

## §2. Definitions

As used in this Title, unless the context otherwise indicates, the following terms have the following meanings. [PL 1987, c. 45, Pt. A, §4 (NEW).]

**1. Agency liquor store.** "Agency liquor store" means a person that is licensed by the bureau to sell spirits, wine and malt liquor to be consumed off the premises.

[PL 2021, c. 658, §3 (AMD).]

**2. Alcohol.** "Alcohol" means the substance known as ethyl alcohol, hydrated oxide of ethyl or spirit of wine which is commonly produced by the fermentation or distillation of grain, starch, molasses, sugar, potatoes or other substances, and includes all dilutions and mixtures of these substances.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

### 2-A. Alcohol bureau.

[PL 2013, c. 368, Pt. V, §5 (RP).]

**2-B. Barrel.** "Barrel" means 31 United States gallons.

[PL 2019, c. 529, §1 (NEW).]

**2-C. Bed and breakfast guest.** "Bed and breakfast guest" means a person whose name and address are registered on a registry maintained by a bed and breakfast and who is the bona fide occupant of a room of the bed and breakfast.

[PL 2021, c. 658, §4 (NEW).]

**2-D. Bottle, the verb.** The verb "bottle" means to package spirits, wine or malt liquor for sale in containers.

[PL 2021, c. 658, §5 (NEW).]

**3. Bottle club.** "Bottle club" means a person operating on a regular, profit or nonprofit basis a facility for social activities in which members or guests provide their own liquor, where no liquor is sold on the bottle club premises, which maintains suitable facilities for the use of members on a regular basis or charges an admission fee to members or the general public and where members, guests or others are regularly permitted to consume liquor. As used in this definition, "regularly" includes daily, weekly or monthly, but does not include once a year or less often. A bottle club is not a public place, as defined in Title 17, section 2003-A.

A. "Bottle club premises" includes all parts of contiguous real estate occupied by the bottle club over which the bottle club owner has direct or indirect control or interest and which the bottle club owner uses in the operation of the bottle club. [PL 1987, c. 45, Pt. A, §4 (NEW).]

[PL 1987, c. 45, Pt. A, §4 (NEW).]

**4. Bottler.** "Bottler" means a person that packages spirits, wine or malt liquor for sale in containers and is not engaged in distilling, brewing, fermenting or rectifying liquor.

[PL 2021, c. 658, §6 (AMD).]

**5. Brewery.** "Brewery" means a person that engages in the activities under either paragraph A or B, or both:

A. Producing malt liquor by fermentation of malt, wholly or partially, or any substitute for malt; or [PL 2021, c. 658, §7 (NEW).]

B. Producing or bottling low-alcohol spirits products consisting of malt liquor to which spirits have been added. [PL 2021, c. 658, §7 (NEW).]

[PL 2021, c. 658, §7 (AMD).]

**6. Bureau.** "Bureau" means the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations.

[PL 2013, c. 368, Pt. V, §6 (AMD).]

**6-A. B.Y.O.B. function.** "B.Y.O.B. function" means an event held by a B.Y.O.B. sponsor where:

- A. The general public is invited; [PL 1993, c. 266, §1 (NEW).]
- B. Admission is or is not charged; [PL 1993, c. 266, §1 (NEW).]
- C. A person brings liquor for personal consumption; [PL 1993, c. 266, §1 (NEW).]
- D. No liquor is sold; and [PL 1993, c. 266, §1 (NEW).]
- E. Entertainment is provided. [PL 1993, c. 266, §1 (NEW).]

[PL 1993, c. 266, §1 (NEW).]

**6-B. B.Y.O.B. sponsor.** "B.Y.O.B. sponsor" means a person who conducts or holds a B.Y.O.B. function and is not required to register as a bottle club pursuant to section 161.

[RR 2017, c. 1, §16 (COR).]

**6-C. Business entity.** "Business entity" means a partnership, corporation, firm, association or other legal entity.

[PL 2021, c. 658, §8 (NEW).]

**7. Catering.** "Catering" means service of liquor with or without food by a person to groups at a prearranged function.

A. "Off-premises catering" means service of liquor with or without food by a licensee to groups at prearranged functions located at a place other than the licensee's premises. [PL 2021, c. 658, §9 (AMD).]

