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An Act To Make Available to the Public Certain Information Concerning the Alcohol Content of Malt Liquor, Wine and Spirits

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 ambiguity in the law regarding the display of alcohol content is causing confusion among manufacturers, sellers and distributors of alcoholic beverages; and

Whereas, it is important to resolve this ambiguity as soon as possible; 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 §709, sub-§1, ¶A, as amended by PL 1999, c. 275, §1, is further amended to read:

A. No licensee or employee or agent of a licensee may:

(1) Offer or deliver any free liquor to any person or group of persons;

(2) Deliver more than 2 drinks containing spirits, a carafe containing more than one liter or 33.8 ounces of wine, or any serving or pitcher containing more than one liter or 33.8 ounces of malt liquor, to one person at one time;

(3) Sell, offer to sell or deliver to any person or group of persons an unlimited number of drinks for a fixed price, except at private functions not open to the public;

(4) Encourage or permit, on the licensed premises, any game or contest that involves drinking or the awarding of drinks as prizes; ~~or~~

(5) ~~Any~~Engage in any other practice the specific purpose of which is to encourage customers of the licensee to drink to excess; ~~and~~or

(6) Use images or phrases likely to be considered as statements of high alcohol content, such as "full strength," "high test," "extra strength" or "high proof" or similar words or phrases. This subparagraph does not prohibit a licensee or employee or agent of a licensee from including the

alcohol content of malt liquor, wine or spirits in an advertisement or on a label, or in a display on an advertisement or label, if the alcohol content is expressed as a percentage of alcohol by volume.

Sec. 2. 28-A MRSA §711, as amended by PL 1993, c. 730, §33, is repealed.

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

SUMMARY

Current law prohibits a person licensed to manufacture, sell or distribute alcoholic beverages from publishing in any form an advertisement of malt liquor that refers in any manner to the alcohol content of the malt liquor manufactured, sold or distributed by that licensee, including through the use of phrases such as "full strength," "extra strength" or "prewar strength." The inclusion of the alcohol content on the product label is permitted.

This bill prohibits the use of images as well as phrases that may be considered as statements of high alcohol content but permits the advertisement of alcohol content with respect to malt liquor, wine and spirits as long as it is expressed as a percentage of alcohol by volume.