

125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document No. 763

H.P. 570

House of Representatives, March 1, 2011

An Act To Allow the Sale of Locally Produced Beer and Wine at Farmers' Markets

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

Heath & Print

HEATHER J.R. PRIEST Clerk

Presented by Representative MacDONALD of Boothbay. Cosponsored by Representatives: BEAUDOIN of Biddeford, BERRY of Bowdoinham, BOLAND of Sanford, BRIGGS of Mexico, FLEMINGS of Bar Harbor, GOODE of Bangor, SANBORN of Gorham.

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

Sec. 1. 7 MRSA §415, sub-§1, ¶B, as amended by PL 2009, c. 547, §1, is further
 amended to read:

B. "Farm and food products" means any agricultural, horticultural, forest or other product of the soil or water, including, but not limited to, fruits, vegetables, eggs, dairy products, meat and meat products, poultry and poultry products, fish and fish products, grain and grain products, honey, nuts, maple products, apple cider, fruit juice, <u>malt liquor</u>, wine, ornamental or vegetable plants, nursery products, fiber or fiber products, firewood and Christmas trees.

10 Sec. 2. 28-A MRSA §1355, sub-§10 is enacted to read:

11 <u>10. Farmers' market.</u> A licensee under subsection 1-A, 2 or 3 may sell wine or
 12 malt liquor to a nonlicensee pursuant to the provisions of section 1366.

13 Sec. 3. 28-A MRSA §1361, sub-§4, as amended by PL 2005, c. 683, Pt. A, §46,
 14 is further amended to read:

15 4. No sales of malt liquor or wine to person without wholesale license. No A 16 certificate of approval holder, except <u>a brewery</u>, a small Maine brewery or <u>a</u> farm winery 17 licensee allowed to sell directly to retailers or to nonlicensees pursuant to this chapter, may not sell or cause to be transported into the State any malt liquor or wine to any 18 19 person to whom a Maine wholesale license has not been issued by the bureau. Malt liquor or wine must be delivered to the place of business of the wholesaler as shown in 20 21 the wholesaler's license, must be unloaded and inventoried at the wholesaler's premises 22 upon the wholesaler's receipt of the shipment and must come to rest before delivery is 23 made to any retailer to enable the bureau to inspect and inventory wholesale warehouses for the purpose of verifying taxes that are required to be paid on malt liquor and wine 24 purchased by importers. 25

- 26 Sec. 4. 28-A MRSA §1366 is enacted to read:
- 27 §1366. Retail sales at farmers' markets

1. Retail sales at farmers' markets. A licensee under section 1355, subsection 1-A,
 2 or 3 may sell wine or malt liquor manufactured in the State by the licensee to a
 nonlicensee at a farmers' market pursuant to this section.

- 31 2. Definitions. As used in this section, unless the context otherwise indicates, the
 32 following terms have the following meanings.
- A. "Farmer" means a natural person who sells, with or without processing,
 agricultural products raised by the person on land owned or leased by the person that
 is located in the State.
- B. "Farmers' market" has the same meaning as in Title 7, section 415, subsection 1,
 paragraph B.

1 2	C. "Processor" means a natural person who sells processed food that the person has personally prepared on land owned or leased by the person that is located in the State.
3 4	D. "Reseller" means a natural person who buys an agricultural product grown or prepared in the State and resells that product directly to a consumer.
5 6	3. Conditions. A licensee under subsection 1 may sell wine or malt liquor at a farmers' market under the following conditions:
7 8	A. The licensee has applied for and received an endorsement to sell at farmers' markets by the bureau subject to an annual fee of \$75;
9 10 11	B. For each month that the licensee wishes to sell at a farmers' market, prior to that month, the licensee provides to the bureau and receives approval of a list of the date, time and location of every farmers' market at which the licensee intends to sell;
12 13	C. The farmers' market under paragraph B has received authorization by the bureau under subsection 4; and
14 15	D. The area occupied by the licensee at the farmers' market is considered part of the licensed premises of the licensee for purposes of this chapter.
16 17 18 19	4. Farmers' market authorization. A farmers' market must have an on-site manager and apply for and receive authorization from the bureau to allow a licensee with an endorsement under subsection 3, paragraph A to sell wine or malt liquor at the farmers' market. An application for authorization under this subsection must include:
20 21	A. A diagram of the farmers' market showing all booths, stalls or other designated locations at which a licensee may sell;
22 23	B. The name and contact information for the on-site manager of the farmers' market; and
24	C. An application fee as determined by the bureau.
25 26 27	5. Rules. The bureau may adopt rules to carry out the purposes of this section. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.
28	SUMMARY
29 30	This bill allows in-state manufacturers of wine or malt liquor to sell their wine or malt liquor at authorized farmers' markets in the State.