

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act Regarding Alcoholic Beverage Tastings

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

Sec. 1. 28-A MRSA §460 is enacted to read:

§ 460. Agency liquor store taste testing of distilled spirits

1. Taste testing on agency liquor store premises. Subject to the conditions in subsection 2, the bureau may authorize an agency liquor store stocking at least 200 different codes of distilled spirits products to conduct taste testing of distilled spirits on that licensee's premises. Any other consumption of alcoholic beverages on an agency liquor store's premises is prohibited.

2. Conditions on taste-testing activities. The conditions under this subsection apply to taste-testing activities under this section.

- A. Distilled spirits may not be served to persons who have not yet attained 21 years of age.
- B. A person may not be served more than a total of 1 1/2 ounces of distilled spirits.
- C. A person may not be charged a fee for any distilled spirits served as part of a taste-testing activity.
- D. A person may not be served who is visibly intoxicated.
- E. Taste testing must be limited to a designated area.
- F. Taste testing must be conducted within the hours of retail sale established in this Title.
- G. The agency liquor store must obtain the written permission of the bureau before conducting any taste-testing activity.
- H. The agency liquor store may conduct no more than 12 taste-testing events per year.
- I. Taste testing is not allowed in any municipality where on-premises and off-premises sales are not allowed pursuant to chapter 5.
- J. The agency liquor store must notify the bureau of the date and time scheduled for an on-premises taste testing.
- K. The agency liquor store must purchase all distilled spirits served at a taste testing from the wholesale liquor provider as defined in section 501.

3. Rules. The Department of Public Safety may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 28-A MRSA §1205, as amended by PL 2005, c. 32, §1, is further amended to read:

§ 1205. Taste testing of wine

1. Taste testing on off-premise retail licensee's premises. Subject to the conditions in subsection 2, the bureau may authorize an off-premise retail licensee, ~~50% or more of whose gross income is derived from the sale of wine, malt liquor or spirits, or a fine wine store~~ stocking at least 125 different wine labels, to conduct taste testings of wine on that licensee's premises. Any other consumption of alcoholic beverages on an off-premise retail licensee's premises is prohibited.

2. Conditions on taste-testing activities. The following conditions apply to taste-testing activities under this section:

- A. ~~No wine~~ Wine may not be served to persons who have not yet attained the age of 21 years;
- B. ~~No~~ A person may not be served more than a total of 5 ounces of wine;
- C. ~~No~~ A person may not be charged a fee for any wine served as part of a taste-testing activity;
- D. ~~No~~ A person may not be served who is visibly intoxicated;
- E. Taste testing is must be limited to a designated area;
- F. Taste testing ~~shall~~ must be conducted within the hours of retail sale established in this Title;
- G. The retail licensee must obtain the written permission of the bureau before conducting any taste-testing activity;
- H. ~~A~~ The retail licensee may conduct no more than ~~one taste testing~~ 12 taste-testing events per month year;
- I. Taste testing is not allowed in any municipality where ~~on-premise~~ on-premises and ~~off-premise~~ off-premises sales are not allowed pursuant to chapter 5;
- J. The retail licensee must notify the ~~Bureau of Liquor Enforcement~~ bureau of the date and time scheduled for an ~~on-premise~~ on-premises taste testing; and
- K. The retail licensee must purchase all wine served at a taste testing from a wholesale licensee.

3. Rules. The Department of Public Safety may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

For the purposes of this section, "fine wine store" means a store that carries at least 250 different wine labels or carries at least 125 different wine labels, holds a wine license only and meets the compatible merchandise requirement of section 1201, subsections 6 and 7.

Sec. 3. 28-A MRSA §1206, as enacted by PL 1993, c. 266, §23, is amended to read:

§ 1206. Consumption prohibited on off-premises retail premises

A person may not consume liquor on the premises of an off-premise retail licensee licensed under this chapter except as provided in sectionsections 1205 and 1505.

Sec. 4. 28-A MRSA §1505 is enacted to read:

§ 1505. Participation in tasting events

A sales representative holding a license under section 1502 may participate in a tasting event permitted under section 460 or 1205 subject to the provisions of this section.

1. Educational presentations. A sales representative participating in a tasting event pursuant to this section may provide written or oral educational presentations and materials relating to the brands and products being offered for tasting at the event, as long as no cost is imposed for the presentations or materials on the licensee or the consumer.

2. Complimentary food or snacks. A sales representative participating in a tasting event pursuant to this section may provide and distribute, at no cost to the consumer or the licensee, complimentary food or snacks to be offered and consumed in conjunction with the products to be tasted, as long as the total cost for the food or snacks does not exceed \$200 per event. Any remaining food or snacks provided in conjunction with a tasting event must be removed from the licensee's premises by the sales representative at the conclusion of the tasting event.

3. Records and invoices. A sales representative participating in a tasting event pursuant to this section shall keep and maintain records and invoices showing the costs for any food, snacks or educational or informational materials provided at any approved tasting event.

4. Pour or distribute. A sales representative participating in a tasting event pursuant to this section may not pour or distribute to consumers the products being offered for tasting during the event.

The Department of Public Safety may adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

SUMMARY

This bill proposes to allow limited taste testing of alcoholic beverages by holders of off-premises licenses, subject to approval and regulation by the Department of Public Safety. The bill allows a sales representative participating in a taste-testing event to provide written or oral educational materials and provide and distribute food at no cost to the consumer or licensee.