B. "On-premises catering" means service of liquor with or without food by a licensed club having the catering privilege to groups of nonmembers at prearranged functions. [PL 2021, c. 658, §9 (AMD).]

[PL 2021, c. 658, §9 (AMD).]

**8. Certificate of approval holder.** "Certificate of approval holder" means:

A. An in-state manufacturer of malt liquor, wine or spirits licensed under section 1355-A; [PL 2019, c. 615, §1 (NEW); PL 2019, c. 615, §7 (AFF).]

B. An out-of-state manufacturer of or out-of-state wholesaler of malt liquor or wine that has been issued a certificate of approval under section 1361; or [PL 2019, c. 615, §1 (NEW); PL 2019, c. 615, §7 (AFF).]

C. An out-of-state spirits supplier that has been issued a certificate of approval by the bureau under section 1381. [PL 2019, c. 615, §1 (NEW); PL 2019, c. 615, §7 (AFF).]

[PL 2019, c. 615, §1 (RPR); PL 2019, c. 615, §7 (AFF).]

**8-A. Chief.**

[PL 2003, c. 451, Pt. T, §8 (RP).]

**8-B. Commission.** "Commission" means the State Liquor and Lottery Commission established in Title 5, section 12004-G, subsection 14.

[PL 1997, c. 373, §13 (NEW).]

**9. Commission.**

[PL 1993, c. 730, §6 (RP).]

**9-A. Commissioner.** "Commissioner" means the Commissioner of Administrative and Financial Services.

[PL 2013, c. 368, Pt. V, §7 (AMD).]

**9-B. Club member.** "Club member" means a person who, whether as a charter member or admitted in accordance with the bylaws of the club, is a bona fide member of that club and who

maintains membership in good standing by payment of dues in a bona fide manner in accordance with bylaws and whose name and address are entered on the list of members. A person who does not have full club privileges may not be considered a bona fide member.  
[PL 2021, c. 658, §10 (NEW).]

**10. Corporation.** "Corporation" means a corporation organized and incorporated under the laws of the State or authorized to transact business within the State.  
[PL 1987, c. 45, Pt. A, §4 (NEW).]

**10-A. Director.**  
[PL 1993, c. 730, §7 (RP).]

**10-B. Dining car or passenger car.** "Dining car" or "passenger car" means a railroad car in which food and liquor are served.  
[PL 2021, c. 658, §11 (NEW).]

**11. Distillery.** "Distillery" means a person that engages in the activities under either paragraph A or B, or both:

A. Producing spirits by the process of distillation; or [PL 2021, c. 658, §12 (NEW).]

B. Producing low-alcohol spirits products. [PL 2021, c. 658, §12 (NEW).]  
[PL 2021, c. 658, §12 (RPR).]

**11-A. Farm winery.**  
[PL 2011, c. 629, §1 (RP).]

**11-B. Fortified wine.** "Fortified wine" means:

A. Any liquor containing more than 15.5% alcohol by volume that is produced by the fermentation of fruit or other agricultural products containing sugar; and [PL 1999, c. 535, §1 (NEW).]

B. Wine to which spirits have been added as long as the resulting liquor does not exceed 24% alcohol by volume. [PL 1999, c. 535, §1 (NEW).]  
[PL 1999, c. 535, §1 (NEW).]

**11-C. Electronic funds transfer.** "Electronic funds transfer" means the use of an electronic device for the purpose of ordering, instructing or authorizing a financial institution or credit union to debit or credit an account.  
[PL 2013, c. 476, Pt. A, §2 (AMD).]

**11-D. Entertainment district.** "Entertainment district" means an area that is located within a municipality that is established by ordinance of the municipal legislative body in accordance with section 221.  
[PL 2019, c. 281, §1 (NEW).]

**11-E. Full meal.** "Full meal" means a meal consisting of a diversified selection of food that ordinarily cannot be consumed without the use of tableware and that cannot be conveniently consumed while standing or walking.  
[PL 2021, c. 658, §13 (NEW).]

**12. Fortified wine.**  
[PL 1993, c. 462, §1 (RP).]

**12-A. Hard cider.** "Hard cider" means liquor produced by fermentation of the juice of apples or pears, including, but not limited to, flavored, sparkling or carbonated cider, that contains not less than 1/2 of 1% alcohol by volume and not more than 8.5% alcohol by volume.  
[PL 2015, c. 441, §1 (AMD); PL 2015, c. 441, §2 (AFF).]

