

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 388

S.P. 129

In Senate, February 2, 2017

**An Act Regarding the Sale of Alcohol by a Manufacturer with an
On-premises Retail License**

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.

Cosponsored by Senators: LANGLEY of Hancock, WOODSOME of York.

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

2 **Sec. 1. 28-A MRS §1355-A, sub-§2, ¶¶D and I**, as enacted by PL 2011, c.
3 629, §22, are amended to read:

4 D. A licensee under this section may sell from the licensed premises where liquor is
5 produced by the licensee liquor produced by the licensee for consumption off the
6 licensed premises.

7 (1) Sales made in accordance with this paragraph do not require a licensee under
8 this section to obtain an additional retail license under chapter 45.

9 (2) Liquor sold in accordance with this paragraph may not be consumed
10 anywhere on the licensed premises.

11 (3) The area of the licensed premises where a licensee opts to transact sales for
12 off-premises consumption may be accessed from the same entrance used to
13 access an area licensed for on-premises consumption of alcoholic beverages
14 under chapter 43 in accordance with paragraph I.

15 I. A licensee may be issued one retail license under chapter 43 per licensed location
16 for the sale of liquor to be consumed on the premises at the retail premises.

17 (1) The retail license must be held exclusively by the holder of the brewery,
18 small brewery, winery, small winery, distillery or small distillery license.

19 (2) The retail license authorizes the sale of products of the brewery, small
20 brewery, winery, small winery, distillery or small distillery, in addition to other
21 liquor permitted to be sold under the retail license, to be consumed on the
22 premises.

23 (3) All records related to activities under a manufacturer license issued under
24 this section must be kept separate from records related to the retail license.

25 (4) A distillery or small distillery must meet the requirements of subsection 5,
26 ~~paragraph~~ paragraphs D and E.

27 (5) The licensee shall ensure that products purchased for off-premises
28 consumption under paragraph D are not consumed on the licensed premises.

29 **SUMMARY**

30 This bill clarifies existing law that permits a person that is licensed to manufacture
31 malt liquor, wine or spirits at a facility in the State to sell the product that person
32 produces from the manufacturing facility for off-premises consumption without having to
33 get a separate off-premises retail license. The bill specifies that the location of the
34 manufacturing facility where off-premises sales of the manufacturer's product occur is not
35 required to be accessed by a separate entrance from the area of the facility that is licensed
36 to serve alcoholic beverages for on-premises consumption. It also clarifies that
37 distilleries and small distilleries are subject to the existing law that requires spirits sold at
38 retail to first be listed for sale and distributed by the State.