

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2026

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**Legislative Document**

**No. 2160**

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H.P. 1449

House of Representatives, January 13, 2026

### **An Act to Modify Provisions of Law Affecting Small Distilleries**

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

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

ROBERT B. HUNT  
Clerk

Presented by Representative GEIGER of Rockland.

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, state regulation of and fees imposed on small distilleries have made it difficult for these businesses to thrive and have led to the closure of multiple small distilleries in the State; and

**Whereas**, legislation aimed to provide relief for small breweries and wineries in the State from similar regulatory and financial burdens have recently been enacted; and

**Whereas**, to prevent the closure of additional small distilleries in the State, changes to the regulatory and fee structure are urgently needed; and

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

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

**Sec. 1. 28-A MRSA c. 13** is enacted to read:

## CHAPTER 13

## SMALL DISTILLERIES

## **§231. Small distilleries**

**1. Prohibited fees.** Notwithstanding any provision of law to the contrary, the bureau or a wholesale spirits provider may not charge a small distillery a spirits administration services fee or a spirits trade marketing services fee on any sale of spirits, including, but not limited to, on-premises sales, direct sales to out-of-state customers and direct sales to licensed retailers in the State.

**2. Inspection frequency.** The bureau or any other entity of the State may not require the inspection of a small distillery more frequently than once every 3 years.

**3. Reporting frequency.** The bureau or a wholesale spirits provider may not require a small distillery to report more frequently than on a quarterly basis.

**Sec. 2. 28-A MRSA §606, sub-§1-A**, as amended by PL 2021, c. 658, §91, is further amended to read:

**1-A. On-premises licensees; purchase from reselling agent or small distillery.** Except for a public service corporation that operates interstate, a person licensed to sell spirits for on-premises consumption shall purchase spirits from a reselling agent or a small distillery licensed in this State only, in accordance with this subsection. A licensee that violates this subsection is subject to the administrative penalties provided in section 2074-A.

A. The sale price of spirits sold by a reselling agent to an establishment licensed for on-premises consumption must be the retail price established by the commission or the discounted retail price established by the bureau in accordance with subsection 1-C.

1 B. Upon completion of a transaction, the reselling agent and the on-premises licensee  
2 shall each retain a copy of the licensee order form.

3 E. A person licensed to sell spirits for on-premises consumption may purchase spirits  
4 from a small distillery licensed in this State.

5 **Sec. 3. 28-A MRSA §1051, sub-§11** is enacted to read:

6 **11. Small distilleries.** Notwithstanding any provision of law to the contrary, a licensed  
7 small distillery is not required to be licensed under this chapter to sell beer, wine or spirits  
8 manufactured by a small brewery, small winery or small distillery licensed under section  
9 1355-A.

10 **Sec. 4. 28-A MRSA §1355-A, sub-§5, ¶L** is enacted to read:

11 L. Notwithstanding section 1551, a small distillery license is valid for 3 years.

12 **Sec. 5. 28-A MRSA §1355-A, sub-§5, ¶M** is enacted to read:

13 M. Notwithstanding any provision of law to the contrary, the holder of a small  
14 distillery license may sell or deliver its products to licensed retailers or wholesalers.  
15 The licensee may sell, on the premises for off-premises consumption, spirits produced  
16 at the licensed premises by the bottle, by the case or in bulk to licensed retailers,  
17 including, but not limited to, off-premises retail licensees, restaurants and clubs.  
18 Notwithstanding any provision of law to the contrary, the holder of a small distillery  
19 license may sell its products directly to a retail licensee under this paragraph without  
20 selling to a wholesale licensee. A small distillery licensee shall keep and maintain  
21 complete records on all sales to a retail licensee.

22 **Sec. 6. 28-A MRSA §2076, sub-§1**, as amended by PL 2021, c. 658, §275, is  
23 further amended to read:

24 **1. Illegal delivery of spirits prohibited.** Except with the bureau's written permission  
25 or except as provided in section 503, subsection 1 for the wholesale spirits provider or in  
26 section 459 for reselling agents, or in the case of a small distillery licensed under section  
27 1355-A, subsection 5, a person may not knowingly transport or cause to be delivered to  
28 any person other than the bureau any spirits not purchased from an agency liquor store.

29 **Sec. 7. 28-A MRSA §2077-B, sub-§3** is enacted to read:

30 **3. Exception for small distilleries.** Notwithstanding any provision of law to the  
31 contrary, this section does not prohibit a small distillery from selling, furnishing or  
32 delivering spirits manufactured by the small distillery to a person outside of the State by  
33 mail order.

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

## 36 SUMMARY

37 This bill does the following.

38 1. It prohibits the Department of Administrative and Financial Services, Bureau of  
39 Alcoholic Beverages and Lottery Operations or the holder of a state contract for wholesale

1 spirits activities and marketing from charging a small distillery a spirits administration  
2 services fee or a spirits trade marketing services fee on any sale of spirits.

3 2. It prohibits the bureau or any other entity of the State from requiring that a small  
4 distillery be inspected more frequently than every 3 years.

5 3. It prohibits the bureau or wholesale spirits provider from requiring a small distillery  
6 to report more frequently than on a quarterly basis.

7 4. It allows a person licensed to sell spirits for on-premises consumption to purchase  
8 spirits from a small distillery licensed in the State and allows the holder of a small distillery  
9 license to sell or deliver its products to licensed retailers or wholesalers.

10 5. It allows a small distillery to sell beer, wine and spirits manufactured by small  
11 breweries, small wineries or small distilleries licensed in the State without a license for  
12 sales for on-premises consumption.

13 6. It extends the licensing period for a small distillery from one year to 3 years.

14 7. It allows a small distillery to sell, furnish or deliver spirits manufactured by the  
15 small distillery to a person outside of the State by mail order.