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An Act To Amend the Laws Regarding Special Food and Beverage Taste-testing Event Licenses

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

Sec. 1. 28-A MRSA §709, sub-§2, ¶E, as amended by PL 2011, c. 629, §12, is further amended to read:

E. Those licensed under ~~sections 1052-B or section~~ section 1052-C offering free samples or tastings;

Sec. 2. 28-A MRSA §1052-B, as amended by PL 2013, c. 345, §3 and c. 351, §§1 and 2 and c. 368, Pt. XXXX, §1 and affected by §13, is repealed.

Sec. 3. 28-A MRSA §1052-C, as amended by PL 2011, c. 629, §18, is further amended to read:

§ 1052-C. Special event license

1. Special event license. Malt liquor and wine wholesalers licensed under section 1401 and manufacturers licensed under section 1355-A or similarly licensed in another state may apply jointly for a special food and beverage industry taste-testing event license to participate in a special food and beverage industry taste-testing event under this section. ~~This license authorizes taste testing of malt liquor, wine, fortified wine and spirits at an event designed to promote the food and beverage or hospitality industry where more than 50% of the participants in the event represent an industry or business that holds a license to manufacture, sell or serve alcoholic beverages.~~

2. Fee. The license fee for the special food and beverage industry event taste-testing license is \$20 for each wholesaler or manufacturer.

3. Application. ~~The wholesaler and manufacturer licensees~~ Applicants under subsection 1 must apply jointly for a special food and beverage industry taste-testing event license by filing a written application with the bureau at least 305 days before the special food and beverage industry taste-testing event not including Saturdays, Sundays or legal holidays. The bureau shall consider additional written applications to participate in a special event from additional applicants after an initial application for that special event has been submitted to the bureau. The application must include the following:

- A. The name and address of each ~~licensee~~ applicant;
- B. The title and purpose of the event;
- C. The date, time and duration of the event;
- D. The location of the event; and

E. Approval by the municipal officers or a municipal official designated by the municipal officers of the municipality where the proposed special food and beverage industry taste-testing event will be located. Notwithstanding section 653, the approval may be granted without public notice.

4. Up to 10 licensed events per year; one event per license. A manufacturer or wholesaler may obtain up to 510 licenses under this section per calendar year. Each license permits an event lasting up to 3 consecutive days.

5. Ruling on application. Upon receipt of an application under subsection 3, the bureau shall immediately approve or deny the application. The bureau shall advise the applicants that the license may be revoked or suspended under chapter 33.

6. Conditions. The following conditions apply to special food and beverage industry taste-testing events under this section.

A. ~~A sales representative licensed in accordance with section 1502 of a manufacturer that has been issued a license under this section may pour or provide a taste-testing sample of any product the manufacturer is licensed to manufacture under this Title~~may be poured by an employee of a manufacturer that has been issued a license under this section, by an employee of a licensed catering service or of the venue where the event is held or by a volunteer who is trained and supervised by the event organizers.

B. A manufacturer or certificate of approval holder may ~~pour or provide a taste-testing samples~~samples of any malt liquor, wine or fortified wine product the manufacturer or certificate of approval holder is licensed to manufacture or distribute under this Title.

C. A minor is prohibited from attending the event unless accompanied by a parent or guardian or the alcohol served at the event is confined to a segregated area where minors are prohibited.

D. ~~Taste-testing~~Sampling must be conducted within the hours of retail sale established in this Title.

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

F. The bureau may not impose any conditions on an event licensed under this section other than those expressly provided in this subsection.

7. Additional provision for nonregistered wine and malt liquor. ~~A sales representative licensed in accordance with section 1502~~brewery or winery that is not a certificate of approval holder but has obtained a special event license under this section may provide and pour at a special event wine or malt liquor that is not registered with the bureau but has been registered with the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau to a caterer licensed to serve alcoholic beverages at the food and beverage industry taste-testing event for the purpose of promoting that wine or malt liquor for distribution and sale in the State. Excise taxes and premiums under sections 1652 and 1703 on wine or malt liquor provided pursuant to this subsection must be paid prior to the event. All containers, including empty containers, of wine or malt liquor provided pursuant to this subsection must be removed from the State following the event.

8. Excise taxes; premiums. ~~A licensee under this section must pay the appropriate excise taxes and premiums under sections 1652 and 1703 before the scheduled date of the special food and beverage industry taste-testing event.~~

SUMMARY

This bill amends the laws governing licensing of special taste-testing events by:

1. Allowing malt liquor and wine wholesalers and manufacturers similarly licensed in another state to qualify for a special event license;
2. Increasing the number of licenses for licensed events that may be obtained by a manufacturer or wholesaler per year from 5 to 10;
3. Allowing additional persons to pour samples of wine and malt liquor at such events;
4. Allowing a brewery or winery that is not a certificate of approval holder but is licensed for a special event to provide malt liquor or wine for the event when that malt liquor or wine is not registered with the State but is registered with the Federal Government; and
5. Changing the timing regarding when excise taxes and premiums must be paid.