

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 by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 28-A MRSA §2, sub-§15, ¶1, as amended by PL 2011, c. 629, §2, is further amended to read:

I. "Incorporated civic organization" means any ~~charitable or civic~~ organization incorporated as a corporation without stock under Title 13, chapter 81 or Title 13-B with a civic or charitable purpose, including but not limited to relief of poverty, advancement of education and the arts, promotion of social health, safety and welfare, fostering community and economic development, protection against animal cruelty, combating community deterioration, lessening the burdens of government and providing assistance to the underprivileged and distressed.

Sec. 2. 28-A MRSA §708-B, as repealed and replaced by PL 2011, c. 629, §11, is repealed.

Sec. 3. 28-A MRSA §708-C is enacted to read:

§ 708-C. Donations to public broadcasting stations, incorporated civic organizations and national organizations

1. Donations for an auction or award. A person licensed by the bureau under section 1355-A, a certificate of approval holder or a wholesaler may donate a certificate to purchase its product or donate its product to a public broadcasting station, an incorporated civic organization or a similarly purposed national organization designated by the United States Internal Revenue Service under the United States Internal Revenue Code of 1986, Section 501(c)(3) for the purpose of an auction or to offer as a prize, gift or award in conjunction with efforts to support the purposes of the incorporated civic organization, similarly purposed organization or public broadcasting station. Spirits donated in accordance with this subsection must have first been sold to the State or the State's contracted wholesaler for listing, pricing and distribution in accordance with this Title. A person authorized to make a donation in accordance with this subsection shall maintain a record of each donation, including the value of the donation and the date on which it was made. A recipient of a donation under this subsection must be 21 years of age or older.

2. Donations for consumption at on-premises events. A person licensed by the bureau under section 1355-A, a certificate of approval holder or a wholesaler may donate its product or provide malt liquor, wine or fortified wine at a reduced price to a person licensed by the bureau to serve alcoholic beverages for on-premises consumption at an event designed to benefit an incorporated civic organization or a similarly purposed national organization designated by the United States Internal Revenue Service under the United States Internal Revenue Code of 1986, Section 501(c)(3). Spirits donated in accordance with this subsection must have first been sold to the State or the State's contracted wholesaler for listing, pricing and distribution in accordance with this Title. A person authorized to make a donation or offer its product at a reduced price under this subsection shall maintain a record of the products donated or offered.

including the value of each, the reduced price when applicable and the date on which the product was provided. All applicable excise taxes on donated malt liquor, wine and fortified wine must be remitted as required by this Title. A licensee provided product in accordance with this subsection:

- A. Shall maintain a record of each product received and the date on which it was received;
- B. Shall maintain a record of the name of the incorporated civic organization or similarly purposed national organization the event was designed to benefit and for which the product is provided;
- C. Shall ensure that the product provided is served only at the event designed to benefit the incorporated civic organization or similarly purposed national organization;
- D. Shall ensure that excess product that was donated for the event is returned to the donor within a reasonable period after the event; and
- E. Shall ensure that containers holding donated product are returned to the donor for recycling as appropriate and not presented for redemption under Title 32, chapter 28.

Sec. 4. 28-A MRSA §709, sub-§2, ¶¶J and K, as enacted by PL 2011, c. 629, §15, are amended to read:

- J. Providing samples authorized under section 1355-A, 1402, 1402-A or 1504; ~~or~~
- K. Donations authorized under section ~~708-B~~;708-C; ~~or~~

Sec. 5. 28-A MRSA §709, sub-§2, ¶L is enacted to read:

- L. Product supplied by licensees authorized under section 1052-D for the purposes of providing taste-testing samples under a taste-testing event license.

Sec. 6. 28-A MRSA §1071, sub-§6, as amended by PL 2011, c. 629, §19, is further amended to read:

6. Server requirements. A manufacturer licensed by the bureau under section 1355-A, a certificate of approval holder or a wholesaler who provides malt liquor, wine, fortified wine or spirits for the public event or gathering being sponsored may serve its product at the event. An incorporated civic organization issued a license in accordance with this section shall provide the names of those persons not licensed under chapters 51, 55 or 59 who will be serving alcoholic beverages at the public event or gathering being sponsored. In the event that a server from that list is unavailable, a licensed manufacturer, distributor, wholesaler, small winery or small brewery that has provided alcoholic beverages to be served at the event may provide serving assistance.'

SUMMARY

This amendment replaces the bill. The amendment provides examples of charitable or civic purposes within the definition of "incorporated civic organization." Like the bill, the amendment provides that manufacturers and wholesalers may donate malt liquor, wine or spirits to be used as prizes or for auctions to public broadcasting stations, incorporated civic organizations and national organizations with similar

purposes to an incorporated civic organization that are 501(c)(3) organizations. Unlike the bill, the amendment provides that these donations may be made without having to provide the donation in the form of a gift card good for the purchase of the alcoholic beverage. The amendment also changes current law by stating that donations may be made to a person who is licensed to serve alcohol for on-premises consumption when the alcohol is being served at an event to benefit an incorporated civic organization in the State or a similarly purposed national 501(c)(3) organization. Current law allows for those donations only to a public broadcasting station or an incorporated civic organization in the State.

The amendment also provides that a manufacturer or wholesaler licensed by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to conduct a special taste-testing event may donate its own product to be served at the event.

Finally the amendment provides that when a manufacturer or wholesaler licensed by the bureau provides product to be served at an event for a licensed incorporated civic organization where alcohol will be consumed on the premises, the manufacturer or wholesaler may serve the product that the manufacturer or wholesaler provided for the event.