

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1536

H.P. 1056

House of Representatives, April 25, 2017

An Act To Allow Maine Manufacturers To Sell Products for Off-premises Consumption at Taste-testing Events and Farmers' Markets and To Allow Taste Testings at Farmers' Markets

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative HICKMAN of Winthrop.

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

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

3 D. Notwithstanding any other provision of this Title, a brewery or a small brewery
4 licensed in accordance with this section may sell malt liquor to be consumed off the
5 premises under the conditions specified in this paragraph if participating in a
6 taste-testing event under section 1052-D.

7 (1) Only malt liquor brewed at the brewery may be sold in accordance with this
8 paragraph.

9 (2) A sale of malt liquor in accordance with this paragraph must be accompanied
10 by a sales receipt.

11 **Sec. 2. 28-A MRSA §1355-A, sub-§4, ¶D** is enacted to read:

12 D. Notwithstanding any other provision of this Title, a winery or a small winery
13 licensed in accordance with this section may sell wine to be consumed off the
14 premises under the conditions specified in this paragraph if participating in a
15 taste-testing event under section 1052-D.

16 (1) Only wine produced at the winery may be sold in accordance with this
17 paragraph.

18 (2) A sale of wine in accordance with this paragraph must be accompanied by a
19 sales receipt.

20 **Sec. 3. 28-A MRSA §1355-A, sub-§5, ¶I** is enacted to read:

21 I. Notwithstanding any other provision of this Title, a distillery or a small distillery
22 licensed in accordance with this section may sell spirits to be consumed off the
23 premises under the conditions specified in this paragraph if participating in a
24 taste-testing event under section 1052-D.

25 (1) Only spirits produced at the distillery may be sold in accordance with this
26 paragraph.

27 (2) Spirits sold in accordance with this paragraph are subject to the listing,
28 pricing and distribution provisions of this Title.

29 (3) A sale of spirits in accordance with this paragraph must be accompanied by a
30 sales receipt.

31 **Sec. 4. 28-A MRSA §1366, sub-§1**, as amended by PL 2011, c. 629, §24, is
32 further amended to read:

33 **1. Retail sales at farmers' market.** A licensee under section 1355-A, subsection 3,
34 paragraph B ~~or~~ subsection 4, paragraph B; subsection 5, paragraph B or an employee of
35 the licensee who is at least 21 years of age may sell wine, spirits or malt liquor
36 manufactured in the State by the licensee at a farmers' market pursuant to this section.

1 **Sec. 5. 28-A MRSA §1366, sub-§3**, as enacted by PL 2011, c. 280, §3, is
2 amended to read:

3 **3. Conditions.** A licensee under subsection 1 may sell wine, spirits or malt liquor at
4 a 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, spirits or
9 malt liquor 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 B-1. The licensee shall keep and maintain a record of the dates, times and locations
15 of the licensee's participation in a farmers' market under this section;

16 C. The farmers' market must consist of at least 6 separate stalls or booths that sell
17 farm or food products, not including ~~alcoholic beverages~~ liquor, and must be
18 authorized by the bureau under subsection 4;

19 D. The stall or booth operated by the licensee at the farmers' market is considered
20 part of the licensed premises of the licensee for purposes of this chapter;

21 E. All wine, spirits and malt liquor must be prepackaged and sold by the bottle or
22 case; and

23 ~~F. Taste testing or sampling of wine and malt liquor is not permitted at the farmers'~~
24 ~~market.~~

25 G. Spirits sold in accordance with this subsection are subject to the listing, pricing
26 and distribution provisions of this Title.

27 **Sec. 6. 28-A MRSA §1366, sub-§4**, as enacted by PL 2011, c. 280, §3, is
28 amended to read:

29 **4. Farmers' market authorization.** At least 30 days prior to the sale of wine,
30 spirits or malt liquor, a farmers' market must obtain municipal approval to sell wine,
31 spirits and malt liquor under this section and apply for and receive authorization from the
32 bureau for a licensee authorized under subsection 3, paragraph A to sell wine, spirits or
33 malt liquor at the farmers' market. If the farmers' market is held on private property, the
34 application must include a written statement signed by the owner of the property
35 permitting the sale of wine, spirits or malt liquor in accordance with this section. The
36 bureau may request a diagram of the layout of the farmers' market. An application
37 required by this subsection must be in a form determined by the bureau.

38 **Sec. 7. 28-A MRSA §1367** is enacted to read:

1 **§1367. Tastings at farmers' markets**

2 **1. Taste testing.** Subject to the conditions set forth in this section, a brewery, small
3 brewery, winery, small winery, distillery or small distillery licensed under section 1355-A
4 may conduct taste-testing events at farmers' markets. For purposes of this section,
5 "farmers' market" has the meaning as in Title 7, section 415, subsection 1, paragraph A.

6 **2. Conditions on taste-testing activities.** The following conditions apply to
7 taste-testing activities allowed under this section.

8 A. An individual at a taste-testing activity may not be charged a fee.

9 B. An individual at a taste-testing activity may not be served a taste-testing sample
10 of more than 4 ounces of malt liquor, 1 1/2 ounces of wine or 1/2 ounce of spirits. An
11 individual is limited to 6 samples per day per manufacturer licensed under section
12 1355-A.

13 C. Malt liquor, wine or spirits for taste testing may not be poured in advance and
14 made available for individuals participation in the taste testing to serve themselves.

15 D. An individual at a taste-testing activity who is visibly intoxicated may not be
16 served malt liquor, wine or spirits.

17 E. Taste-testing activities must be conducted within the hours of retail sales
18 established in this Title.

19 F. Taste-testing activities are not allowed in any municipality where on-premises and
20 off-premises sales are not allowed pursuant to chapter 5.

21 G. A licensee under section 1355-A conducting a taste-testing activity at a farmers'
22 market must keep a record of when and where the activity took place. A licensee is
23 limited to 6 taste-testing events per calendar year at farmers' markets.

24 **SUMMARY**

25 This bill allows the sale of wine, spirits and malt liquor manufactured in Maine for
26 off-premises consumption at taste-testing events and the sale of spirits manufactured in
27 Maine at farmers' markets. Under current law, the sale of wine and malt liquor at
28 farmers' markets is allowed. The bill also allows taste testings to be conducted at farmers'
29 markets.