**12-B. Hotel guest.** "Hotel guest" means a person whose name and address are registered on a registry maintained by a hotel and who is the bona fide occupant of a room of the hotel. [PL 2021, c. 658, §14 (NEW).]

**12-C. International air terminal.** "International air terminal" means a terminal in an airport served by one or more bona fide international airlines. [PL 2021, c. 658, §15 (NEW).]

**12-D. International passenger in transit.** "International passenger in transit" means an airline passenger who is in transit and whose point of origin or point of destination is a foreign country. [PL 2021, c. 658, §16 (NEW).]

**13. Imitation liquor.** "Imitation liquor" means any product containing less than 1/2 of 1% alcohol by volume which seeks to imitate by appearance, taste and smell liquor or which is designed to carry the impression to the purchaser that the beverage has an alcohol content. "Imitation liquor" includes, but is not limited to, products bearing the brand names "Near Beer," "Brew" or "Champaigne-0." [PL 1987, c. 45, Pt. A, §4 (NEW).]

**13-A. Law enforcement officer.** "Law enforcement officer" means any person who by virtue of public employment is vested by law with a duty to maintain public order, to prosecute offenders, to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes, or to perform probation functions or who is an adult probation supervisor as defined in Title 17-A, section 2, subsection 3-C. [PL 2013, c. 133, §23 (AMD).]

**13-B. Keg.** "Keg" means a container capable of holding at least 5 gallons of liquid. [PL 2019, c. 46, §1 (NEW).]

**14. Licensee.** "Licensee" means a person licensed by the bureau. "Licensee" includes, but is not limited to, agency liquor stores and certificate of approval holders. [PL 2013, c. 368, Pt. V, §9 (AMD).]

**15. Licensed establishment.** "Licensed establishment" means premises to which a license for the sale of spirits, wine or malt liquor to be consumed on or off the licensed premises applies and any person or organization that is licensed to sell spirits, wine or malt liquor during the times and in the places and manners as specified in the license. The following may be licensed establishments.

A. "Airline corporation" means a person operating regularly scheduled intrastate or interstate passenger air transportation. [PL 2021, c. 658, §17 (AMD).]

B. "Auditorium" means a commercially operated indoor or outdoor facility designed or used for the gathering of an audience for speeches and live performances of theater, music, dance or other performing arts that charges a fee and has adequate facilities for the sale and consumption of liquor. [PL 2021, c. 658, §17 (AMD).]

B-1. "Bowling center" means an indoor facility that operates at least 8 regulation lanes for the purpose of conducting the game of bowling, that is open to the public and that has adequate facilities for the sale and consumption of liquor. [PL 2021, c. 658, §17 (AMD).]

B-2. "Bed and breakfast" means a place that advertises itself as a bed and breakfast where the public for a fee may obtain overnight accommodations that include a sleeping room or rooms and at least one meal per day. [RR 2017, c. 1, §17 (COR).]

C. "Civic auditorium" means a municipal, county or state or a quasi-municipal, quasi-county or quasi-state owned or operated auditorium or civic center. [PL 1987, c. 45, Pt. A, §4 (NEW).]

D. "Club" means a group of individuals incorporated and operating in a bona fide manner solely for purposes of recreational, social, patriotic or fraternal nature and not for pecuniary gain. [PL 2021, c. 658, §17 (AMD).]

D-1. "Curling center" means a facility that offers curling facilities to the public for a fee and that has adequate facilities for the sale and consumption of liquor. [PL 2023, c. 44, §1 (AMD).]

D-2. "Common consumption area" means an area designated as a common area within an entertainment district in which customers of more than one common consumption area licensee are permitted to consume spirits, wine and malt liquor sold by the common consumption area licensees. [PL 2019, c. 281, §3 (NEW).]

E. [PL 2021, c. 658, §17 (RP).]

F. [PL 1987, c. 342, §4 (RP).]

F-1. "Disc golf course" means a commercially operated facility that offers disc golfing facilities to the public for a fee and that has adequate facilities for the sale and consumption of liquor. A disc golf course must have no fewer than 18 disc golfing holes with a total distance of no less than 5,000 feet per 18 disc golfing holes and must have a value of not less than \$50,000. [PL 2023, c. 44, §2 (AMD).]

