

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND NINETEEN

S.P. 240 - L.D. 805

**An Act To Clarify the Laws Governing Taste Testing and Retail Sales of
Liquor at Farmers' Markets and To Allow Retail Sales at Other Taste-
testing Events**

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

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

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

(1) The brewery or small brewery may sell only malt liquor produced in the State by that brewery or small brewery.

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

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

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

(1) The winery or small winery may sell only wine produced in the State by that winery or small winery.

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

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

I. Notwithstanding any provision of this Title to the contrary, a distillery or small distillery licensed in accordance with this section may sell spirits to be consumed off

the premises under the conditions specified in this paragraph if the distillery or small distillery is participating in a taste-testing event under section 1052-D.

(1) The distillery or small distillery may sell only spirits produced in the State by that distillery or small distillery.

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

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

Sec. 4. 28-A MRSA §1366, as amended by PL 2017, c. 168, §§1 to 3 and corrected by RR 2017, c. 1, §19, is repealed.

Sec. 5. 28-A MRSA §1367, as corrected by RR 2017, c. 1, §20, is repealed.

Sec. 6. 28-A MRSA §1368 is enacted to read:

§1368. Retail sales and taste testing at farmers' markets

1. Farmers' market defined. For purposes of this section, "farmers' market" has the same meaning as in Title 7, section 415, subsection 1, paragraph A.

2. Retail sales and taste-testing events at farmers' markets. Subject to the conditions set forth in this section and the applicable bylaws of the farmers' market, a small brewery, small winery or small distillery licensed under section 1355-A or an employee of the licensee who is at least 21 years of age may sell or offer for taste testing at a farmers' market any wine, spirits or malt liquor manufactured in the State by the licensee.

3. Conditions. The following conditions apply to retail sales and taste-testing events permitted under this section:

A. The licensee shall apply for authorization to conduct retail sales or taste-testing events at farmers' markets using a form prescribed by the bureau and by paying an annual fee of \$75. The licensee shall submit the application at least 30 days prior to the first date when the licensee will conduct retail sales or conduct a taste-testing event at a farmers' market;

B. Prior to each month during which the licensee wishes to conduct retail sales or taste-testing events at farmers' markets, the licensee shall provide to the bureau a list of the date, time and location of each farmers' market at which the licensee intends to conduct retail sales or taste-testing events and must receive approval from the bureau for that month. The bureau may request a diagram of the layout of each farmers' market at which the licensee intends to conduct retail sales or taste-testing events;

C. The licensee shall keep and maintain a record of the dates, times and locations of the licensee's conduct of retail sales or taste-testing events at farmers' markets under this section;

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

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

F. All wine, spirits and malt liquor for retail sale must be prepackaged and sold by the bottle or case. The holder of a small distillery license may provide spirits for sale at a farmers' market in the same manner as permitted under section 1355-A, subsection 5, paragraph G;

G. The licensee may not charge a fee for samples at a taste-testing event under this section and may not serve spirits, wine or malt liquor to a minor or an individual who is visibly intoxicated. The licensee may not serve a taste-testing sample of more than 4 ounces of malt liquor, 1 1/2 ounces of wine or 1/2 ounce of spirits and may not serve an individual more than 6 samples per day; and

H. All activities authorized under this section must be conducted within the hours of retail sales established in this Title and may not be conducted in any municipality where on-premises and off-premises sales are not allowed pursuant to chapter 5.

4. Farmers' market authorization. At least 30 days prior to the sale or taste testing of wine, spirits or malt liquor, a farmers' market must obtain municipal approval to sell or conduct taste testing of wine, spirits and malt liquor under this section. If the farmers' market is held on private property, the application must include a written statement signed by the owner of the property permitting the sale or taste testing of wine, spirits or malt liquor in accordance with this section.

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 as defined in Title 5, chapter 375, subchapter 2-A.