1	L.D. 1637
2	Date: (Filing No. S-)
3	VETERANS AND LEGAL AFFAIRS
4	Reproduced and distributed under the direction of the Secretary of the Senate.
5	STATE OF MAINE
6	SENATE
7	126TH LEGISLATURE
8	SECOND REGULAR SESSION
9 10	COMMITTEE AMENDMENT "" to S.P. 628, L.D. 1637, Bill, "An Act To Amend the Laws Regarding Special Food and Beverage Taste-testing Event Licenses"
11	Amend the bill by striking out the title and substituting the following:
12	'An Act Regarding Taste-testing Event Licenses'
13 14	Amend the bill by striking out everything after the title and before the summary and inserting the following:
15 16	'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and
17 18 19	Whereas, current ambiguity in the law regarding the conduct of special licensed events for the taste testing of alcoholic beverages is having a negative impact on the promotion of craft breweries and wineries in the State; and
20	Whereas, it is important to resolve this ambiguity as soon as possible; and
21 22 23 24	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,
25	Be it enacted by the People of the State of Maine as follows:
26 27	Sec. 1. 28-A MRSA §709, sub-§2, ¶E, as amended by PL 2011, c. 629, §12, is further amended to read:
28 29	E. Those licensed under sections 1052-B or 1052-C section 1052-D offering free samples or tastings;
30 31	Sec. 2. 28-A MRSA §1052-B, as amended by PL 2013, c. 345, §3; c. 351, §§1 and 2; and c. 368, Pt. XXXX, §1 and affected by §13, is repealed.
32	Sec. 3. 28-A MRSA §1052-C, as amended by PL 2011, c. 629, §18, is repealed.

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1	Sec. 4. 28-A MRSA §1052-D is enacted to read:
2	<u>§1052-D. Taste-testing event license</u>
3 4 5 6 7	1. Taste-testing event license. A person who has been issued a license under section 1355-A, a wholesaler licensed under section 1401 or a person who has been granted a certificate of approval from the bureau may apply jointly in any combination for a license to participate in a taste-testing event subject to the conditions prescribed by this section.
8 9 10 11	2. Sponsored manufacturers. For the purposes of this section, "sponsored manufacturer" means a manufacturer without a certificate of approval who is sponsored by a certificate of approval holder or a manufacturer licensed under section 1355-A or a manufacturer who may participate in a taste-testing event.
12 13 14	A sponsored manufacturer licensed in another state may participate in the taste-testing event in the same manner and subject to the same conditions as a manufacturer licensed under section 1355-A or a person who has been granted a certificate of approval if:
15 16	A. The sponsored manufacturer provides a copy of state and federal licenses or permits authorizing the manufacture of alcoholic beverages; and
17 18	B. The sponsored manufacturer is included on the application for the taste-testing event license.
19 20 21	Nothing in this section prohibits a manufacturer licensed under section 1355-A or a manufacturer who has received a certificate of approval from sponsoring more than one sponsored manufacturer.
22 23 24	3. Application. An applicant for a taste-testing event license shall submit a written application to the bureau no later than 15 calendar days prior to the first day of the taste-testing event. The application must include the following:
25	A. The name and address of each applicant;
26	B. The title and purpose of the taste-testing event;
27	C. The date, time and duration of the taste-testing event:
28 29	D. The address and location of the taste-testing event including a description of the area designated for the taste-testing event;
30 31 32	E. The names of each sponsored manufacturer who intends to take part in the taste- testing event and the name of the certificate of approval holder or manufacturer who has agreed to be the manufacturer's sponsor;
33 34	<u>F.</u> The sample size and overall sample limit that will be imposed for each day of the taste-testing event consistent with the requirements in subsection 7, paragraph C; and
35 36 37	G. Approval by the municipal officer or a municipal official designated by the municipal officers of the municipality where the taste-testing event will be located. Notwithstanding section 653, the approval may be granted without public notice.
38 39 40	4. Fee. The license fee for a taste-testing event license is \$20 for each manufacturer licensed under section 1355-A, sponsored manufacturer, wholesaler licensed under section 1401 or certificate of approval holder.