G. "Golf course" means a commercially operated facility, whether publicly or privately owned, that offers golfing facilities to the public for a fee, including a regulation-size golf course of no fewer than 9 holes and an average total of not less than 1,200 yards per 9 holes, that has a value of not less than \$100,000 and that has adequate facilities for the sale and consumption of liquor. [PL 2023, c. 44, §3 (AMD).]

H. "Hotel" means a place where the public obtains sleeping accommodations for consideration and where food is offered for sale to the public, whether or not under one roof. Nothing in this paragraph may be held to prevent the bureau from issuing a part-time license to a bona fide part-time hotel. [PL 2021, c. 658, §17 (AMD).]

I. "Incorporated civic organization" means an organization incorporated as a corporation without stock under Title 13, chapter 81 or Title 13-B with a civic or charitable purpose, including but not limited to relief of poverty, advancement of education and the arts, promotion of social health, safety and welfare, fostering community and economic development, protection against animal cruelty, combating community deterioration, lessening the burdens of government and providing assistance to the underprivileged and distressed. [PL 2021, c. 658, §17 (AMD).]

I-1. "Indoor golf center" means a commercially operated indoor facility that offers golf simulator facilities to the public for a fee and that has adequate facilities for the sale and consumption of liquor. [PL 2023, c. 44, §4 (NEW).]

J. "Indoor ice skating center" means a commercially operated indoor facility that offers ice skating facilities to the public for a fee and that has adequate facilities for the sale and consumption of liquor. [PL 2023, c. 44, §5 (AMD).]

K. "Indoor racquet center" means a commercially operated indoor facility with 4 or more courts or areas designed or used for the playing of a racquet sport, that is open to the public for a fee and that has adequate facilities for the sale and consumption of liquor. Racquet sports include tennis, squash, handball, paddleball, pickleball and badminton. [PL 2023, c. 44, §6 (AMD).]

K-1. [PL 2021, c. 658, §17 (RP).]

L. "Class A lounge" means a place where liquor is sold at tables, booths and counters. [PL 2023, c. 44, §7 (AMD).]

L-1. "Minibar" means a self-contained locking cabinet, refrigerated or unrefrigerated, designed for storing, dispensing and selling liquor and related merchandise. [PL 2021, c. 658, §17 (NEW).]

L-2. "Outdoor golf center" means a commercially operated outdoor facility with areas for practicing golf shots with rentable golf clubs and balls, which may include a miniature golf course

that has adequate facilities for the sale and consumption of liquor. "Outdoor golf center" does not mean a golf course as defined in paragraph G. [PL 2023, c. 44, §8 (NEW).]

M. "Outdoor stadium" means a commercially operated outdoor facility with 3,000 or more fixed seats that is designed or used for the playing of a sport or for an event, that is open to the public for a fee and that has adequate facilities for the sale and consumption of wine, malt liquor and spirits. [PL 2021, c. 598, §1 (AMD); PL 2021, c. 658, §17 (AMD).]

N. "Performing arts center" means a charitable or nonprofit corporation incorporated as a corporation without capital stock under Title 13, chapter 81 and that has as its primary purpose the encouragement, promotion and presentation of the arts for the benefit of the public. [PL 2021, c. 658, §17 (AMD).]

N-1. "Pool hall" means a pool hall or billiard room that contains at least 6 regulation pool tables and generates at least 50% of its gross annual income from the sale of games of pool or the rental of pool tables. [PL 2021, c. 658, §17 (NEW).]

O. "Public service corporation" means an airline corporation, railroad corporation or vessel corporation operating in the State. [PL 2021, c. 658, §17 (AMD).]

P. "Qualified catering service" means a catering establishment as defined in Title 22, chapter 562 and licensed by the Department of Health and Human Services. [PL 2021, c. 658, §17 (AMD).]

P-1. "Railroad corporation" means a corporation operating one or more dining cars or passenger cars within the State. [PL 2021, c. 658, §17 (NEW).]

Q. "Restaurant" means a place that is regularly used for the purpose of providing food for the public and that has adequate and sanitary kitchen and dining room equipment and capacity for preparing and serving suitable food for the public. [PL 2021, c. 658, §17 (AMD).]

