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An Act Regarding the Sale of Alcohol by a Manufacturer with an On-premises Retail License

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

Sec. 1. 28-A MRSA §1355-A, sub-§2, ¶I, as enacted by PL 2011, c. 629, §22, is amended to read:

I. ~~Except as otherwise provided in this paragraph,~~ a licensee may be issued one retail license under chapter 43 per licensed location for the sale of liquor to be consumed on the premises at the retail premises.

(1) The retail license must be held exclusively by the holder of the brewery, small brewery, winery, small winery, distillery or small distillery license.

(2) The retail license authorizes the sale of products of the brewery, small brewery, winery, small winery, distillery or small distillery for both on-premises and off-premises consumption, in addition to other liquor permitted to be sold under the retail license; to be consumed on the premises.

(3) ~~All records related to activities under a manufacturer license issued under this section must be kept separate from records related to the retail license~~The licensee shall maintain records that demonstrate the payment of the excise tax and sales tax for all products sold or served by the licensee pursuant to this subsection.

(4) A distillery or small distillery must meet the requirements of subsection 5, paragraph E.

(5) The retail license authorizes the licensee to engage in all the activities authorized under this subsection without the licensee's premises or inventory being physically separated for on-premises and off-premises sales.

(6) The retail license authorizes the holder of a brewery, small brewery, winery, small winery, distillery or small distillery license that is under common ownership with another brewery, small brewery, winery, small winery, distillery or small distillery to transfer products between one licensed premises of the license holder and another licensed premises belonging to that license holder and to sell or serve the products as permitted under this section. The holder of the license shall maintain records of the transfer authorized pursuant to this subparagraph.

SUMMARY

Current law allows a manufacturer of spirits, wine or malt liquor that obtains a retail license to sell the manufacturer's products as well as other liquor on the premises of that manufacturer.

This bill allows a manufacturer with a retail license to also sell its products for consumption off the premises of that manufacturer without the licensed premises being physically separated for on-premises and off-premises sales and without physically separating the inventory, as long as adequate records are maintained. This bill also allows breweries, small breweries, wineries, small wineries, distilleries or small distilleries under common ownership to transfer products from one premises to another and sell or serve those transferred products.