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An Act To Increase the Opportunities for Taste-testing Events for On-premises Liquor Licensees

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

Sec. 1. 28-A MRSA §1051, sub-§8 is enacted to read:

8. Liquor taste-testing events for general public on retail licensee's premises.

The bureau may authorize an on-premise retail licensee to conduct taste testings of liquor open to the public on the licensed premises. Taste-testing events under this subsection must be conducted during hours that are authorized by the bureau for the sale of liquor on the licensed premises and may be held in collaboration with a certificate of approval holder, sales representative licensed under section 1502 or wholesale licensee. The following conditions apply to all taste-testing events conducted under this subsection.

- A. 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 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.
- D. 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.
- E. A person may not be charged a fee for any liquor served as part of a taste-testing event.
- F. A person may not be served who is visibly intoxicated.
- G. A taste-testing event must be conducted within the hours of retail sale established in this Title.
- H. The retail licensee must obtain the written permission of the bureau before conducting a taste-testing event.
- I. The retail licensee may conduct up to 3 taste-testing events per month.
- J. A taste-testing event is not allowed in any municipality where on-premises and off-premises sales are not allowed pursuant to chapter 5.

K. The retail licensee must notify the bureau of the date and time scheduled for a taste-testing event.

L. Liquor served at a taste-testing event may be provided by:

(1) The retail licensee purchasing the liquor from a wholesale licensee or agency liquor store;

(2) A certificate of approval holder or wholesale licensee directly from the certificate of approval holder or wholesale licensee at the retail price for the liquor; or

(3) A certificate of approval holder or wholesale licensee purchasing the liquor from the retail licensee's existing inventory of stock at the retail price for the liquor.

A record of a transaction under this paragraph must be maintained and made available to the bureau.

M. Prior to a taste-testing event, the retail licensee shall post prominently at the entrance to the licensed premises a sign that announces the date and time of the event.

N. A retail licensee, with prior approval from the bureau, may conduct an invitation-only taste-testing event at the licensed 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 M.

O. After a taste-testing event is concluded, if a certificate of approval holder, licensed sales representative or wholesale licensee has provided liquor for the event, the certificate of approval holder, licensed sales representative or wholesale licensee shall remove any remaining liquor supplied for the event from the licensed premises.

P. A certificate of approval holder, licensed sales representative or wholesale licensee who participates in a taste-testing event may provide and distribute food or snacks to be consumed in conjunction with the liquor to be tasted at no cost to the public or the retail licensee if the total cost for the food or snacks does not exceed \$200 per event. Any remaining food or snacks provided in conjunction with a taste-testing event must be removed by the certificate of approval holder, licensed sales representative or wholesale licensee from the licensed premises at the conclusion of the event.

Q. A certificate of approval holder, licensed sales representative or wholesale licensee who participates in a taste-testing event may provide material to advertise the liquor being offered at the taste-testing event or for the promotion of responsible use of alcohol. A certificate of approval holder, licensed sales representative or wholesale licensee may use the advertising material only for promotional display on the licensed premises. Advertising material related to the taste-testing event may include signs, coasters, napkins, table tents and items of like value and must be removed by the certificate of approval holder, licensed sales representative or wholesale licensee from the licensed premises at the conclusion of the event.

R. A certificate of approval holder, licensed sales representative or wholesale licensee who participates in a taste-testing event may distribute novelties to the public during the event at a cost not to exceed \$3 per novelty. All remaining novelties under this paragraph must be removed by the certificate of approval holder, licensed sales representative or wholesale licensee from the licensed premises at the conclusion of the taste-testing event.

SUMMARY

This bill allows on-premises liquor licensees to conduct up to 3 taste-testing events per month for the general public under conditions and restrictions similar to those imposed upon off-premises licensees. The bill also allows in-state distillers, brewers and wineries and in-state and out-of-state wholesalers to provide or supply products for the on-premises licensee to use as taste-testing samples including by purchasing those products from the on-premises licensee's existing stock of inventory.