and sold by the bottle or case; and
- 20 F. Taste testing or sampling of wine and malt liquor is not permitted at the farmers'
21 market.
- 22 4. Farmers' market authorization. At least 30 days prior to the sale of wine or
23 malt liquor, a farmers' market must obtain municipal approval to sell wine and malt liquor
24 under this section and apply for and receive authorization from the bureau for a licensee
25 authorized under subsection 3, paragraph A to sell wine or malt liquor at the farmers'
26 market. If the farmers' market is held on private property, the application must include a
27 written statement signed by the owner of the property permitting the sale of wine or malt
28 liquor in accordance with this section. The bureau may request a diagram of the layout of
29 the farmers' market. An application required by this subsection must be in a form
30 determined by the bureau.
- 31 5. Rules. The bureau may adopt rules to carry out the purposes of this section. Rules
32 adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter
33 375, subchapter 2-A.'

SUMMARY

35 This amendment replaces the bill. The amendment strikes the provisions that wine
36 and malt liquor may be provided to others for retail sale and establishes an authorization

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COMMITTEE AMENDMENT "A" to H.P. 570, L.D. 763

1 process for small breweries and farm wineries to sell the products they produce at
2 farmers' markets. The amendment also adds a requirement that a farmers' market must
3 have municipal approval to sell wine and malt liquor.

4

FISCAL NOTE REQUIRED

5

(See attached)



Approved: 05/20/11 *mac*

125th MAINE LEGISLATURE

LD 763

LR 1688(02)

An Act To Allow the Sale of Locally Produced Beer and Wine at Farmers' Markets

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

Additional costs to the Department of Public Safety associated with rulemaking and enforcing the provisions of this legislation can be absorbed with existing staff and within existing budgeted resources. General Fund revenues may increase by minor amounts not requiring any change to the budget.