

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill in section 1 in §460 in subsection 1 in the last line (page 1, line 8 in L.D.) by inserting after the following: "prohibited" the following: ', except as permitted under section 1205 or 1207'

Amend the bill in section 1 in §460 by striking out all of subsection 2 (page 1, lines 9 to 29 in L.D.) and inserting the following:

2. Conditions on taste-testing activities. The conditions under this subsection apply to taste-testing activities under this section.

- A. Distilled spirits may not be served to persons who have not yet attained 21 years of age.
- B. A person may not be served more than a total of 1 1/2 ounces, in 1/2 ounce servings, of distilled spirits having an alcohol content of 80 proof or less; or, for distilled spirits containing an alcohol content of greater than 80 proof, a person may not be served more than a total of 3/4 of an ounce in 1/4 ounce servings.
- C. Distilled spirits must be dispensed using a standard measuring device.
- D. Distilled spirits having an alcohol content of greater than 80 proof may not be offered for tasting at the same time as distilled spirits having an alcohol content of 80 proof or less.
- E. A person may not be charged a fee for any distilled spirits served as part of a taste-testing activity.
- F. A person may not be served who is visibly intoxicated.
- G. Taste testing must be limited to a designated area.
- H. Taste testing must be conducted within the hours of retail sale established in this Title.
- I. The agency liquor store must obtain the written permission of the bureau before conducting any taste-testing activity.
- J. The agency liquor store may conduct up to 3 tastings per month but no more than 12 taste-testing events per year, including tastings conducted under sections 1205 and 1207.
- K. Taste testing is not allowed in any municipality where on-premises and off-premises sales are not allowed pursuant to chapter 5.
- L. The agency liquor store must notify the bureau of the date and time scheduled for all taste-testing events.
- M. The agency liquor store must purchase all distilled spirits served at a taste testing from the wholesale liquor provider as defined in section 501.'

Amend the bill in section 2 by striking out all of §1205 (page 2, lines 1 to 35 in L.D.) and inserting the following:

§ 1205. Taste testing of wine

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, ~~50% or more of whose gross income is derived from the sale of wine, malt liquor or spirits,~~ stocking at least 125 different wine labels or a fine wine store to conduct taste testings of wine on that licensee's premises. Any other consumption of alcoholic beverages on an off-premise retail licensee's premises is prohibited.

2. Conditions on taste-testing activities. The following conditions apply to taste-testing activities under this section:

- A. ~~No wine~~ Wine may not be served to persons who have not yet attained the age of 21 years;
- B. ~~No~~ A person may not be served more than a total of 5 ounces of wine having an alcohol content of 14% or less; or, for wine having an alcohol content greater than 14%, a person may not be served more than a total of 3 ounces of wine;
- C. ~~No~~ A person may not be charged a fee for any wine served as part of a taste-testing activity;
- D. ~~No~~ A person may not be served who is visibly intoxicated;
- E. Taste testing ~~is~~ must be limited to a designated area;
- F. Taste testing ~~shall~~ must be conducted within the hours of retail sale established in this Title;
- G. The retail licensee must obtain the written permission of the bureau before conducting any taste-testing activity;
- H. ~~A~~ The retail licensee may conduct up to 3 tastings per month but no more than one taste-testing 12 taste-testing events per monthyear, including tastings conducted under sections 460 and 1207;
- I. Taste testing is not allowed in any municipality where ~~on-premise~~ on-premises and ~~off-premise~~ off-premises sales are not allowed pursuant to chapter 5;
- J. The retail licensee must notify the ~~Bureau of Liquor Enforcement~~ bureau of the date and time scheduled for ~~an on-premise taste testing~~ all taste-testing events; and
- K. The retail licensee must purchase all wine served at a taste testing from a wholesale licensee.

3. Rules. The Department of Public Safety may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

For the purposes of this section, "fine wine store" means a store that carries at least 250 different wine labels or carries at least 125 different wine labels, holds a wine license only and meets the compatible merchandise requirement of section 1201, subsections 6 and 7.'

Amend the bill in section 3 in §1206 in the first paragraph in the last line (page 3, line 3 in L.D.) by striking out the following: "sections 1205 and 1505" and inserting the following: 'sections 460, 1205 and 1207'

Amend the bill by inserting after section 3 the following:

‘Sec. 4. 28-A MRS §1207 is enacted to read:

§ 1207. Taste testing of malt liquor

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 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.

2. Conditions on taste-testing activities. The conditions under this subsection apply to taste-testing activities under this section.

A. Malt liquor may not be served to persons who have not yet attained 21 years of age.

B. A person may not be served more than a total of 12 ounces of malt liquor having an alcohol content of 6% or less; for malt liquor having an alcohol content greater than 6% but less than 12%, a person may not be served more than a total of 6 ounces; or, for malt liquor having an alcohol content of 12% or greater, a person may not be served more than a total of 3 ounces.

C. A person may not be charged a fee for any malt liquor served as part of a taste-testing activity.

D. A person may not be served who is visibly intoxicated.

E. Taste testing must be limited to a designated area.

F. Taste testing must be conducted within the hours of retail sale established in this Title.

G. The retail licensee must obtain the written permission of the bureau before conducting any taste-testing activity.

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

I. Taste testing is not allowed in any municipality where on-premises and off-premises sales are not allowed pursuant to chapter 5.

J. The retail licensee must notify the bureau of the date and time scheduled for all taste-testing events.

K. The retail licensee must purchase all malt liquor served at a taste testing from a wholesale licensee.

3. Rules. The Department of Public Safety may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Amend the bill by inserting after section 4 the following:

‘Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

PUBLIC SAFETY, DEPARTMENT OF

Liquor Enforcement 0293

Initiative: Provides funding for a Public Safety Inspector II position and related All Other costs to ensure inspection and enforcement at agency liquor stores and retail stores holding additional alcoholic beverage tastings.

GENERAL FUND	2009-10	2010-11
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$63,106	\$66,852
All Other	\$4,750	\$4,800
Capital Expenditures	\$26,000	\$0
GENERAL FUND TOTAL	\$93,856	\$71,652

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment provides that certain off-premise retail licensees may offer malt liquor for tasting in addition to wine and spirits. Tastings are limited to one type of alcohol and may be held up to 3 times per month but no more than 12 times per year. The amendment also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED
(See attached)