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1 2 3	5. Ruling on application. Upon receipt of an application under subsection 3, the bureau shall immediately approve or deny the application. The bureau shall advise applicants that the license may be suspended or revoked under chapter 33.
4 5 6 7	<u>6. Up to 10 licensed events per year; one event per license.</u> A certificate of approval holder, a manufacturer licensed under section 1355-A or a wholesaler licensed under section 1401 may obtain up to 10 licenses under this section per calendar year. Each license permits a taste-testing event lasting up to 4 consecutive days.
8 9	7. Conditions. The following conditions apply to taste-testing events licensed under this section.
10 11 12 13 14	A. A person may not be charged a fee, except the fee for admission, for any malt liquor, wine or spirits that are offered for taste testing at the event. This paragraph does not apply to malt liquor, wine or spirits that are sold for on-premises consumption under a license duly issued by the bureau separate from a taste-testing event license.
15 16 17 18	B. The venue for the taste-testing event may not be currently licensed to serve alcoholic beverages for on-premises consumption. If the venue is currently licensed, the bureau shall permit the temporary surrender of the venue's license for the duration of the taste-testing event.
19 20 21	C. A licensee under this section shall limit the size of samples provided for tasting to 4 ounces of malt liquor, 1 1/2 ounces of wine and 1/2 ounce of spirits. A licensee shall limit the total number of samples to 12 per day, per person, except that:
22 23 24 25	(1) The 12-sample limit does not apply when the licensee provides a variety of substantial food offerings to patrons of the taste-testing event. For the purposes of this subparagraph, "substantial food" does not include offerings such as prepackaged snacks, pretzels, peanuts, popcorn or chips; and
26 27 28 29 30 31	(2) The sample-size and 12-sample limit do not apply when a licensee includes, as part of a taste-testing event, a multicourse sit-down meal designed to pair food with complementing alcoholic beverages. This exception applies only at a taste-testing event that is designed to promote the food and beverage or hospitality industry at which at least 50% of the vendors represent and promote a business other than the manufacture or distribution of liquor.
32 33 34	D. A licensee under this section shall record of the number of patrons admitted to the taste-testing event by requiring patrons to submit a ticket or sign a register or by employing some similar method of tracking attendance.
35 36 37	E. Points of entry to the taste-testing venue must be clearly defined and monitored to ensure consumption takes place only within the designated area of the taste-testing event.
38 39 40	F. A minor is prohibited from attending the taste-testing event unless accompanied by a parent or guardian or unless the alcohol served at the taste-testing event is confined to a segregated area from which minors are prohibited.
41 42	G. Malt liquor, wine or spirits for taste testing may not be poured in advance and made available for patrons of the taste-testing event to serve themselves.

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1	U A parson who is visibly interviewed may not be served
1	H. A person who is visibly intoxicated may not be served.
2	I. A licensee under this section who is a manufacturer licensed under section
3 4	<u>1355-A, is a wholesaler licensed under section 1401 or is a certificate of approval</u>
4 5	holder may provide for taste testing any malt liquor or wine that the licensee, wholesaler or manufacturer manufactures or distributes that is registered and
6	authorized for distribution and sale under this Title or spirits the licensee or
7	manufacturer manufactures listed for sale by the bureau. Excise taxes for malt liquor
8	and wine under section 1652 must be paid before the scheduled date of the
9	taste-testing event.
10	J. A sponsored manufacturer may, for the purpose of promoting malt liquor or wine
11	for distribution and sale in the State, provide for taste testing any malt liquor or wine
12	that the sponsored manufacturer manufactures outside the State that has been
13	registered with the United States Department of the Treasury, Alcohol and Tobacco
14	Tax and Trade Bureau. All containers of malt liquor or wine served in accordance
15	with this paragraph, including empty containers, must be removed from the State
16	following the taste-testing event. All malt liquor and wine provided for the
17 18	taste-testing event under this paragraph is subject to excise taxes under section 1652 and premiums, when applicable, under section 1703.
19	
19 20	<u>K. Each manufacturer, sponsored manufacturer, wholesaler or certificate of approval</u> holder licensed to take part in the taste-testing event shall make available to the
20	bureau or local law enforcement agency upon request a list of the persons designated
22	by the respective licensee to serve malt liquor, wine or spirits for taste testing at the
23	event. The list must be accompanied by an affidavit attesting that no person
24	designated to serve alcohol for taste testing has been found to have violated any state
25	or federal law prohibiting the sale or furnishing of alcohol to a minor.
26	L. Each manufacturer, sponsored manufacturer, wholesaler or certificate of approval
27	holder shall provide to any person designated to serve malt liquor, wine or spirits for
28	taste testing a badge or similar means of identification that clearly identifies the name
29	of the manufacturer, sponsored manufacturer, wholesaler or certificate of approval
30	holder. The badge or similar means of identification must be worn in a manner so
31	that it is conspicuous and clearly visible to a person being served.
32	8. Information to be provided by the bureau. The bureau shall develop an
33	informational pamphlet or similar document that is posted on the bureau's publicly
34	accessible website describing the conditions that apply to the conduct of a taste-testing
35	event, including generally applicable laws and rules that are not described in this section.
36	The bureau shall consider commonly cited violations from similar events that have been
37	conducted in the State when developing the informational pamphlet or similar document.
38	Sec. 5. 28-A MRSA §1361, sub-§2, as amended by PL 2007, c. 539, Pt. QQQ,
39	§1, is further amended to read:
40	2. Fee for certificate of approval. The fee for a certificate of approval is \$1,000 per
41	year for malt liquor only and \$1,000 for wine only, except that the fee for a manufacturer
42	or foreign wholesaler of wine <u>or malt liquor</u> who ships 120 gallons of wine <u>or malt liquor</u>
43	or less per year is \$100. Payment of the fee must accompany the application for the
44	certificate.