R. "Class A restaurant" means a place that is regularly used for the purpose of providing full meals for the public on the premises, that is equipped with a separate and complete kitchen and that maintains adequate dining room equipment and capacity for preparing and serving full meals upon the premises. A Class A restaurant/lounge is not a Class A restaurant. [PL 2021, c. 658, §17 (AMD).]

R-1. "Class A restaurant/lounge" means a place that is regularly used for the purpose of providing full meals for the public on the premises, that is equipped with a separate and complete kitchen and that maintains adequate dining room equipment and capacity for preparing and serving full meals upon the premises but that:

- (1) After 9 p.m., serves liquor and does not serve full meals; or
- (2) Maintains a room or rooms, separate from the main restaurant space, in which full meals are not regularly served and where liquor is sold at tables, booths and counters. [PL 2021, c. 658, §17 (AMD).]

R-2. [PL 2003, c. 493, §7 (RP); PL 2003, c. 493, §14 (AFF).]

R-3. [PL 2003, c. 493, §7 (RP); PL 2003, c. 493, §14 (AFF).]

S. "Ship chandler" means a retail establishment supplying provisions, including malt liquor and wine, to ships of foreign registry. [PL 1987, c. 45, Pt. A, §4 (NEW).]

T. [PL 1987, c. 342, §7 (RP).]

T-1. "Tavern" means a place where malt liquor may be sold at tables, booths and counters. [PL 2023, c. 44, §9 (AMD).]

U. [PL 1987, c. 342, §9 (RP).]

V. [PL 2021, c. 658, §17 (RP).]

W. "Vessel corporation" means a corporation operating one or more vessels within the State. [PL 2021, c. 658, §17 (NEW).]  
[PL 2023, c. 44, §§1-9 (AMD).]

**15-A. Liquor Licensing and Tax Division.**

[PL 2013, c. 368, Pt. V, §10 (RP).]

**16. Liquor.** "Liquor" means spirits, wine, malt liquor or hard cider, or any substance containing liquor, intended for human consumption, that contains more than 1/2 of 1% of alcohol by volume.  
[PL 1997, c. 767, §2 (AMD).]

**16-A. Low-alcohol spirits product.** "Low-alcohol spirits product" means a product containing spirits that has more than 1/2 of 1% of alcohol by volume but no more than 8% of alcohol by volume. Beginning July 1, 2019, "low-alcohol spirits product" does not mean a flavoring, such as an extract or concentrate, added to a malt beverage or wine that:

A. May or may not contain alcohol; [PL 2017, c. 301, §1 (NEW).]

B. Is not intended to be consumed alone as a beverage or a food product but serves as a flavor enhancement to a beverage or a food product; and [PL 2017, c. 301, §1 (NEW).]

C. Is not, prior to being added to a malt beverage or wine, subject to excise tax under chapter 65.  
[PL 2017, c. 301, §1 (NEW).]

[PL 2021, c. 658, §18 (AMD).]

**17. Maine farm winery.**

[PL 1993, c. 730, §11 (RP).]

**18. Malt liquor.** "Malt liquor" means liquor:

A. For which no less than 51% of the total alcohol by volume derives from the fermentation of malt, one or more substitutes for malt or any combination of malt and one or more substitutes for malt; and [PL 2021, c. 658, §19 (NEW).]

B. For which no more than 49% of the total alcohol by volume derives from the fermentation of flavors, other nonbeverage ingredients and adjuncts, including honey, fruit, fruit juice, fruit concentrate, herbs, spices, maple syrup and other food materials. [PL 2021, c. 658, §19 (NEW).]

"Malt liquor" does not include beverages made with malt liquor to which spirits have been added.

[PL 2021, c. 658, §19 (RPR).]

**19. Manufacturer.** "Manufacturer" means a person who distills, rectifies, brews, ferments, bottles or otherwise produces liquor.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

**19-A. Minibar.**

[PL 2021, c. 658, §20 (RP).]

**20. Minor.** "Minor" means a person who has not reached the age of 21 years.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

**20-A. Municipal legislative body.** "Municipal legislative body" has the same meaning as in Title 30-A, section 2001, subsection 9.

[PL 2019, c. 281, §4 (NEW).]

**21. Municipal officers.** "Municipal officers" means the mayor and aldermen or councillors of a city, the members of the select board or councillors of a town and the assessors of plantations.

