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Public Law
124th Legislature
Second Regular Session

Chapter 510
H.P. 1156 - L.D. 1628

**An Act To Amend the Laws Governing
the Taste Testing of Alcoholic Beverages**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, current law is prohibitive to retail establishments that wish to conduct tastings of alcoholic beverages; and

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,

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

Sec. 1. 28-A MRSA §460, sub-§2, ¶J, as enacted by PL 2009, c. 459, §1, is amended to read:

J. The agency liquor store may conduct up to 3 tastings per month but no more than ~~12~~ 24 taste-testing events per year, including tastings conducted under sections 1205 and 1207.

Sec. 2. 28-A MRSA §460, sub-§2, ¶N, as enacted by PL 2009, c. 459, §1, is amended to read:

N. ~~Taste-testing activities must be conducted in a manner that precludes the possibility of observation by children. Prior to a taste-testing event, the agency liquor store shall post prominently at the entrance to the store a sign that announces the date and time of the event. The Department of Public Safety shall report annually by January 15th 15, 2011 to the joint standing committee of the Legislature having jurisdiction over alcohol regulation matters regarding the operation and effectiveness of this paragraph in providing proper notice to adults who may wish to preclude minors from observing the taste testing of alcoholic beverages.~~

Sec. 3. 28-A MRSA §460, sub-§2, ¶O is enacted to read:

O. An agency liquor store, with prior approval from the bureau, may conduct an invitation-only taste-testing event at the agency liquor store's premises in place of or to coincide with a taste-testing event that is open to the public. A taste-testing event that is exclusively invitation only is not subject to the posting requirement in paragraph N.

Sec. 4. 28-A MRSA §1205, sub-§2, ¶H, as amended by PL 2009, c. 459, §2, is further amended to read:

H. The retail licensee may conduct up to 3 tastings per month but no more than ~~12~~ 24 taste-testing events per year, including tastings conducted under sections 460 and 1207;

Sec. 5. 28-A MRSA §1205, sub-§2, ¶L, as enacted by PL 2009, c. 459, §2, is amended to read:

~~L. Taste-testing activities must be conducted in a manner that precludes the possibility of observation by children. Prior to a taste-testing event, the retail licensee shall post prominently at the entrance to the store a sign that announces the date and time of the event. The Department of Public Safety shall report annually by January 15th 15, 2011 to the joint standing committee of the Legislature having jurisdiction over alcohol regulation matters regarding the operation and effectiveness of this paragraph in providing proper notice to adults who may wish to preclude minors from observing the taste testing of alcoholic beverages.~~

Sec. 6. 28-A MRSA §1205, sub-§2, ¶M is enacted to read:

M. An off-premise retail licensee, with prior approval from the bureau, may conduct an invitation-only taste-testing event at the off-premise retail licensee's premises in place of or to coincide with a taste-testing event that is open to the public. A taste-testing event that is exclusively invitation only is not subject to the posting requirement in paragraph L.

Sec. 7. 28-A MRSA §1207, as enacted by PL 2009, c. 438, §5, is reallocated to 28-A MRSA §1208.

Sec. 8. 28-A MRSA §1207, sub-§1, as enacted by PL 2009, c. 459, §4, is amended to read:

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 stocking at least 100 different brands labels of malt liquor to conduct taste testing of malt liquor on that licensee's premises. Any other consumption of alcoholic beverages on an off-premise retail licensee's premises is prohibited, except as permitted under section 460 or 1205.

Sec. 9. 28-A MRSA §1207, sub-§2, ¶H, as enacted by PL 2009, c. 459, §4, is amended to read:

H. The retail licensee may conduct up to 3 tastings per month but no more than ~~12~~ 24 taste-testing events per year, including tastings under section 460 or 1205.

Sec. 10. 28-A MRSA §1207, sub-§2, ¶L, as enacted by PL 2009, c. 459, §4, is amended to read:

~~L. Taste-testing activities must be conducted in a manner that precludes the possibility of observation by children. Prior to a taste-testing event, the retail licensee shall post prominently at the entrance to the store a sign that announces the date and time of the event. The Department of Public Safety shall report annually by January 15th 15, 2011 to the joint standing committee of the Legislature having jurisdiction over alcohol regulation matters regarding the operation and effectiveness of this paragraph in providing proper notice to adults who may wish to preclude minors from observing the taste testing of alcoholic beverages.~~

Sec. 11. 28-A MRSA §1207, sub-§2, ¶M is enacted to read:

M. An off-premise retail licensee, with prior approval from the bureau, may conduct an invitation-only taste-testing event at the off-premise retail licensee's premises in place of or to coincide with a taste-testing event that is open to the public. A taste-testing event that is exclusively invitation only is not subject to the posting requirement in paragraph L.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective March 16, 2010.