

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

An Act To Allow the Taste Testing of Malt Liquor and Spirits

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

Sec. 1. 28-A MRS §460 is enacted to read:

§ 460. Agency liquor store taste testing of distilled spirits

1. Taste testing on agency liquor store premises. Subject to the conditions in subsection 2, the bureau may authorize an agency liquor store stocking at least 200 different codes of distilled spirits products to conduct taste testing of distilled spirits on that licensee's premises. Any other consumption of alcoholic beverages on an agency liquor store's premises is prohibited.

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 of distilled spirits.
- C. A person may not be charged a fee for any distilled spirits 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 agency liquor store must obtain the written permission of the bureau before conducting any taste-testing activity.
- H. The agency liquor store may conduct no more than 12 taste-testing events per year.
- 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 agency liquor store must notify the bureau of the date and time scheduled for an on-premises taste testing.
- K. The agency liquor store must purchase all distilled spirits served at a taste testing from the wholesale liquor provider as defined in section 501.

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.

Sec. 2. 28-A MRS §1205, as amended by PL 2005, c. 32, §1, is further amended to read:

§ 1205. Taste testing of wine and 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, 50% or more of whose gross income is derived from the sale of wine, malt liquor or spirits, or a fine wine store to conduct taste testings of wine or malt liquor 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 or malt liquor 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 or malt liquor;
- C. ~~No~~A person may not be charged a fee for any wine or malt liquor 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 no more than one taste testing per month;
- 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~~on-premises taste testing; and
- K. The retail licensee must purchase all wine or 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.

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.

SUMMARY

This bill allows taste testing of distilled spirits in agency liquor stores and malt liquor in retail stores with off-premises licenses in the same manner and under the same conditions as wine taste testings are currently conducted.