

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

SECOND REGULAR SESSION-2014

Legislative Document

No. 1763

H.P. 1265

House of Representatives, February 10, 2014

**An Act To Make Available to the Public Certain Information
Concerning the Alcohol Content of Malt Liquor, Wine and Spirits**

(AFTER DEADLINE)

(EMERGENCY)

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

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative LUCHINI of Ellsworth.
Cosponsored by Senator PATRICK of Oxford and
Representatives: FREDETTE of Newport, HERBIG of Belfast, LONGSTAFF of Waterville,
McCABE of Skowhegan, ROCHELO of Biddeford, SAUCIER of Presque Isle, SCHNECK of
Bangor.

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 ambiguity in the law regarding the display of alcohol content is
4 causing confusion among manufacturers, sellers and distributors of alcoholic beverages;
5 and

6 **Whereas,** it is important to resolve this ambiguity as soon as possible; and

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

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

12 **Sec. 1. 28-A MRSA §709, sub-§1, ¶A,** as amended by PL 1999, c. 275, §1, is
13 further amended to read:

14 A. No licensee or employee or agent of a licensee may:

- 15 (1) Offer or deliver any free liquor to any person or group of persons;
- 16 (2) Deliver more than 2 drinks containing spirits, a carafe containing more than
17 one liter or 33.8 ounces of wine, or any serving or pitcher containing more than
18 one liter or 33.8 ounces of malt liquor, to one person at one time;
- 19 (3) Sell, offer to sell or deliver to any person or group of persons an unlimited
20 number of drinks for a fixed price, except at private functions not open to the
21 public;
- 22 (4) Encourage or permit, on the licensed premises, any game or contest that
23 involves drinking or the awarding of drinks as prizes; ~~or~~
- 24 (5) ~~Any~~ Engage in any other practice the specific purpose of which is to
25 encourage customers of the licensee to drink to excess; ~~and or~~
- 26 (6) Use images or phrases likely to be considered as statements of high alcohol
27 content, such as "full strength," "high test," "extra strength" or "high proof" or
28 similar words or phrases. This subparagraph does not prohibit a licensee or
29 employee or agent of a licensee from including the alcohol content of malt liquor,
30 wine or spirits in an advertisement or on a label, or in a display on an
31 advertisement or label, if the alcohol content is expressed as a percentage of
32 alcohol by volume.

33 **Sec. 2. 28-A MRSA §711,** as amended by PL 1993, c. 730, §33, is repealed.

34 **Emergency clause.** In view of the emergency cited in the preamble, this
35 legislation takes effect when approved.

1 **SUMMARY**

2 Current law prohibits a person licensed to manufacture, sell or distribute alcoholic
3 beverages from publishing in any form an advertisement of malt liquor that refers in any
4 manner to the alcohol content of the malt liquor manufactured, sold or distributed by that
5 licensee, including through the use of phrases such as "full strength," "extra strength" or
6 "prewar strength." The inclusion of the alcohol content on the product label is permitted.

7 This bill prohibits the use of images as well as phrases that may be considered as
8 statements of high alcohol content but permits the advertisement of alcohol content with
9 respect to malt liquor, wine and spirits as long as it is expressed as a percentage of
10 alcohol by volume.