

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

SECOND SPECIAL SESSION

November 18, 1983

AND AT THE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

AND AT THE

THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH
IN ACCORDANCE WITH MAINE REVISED STATUTES
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND ELEVENTH LEGISLATURE
JANUARY 4, 1984 TO APRIL 25, 1984

servant or agent, sell, give, furnish or deliver any liquor to be consumed elsewhere than upon the licensed premises, except, subject to the provisions of law and the rules and regulations of the commission, hotel licensees may sell liquor in the original packages to bona fide registered room guests.

Sec. 13. 28 MRSa §808 is enacted to read:

§808. Sales at outdoor stadiums

1. Issue of licenses. Licenses for the sale of malt liquor and vinous liquors to be consumed on the premises may be issued to outdoor stadiums, as defined in section 2, subsection 8, paragraph P.

2. No sales at events for children. There shall be no sales of liquor at an outdoor stadium at any event primarily involving primary or secondary school children.

3. Conditions on sales. No liquor may be sold in the spectator stands at an outdoor stadium. Liquor may be sold only by the glass in plastic or paper cups.

Sec. 14. Sunset provision. This Act shall remain in effect only until September 30, 1985, during which time the Bureau of Liquor Enforcement shall evaluate the effectiveness of this law and make a written report to the 112th Legislature.

Effective July 25, 1984.

CHAPTER 756

S.P. 787 - L.D. 2113

AN ACT Concerning Maine Farm Wineries.

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

Sec. 1. 28 MRSa §452, as amended by PL 1979, c. 663, §164, is further amended by adding after the 2nd paragraph a new paragraph to read:

Notwithstanding the provisions of this section, until July 1, 1989, the excise tax imposed on table wine containing 14.5% or less alcohol by volume produced by a licensed Maine farm winery, shall be 5¢ per gallon, or its metric equivalent, on the first

10,000 gallons of table wine produced in one year; 10¢ per gallon, or its metric equivalent, on all wine produced in excess of 10,000 gallons, but not in excess of 25,000 gallons; and 20¢ per gallon, or its metric equivalent, on all wine produced in excess of 25,000 gallons.

Sec. 2. 28 MRSA §501, sub-§3-A is enacted to read:

3-A. Maine farm wineries. Maine farm wineries shall pay an annual license fee of\$50.

For purposes of this section. "Maine farm winery" means a facility that is fermenting, aging and bottling its own wines within the State. If an inadequate amount of agricultural products used for raw materials exists within the State, a holder of a Maine farm winery license may file an affidavit and application with the Bureau of Alcoholic Beverages setting forth the unavailability of raw materials within the State and requesting permission to import those agricultural products from out-of-state. If the bureau finds that there is in fact an inadequate supply of raw materials within the State, it may authorize the importation. If out-of-state raw materials contribute to more than 50% of the yearly wine production of a winery, then an excise tax shall be levied on that out-of-state raw material at a rate of 4¢ per gallon, or its metric equivalent, on liquid raw materials and 2¢ per pound on solid or semisolid raw materials. The commission shall promulgate rules for the collection of the excise tax.

A holder of a Maine farm winery license may produce table wines and sparkling wines containing 14.5% or less alcohol by volume in an amount not to exceed 50,000 gallons per year, or their metric equivalent.

A holder of a Maine farm winery license may serve complimentary samples of wine and sell, during regular business hours, table wines produced at the winery by the bottle, case or in bulk on the premises of the winery to persons who are not minors. A holder of a Maine farm winery license may serve complimentary samples of wine on Sunday after the hour of 12 o'clock noon and may sell table wines on Sunday after the hour of 12 o'clock noon if the municipality in which the winery is located has authorized the sale of table wines on Sunday for consumption off the premises pursuant to section 101.

A holder of a Maine farm winery license may, upon application to and approval of the commission and payment of the license fee set out in this subsection, obtain a license for one additional location other

than the winery licensed under this subsection. The holder of the license shall not be required to conduct any bottling or production of wine at the 2nd licensed location, but may conduct all activities which are permitted by this section at the winery.

A holder of a Maine farm winery license may sell or deliver his product to licensed retailers and wholesalers. In addition, he may sell, on the premises, wine produced at the winery by the bottle, case or in bulk to licensed retailers, including, but not limited to, retail stores, restaurants and clubs.

This subsection is repealed on July 1, 1989.

Sec. 3. 28 MRSA §501, sub-§4, as amended by PL 1979, c. 130, §5, is repealed and the following enacted in its place:

4. Other wineries. Wineries using exclusively the agricultural products of other states or foreign countries shall pay an annual license fee of\$50.

In addition to such license fee of \$50, an excise tax shall be imposed in the amount of 4¢ per gallon, or its metric equivalent, on liquid raw materials and 2¢ per pound on solid or semisolid raw materials, under the supervision of the commission, which shall make the necessary rules for their collection.

This subsection is repealed on July 1, 1989.

Sec. 4. 28 MRSA §501, sub-§4-A is enacted to read:

4-A. Wineries. Beginning on July 1, 1989, wineries using exclusively the agricultural products of this State as raw material shall pay an annual license fee of.....\$50.

Wineries using in part the agricultural products of other states or foreign countries shall pay, in addition to the license fee of \$50, an excise tax of 4¢ per gallon, or its metric equivalent, on liquid raw materials and 2¢ per pound on solid or semisolid raw materials; the same being under the supervision of the commission, which shall make the necessary rules and regulations for their collection.