[PL 2021, c. 275, §13 (AMD).]

**22. Municipality.** "Municipality" means a city, town or plantation.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

**23. Person.** "Person" means an individual, partnership, corporation, firm, association or other legal entity.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

**23-A. Pool hall.**

[PL 2021, c. 658, §21 (RP).]

**24. Premises.** "Premises" means all parts of the contiguous real estate occupied by a licensee over which the licensee has direct or indirect control or interest that the licensee uses in the operation of the licensed business and that have been approved by the bureau as proper places for the exercise of the license privilege.

A. "Premises" includes the place where an incorporated civic organization sells or serves spirits, wine and malt liquor under a license obtained under section 1071. [PL 1987, c. 45, Pt. A, §4 (NEW).]

B. "Premises" includes the place where a B.Y.O.B. sponsor holds or conducts a B.Y.O.B. function under a permit obtained under section 163. [PL 1993, c. 266, §2 (NEW).]  
[PL 1997, c. 373, §16 (AMD).]

**25. Rectifier.** "Rectifier" means a person that produces spirits or low-alcohol spirits products by combining spirits with other products.

[PL 2021, c. 658, §22 (AMD).]

**25-A. Retail employee.** "Retail employee" means any person employed by a retailer to sell liquor in a licensed establishment or agency liquor store. For the purposes of violations of this Title and rules of the bureau, a retail employee is deemed an agent of the retailer or agency liquor store that employs that employee.

[PL 2013, c. 368, Pt. V, §11 (AMD).]

**26. Retail sale.** "Retail sale" means any single sale of liquor for consumption on or off the premises where sold and whether in the original package or as a mixed drink for immediate consumption.

[PL 2017, c. 167, §2 (AMD).]

**27. Retailer or retail licensee.** "Retailer" or "retail licensee" means a person licensed by the bureau to engage in the purchase and resale of liquor in the original container or by the drink for on-premises or off-premises consumption. "Retailer" and "retail licensee" do not include wholesalers as defined in subsection 35.

A. "Off-premises retail licensee" means a person licensed to sell liquor in sealed bottles, containers or original packages to be consumed off the premises where sold. [PL 2021, c. 658, §23 (AMD).]

B. "On-premises retail licensee" means a person licensed to sell liquor to be consumed on the premises where sold. [PL 2021, c. 658, §23 (AMD).]  
[PL 2021, c. 658, §23 (AMD).]

**27-A. Reselling agent.** "Reselling agent" means an agency liquor store with a federal and state license permitting the agency liquor store to sell spirits to a retail licensee licensed for on-premises consumption.

[PL 2001, c. 711, §1 (NEW).]

**28. Sale or sell.** "Sale" or "sell" means any transfer or delivery of liquor for a consideration.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

**29. Small brewery.** "Small brewery" means a person that engages in the activities under either paragraph A or B, or both:

A. Producing the person's own malt liquor by fermentation of malt, wholly or partially, or any substitute for malt; or [PL 2021, c. 658, §24 (NEW).]

B. Producing or bottling low-alcohol spirits products consisting of malt liquor to which spirits have been added. [PL 2021, c. 658, §24 (NEW).]

"Small brewery" does not include a person that engages in the activities described in paragraph A or B that produces in total more than 30,000 barrels per year of malt liquor and low-alcohol spirits products consisting of malt liquor to which spirits have been added.  
[PL 2021, c. 658, §24 (AMD).]

**29-A. Small distillery.** "Small distillery" means a person that engages in the activities under either paragraph A or B, or both:

A. Producing spirits by the process of distillation; or [PL 2021, c. 658, §25 (NEW).]

B. Producing low-alcohol spirits products. [PL 2021, c. 658, §25 (NEW).]

"Small distillery" does not include a person that engages in the activities described in paragraph A or B that produces in total more than 50,000 gallons per year of spirits and low-alcohol spirits products.  
[PL 2021, c. 658, §25 (AMD).]

**29-B. Small winery.** "Small winery" means a person that ferments and ages:

A. Up to 50,000 gallons per year of the person's own wine that is not hard cider; and [PL 2021, c. 658, §26 (AMD).]

B. Up to 3,000 barrels per year of the person's own wine that is hard cider. [PL 2021, c. 658, §26 (AMD).]

[PL 2021, c. 658, §26 (AMD).]