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legislation takes effect when approved.'

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SUMMARY

Emergency clause. In view of the emergency cited in the preamble, this

4 This amendment replaces the bill. The amendment repeals 2 provisions in current law that establish a special taste-testing festival license and a special food and beverage 5 industry taste-testing event license and replaces them with one taste-testing event license 6 7 that allows for sampling of malt liquor, wine and spirits. Under this amendment, a taste-8 testing event license may be issued to a manufacturer or distributor who has been issued a certificate of approval from the Department of Administrative and Financial Services, 9 Bureau of Alcoholic Beverages and Lottery Operations. It also allows for a certificate of 10 approval holder to sponsor manufacturers or distributors who have not been issued a 11 12 certificate of approval so that they may take part in the taste-testing event. A certificate of approval holder may take part in up to 10 licensed events per year. An event may last 13 up to 4 consecutive days. 14

Under the amendment, a taste-testing event must be held in a venue with clearly 15 defined points of entry that prohibit the consumption of alcoholic beverages outside the 16 designated area. A patron of the event pays a single admission price for the event and is 17 not charged for samples provided. Taste-testing event licensees must ensure that persons 18 who are intoxicated may not be served at the event and that samples of malt liquor, wine 19 or spirits are not presented in a manner that permits patrons to help themselves. Minors 20 are prohibited from the event unless the taste testing takes place in an area of the venue 21 where minors are not allowed. Those providing the samples to patrons must wear 22 23 identification, such as a badge, so that a person being served a sample can clearly read the 24 name of the manufacturer or distributor providing the sample. The amendment also requires that an affidavit be provided to the bureau attesting that those pouring samples 25 have not been found in violation of a law governing the service of alcohol to minors. 26 27 Sample sizes are limited to 4 ounces of malt liquor, 1 1/2 ounces of wine and 1/2 ounce 28 of spirits. The overall sample limit is 12 samples per person, per day of the event. The 29 amendment also provides for certain exceptions to the sample size and overall limits.

30 Spirits provided for taste testing at the event must be spirits that are listed for sale by the Bureau of Alcoholic Beverages and Lottery Operations. The amendment provides 31 that all required taxes on liquor served at the event must be paid in advance. Empty 32 33 bottles of liquor not listed for sale in the State must be removed from the State after the event. The amendment requires that the Bureau of Alcoholic Beverages and Lottery 34 Operations create a pamphlet or similar document, available on the bureau's publicly 35 accessible website, that describes the requirements and conditions of the event, including 36 37 generally applicable laws.

The amendment also provides that a limited certificate of approval currently available to wine manufacturers who ship less than 120 gallons of wine into the State per year is also available to manufacturers of malt liquor subject to the same gallon limit.

 41
 FISCAL NOTE REQUIRED

 42
 (See attached)

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