**30. Sparkling wine.** "Sparkling wine" means carbonated wine.  
[PL 1987, c. 45, Pt. A, §4 (NEW).]

**31. Spirits.** "Spirits" means any liquor produced by distillation or, if produced by any other process, strengthened or fortified by the addition of spirits of any kind. "Spirits" does not include low-alcohol spirits products or fortified wine. Beginning July 1, 2019, "spirits" does not mean an additive or flavoring, such as an extract or concentrate, that:

A. Contains alcohol; [PL 2017, c. 301, §2 (NEW).]

B. Is not intended to be consumed alone as a beverage or a food product but serves as a flavor enhancement to a beverage or a food product; and [PL 2017, c. 301, §2 (NEW).]

C. Is not subject to excise tax under chapter 65. [PL 2017, c. 301, §2 (NEW).]  
[PL 2019, c. 404, §2 (AMD).]

**31-A. Spirits administration.** "Spirits administration" means the management of spirits activities involving the distribution and sale of spirits by the bureau or the wholesale spirits provider. "Spirits administration" includes, but is not limited to, financial and performance management; profitable and responsible growth management; management of contracts; management of agency liquor store matters and orders; personnel management; monitoring and reporting of spirits inventory; management of bailment records and billing; management of accounts receivable, accounts payable and tax collection and reporting; and sales and profit reporting. "Spirits administration" does not include warehousing and distribution of spirits by the bureau.

[PL 2021, c. 658, §27 (AMD).]

**31-B. Spirits trade marketing.** "Spirits trade marketing" means oversight and management by the bureau or any person awarded a spirits trade marketing contract under section 90. "Spirits trade marketing" includes, but is not limited to, agency liquor store category management, analysis and recommendations; agency liquor store shelf reset recommendations; agency liquor store displays, advertising, point-of-sale material and event marketing recommendations; development, production and distribution of sales, marketing and informational publications; consultation and coordination with

spirits suppliers on matters affecting their brands; and development, production and distribution of any social responsibility initiatives and compliance related to those initiatives.

[PL 2021, c. 658, §28 (AMD).]

**31-C. Spirits supplier.** "Spirits supplier" means a person that provides spirits for sale by the bureau in the State, including:

A. An in-state or out-of-state spirits manufacturer; [PL 2021, c. 658, §29 (NEW).]

B. A person that engages in the out-of-state purchase of spirits for resale to the bureau; and [PL 2021, c. 658, §29 (NEW).]

C. An agent or representative of a person described in paragraph A or B. [PL 2021, c. 658, §29 (NEW).]

[PL 2021, c. 658, §29 (NEW).]

**31-D. Substitute for malt.** "Substitute for malt" means rice, grain of any kind, bran, glucose, sugar and molasses and any other substitute for malt allowed by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau.

[PL 2021, c. 658, §30 (NEW).]

**32. State liquor store.**

[PL 2013, c. 368, Pt. V, §12 (RP).]

**32-A. Tenant brewery.** "Tenant brewery" means a person that has submitted a brewer's notice to and received approval from the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau authorizing the person to engage in an alternating proprietorship as defined by federal regulation and is licensed by the bureau to produce malt liquor and low-alcohol spirits products consisting of malt liquor to which spirits have been added at a manufacturing facility of another brewery that is licensed by the bureau.

[PL 2021, c. 658, §31 (AMD).]

**32-B. Tenant winery.** "Tenant winery" means a person who has been issued an approved application for an alternating proprietorship from the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau authorizing the winery to engage in an alternating proprietorship as defined by federal regulation and is licensed by the bureau to produce wine or hard cider at a manufacturing facility of another winery who is licensed by the bureau.

[PL 2015, c. 185, §1 (NEW).]

**33. Unincorporated place.** "Unincorporated place" means a place which is not incorporated as a municipality.

[PL 1987, c. 45, Pt. A, §4 (NEW).]

**33-A. Vessel.** "Vessel" means a ship, vessel or boat of any kind used for navigation of the coastal waters or for commercial navigation of inland waters and licensed for carrying no fewer than 25 passengers under the requirements of the Public Utilities Commission or the United States Coast Guard.

[PL 2021, c. 658, §32 (NEW).]

**34. Wholesale licensee.** "Wholesale licensee" means a person licensed by the bureau under section 1401 as an in-state wholesaler.

[PL 2021, c. 658, §33 (AMD).]

**34-A. Wholesale spirits provider.** "Wholesale spirits provider" means a person that has a contract under section 90 to serve as an agent of the State for the purpose of providing wholesale spirits to establishments licensed by the State to sell spirits for off-premises consumption.

[PL 2021, c. 658, §34 (NEW).]

**35. Wholesaler.** "Wholesaler" means a person that engages in the purchase and resale of malt liquor or wine, or both, in sealed bottles, containers or original packages, as prepared for the market by

the manufacturer at the place of manufacture, but not for consumption, except during a taste-testing event conducted in accordance with the requirements of this Title.

[PL 2021, c. 658, §35 (AMD).]

**36. Wine.** "Wine" means liquor, other than malt liquor, containing not more than 24% alcohol by volume that is produced by the fermentation of fruit or other agricultural products containing sugar or wine to which spirits have been added not to exceed 24% alcohol by volume. "Wine" includes, but is not limited to, hard cider, wine coolers, table wine, still wine, sparkling wine, champagne and fortified wine that do not contain more than 24% alcohol by volume.

[PL 2021, c. 658, §36 (AMD).]

**37. Winery.** "Winery" means a person that ferments and ages wine.

[PL 2021, c. 658, §37 (AMD).]

#### SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §§2-13 (AMD). PL 1989, c. 158, §1 (AMD). PL 1989, c. 244, §1 (AMD). PL 1989, c. 526, §§1,28 (AMD). PL 1991, c. 376, §46 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 528, §§VV1,2 (AMD). PL 1991, c. 591, §§VV1,2 (AMD). PL 1991, c. 780, §§Y122,123 (AMD). PL 1993, c. 266, §§1,2 (AMD). PL 1993, c. 410, §§ZZ1-5 (AMD). PL 1993, c. 462, §§1-5 (AMD). PL 1993, c. 730, §§4-12 (AMD). PL 1995, c. 558, §§1,2 (AMD). PL 1997, c. 373, §§10-20 (AMD). PL 1997, c. 656, §1 (AMD). PL 1997, c. 767, §§1-3 (AMD). PL 1999, c. 421, §3 (AMD). PL 1999, c. 535, §§1,2 (AMD). PL 1999, c. 760, §1 (AMD). PL 2001, c. 711, §1 (AMD). PL 2003, c. 451, §§T7,8 (AMD). PL 2003, c. 493, §7 (AMD). PL 2003, c. 493, §14 (AFF). PL 2003, c. 689, §B6 (REV). PL 2005, c. 390, §1 (AMD). PL 2005, c. 539, §§1-3 (AMD). PL 2009, c. 142, §13 (AMD). PL 2009, c. 458, §1 (AMD). PL 2009, c. 652, Pt. A, §41 (AMD). PL 2011, c. 629, §§1-5 (AMD). PL 2013, c. 133, §23 (AMD). PL 2013, c. 269, Pt. A, §1 (AMD). PL 2013, c. 345, §1 (AMD). PL 2013, c. 368, Pt. V, §§5-12 (AMD). PL 2013, c. 368, Pt. V, §61 (REV). PL 2013, c. 476, Pt. A, §2 (AMD). PL 2015, c. 185, §1 (AMD). PL 2015, c. 214, §1 (AMD). PL 2015, c. 441, §1 (AMD). PL 2015, c. 441, §2 (AFF). RR 2017, c. 1, §§16, 17 (COR). PL 2017, c. 17, §1 (AMD). PL 2017, c. 167, §§1, 2 (AMD). PL 2017, c. 301, §§1, 2 (AMD). PL 2019, c. 46, §1 (AMD). PL 2019, c. 281, §§1-4 (AMD). PL 2019, c. 404, §§1, 2 (AMD). PL 2019, c. 529, §§1-3 (AMD). PL 2019, c. 615, §1 (AMD). PL 2019, c. 615, §7 (AFF). PL 2021, c. 275, §13 (AMD). PL 2021, c. 598, §1 (AMD). PL 2021, c. 658, §§3-37 (AMD). PL 2023, c. 44, §§1-9 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Regular and First Special Session of the 131st Maine Legislature and is current through November 1, 2023. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.