



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1042

S.P. 359

In Senate, March 14, 2013

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

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator TUTTLE of York.
Cosponsored by Representative LONGSTAFF of Waterville and
Representatives: SAUCIER of Presque Isle, SCHNECK of Bangor.

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

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

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

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

10 A. Liquor may not be served to persons who have not yet attained 21 years of age.

11 B. A person may not be served more than a total of 12 ounces of malt liquor having
12 an alcohol content of 6% or less; for malt liquor having an alcohol content greater
13 than 6% but less than 12%, a person may not be served more than a total of 6 ounces;
14 or, for malt liquor having an alcohol content of 12% or greater, a person may not be
15 served more than a total of 3 ounces.

16 C. A person may not be served more than a total of 5 ounces of wine having an
17 alcohol content of 14% or less; or, for wine having an alcohol content greater than
18 14%, a person may not be served more than a total of 3 ounces of wine.

19 D. A person may not be served more than a total of 1 1/2 ounces, in 1/2 ounce
20 servings, of distilled spirits having an alcohol content of 80 proof or less; or, for
21 distilled spirits containing an alcohol content of greater than 80 proof, a person may
22 not be served more than a total of 3/4 of an ounce in 1/4 ounce servings.

23 E. A person may not be charged a fee for any liquor served as part of a taste-testing
24 event.

25 F. A person may not be served who is visibly intoxicated.

26 G. A taste-testing event must be conducted within the hours of retail sale established
27 in this Title.

28 H. The retail licensee must obtain the written permission of the bureau before
29 conducting a taste-testing event.

30 I. The retail licensee may conduct up to 3 taste-testing events per month.

31 J. A taste-testing event is not allowed in any municipality where on-premises and
32 off-premises sales are not allowed pursuant to chapter 5.

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

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

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

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

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

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

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

11 N. A retail licensee, with prior approval from the bureau, may conduct an invitation-
12 only taste-testing event at the licensed premises in place of or to coincide with a taste-
13 testing event that is open to the public. A taste-testing event that is exclusively
14 invitation only is not subject to the posting requirement in paragraph M.

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

19 P. A certificate of approval holder, licensed sales representative or wholesale
20 licensee who participates in a taste-testing event may provide and distribute food or
21 snacks to be consumed in conjunction with the liquor to be tasted at no cost to the
22 public or the retail licensee if the total cost for the food or snacks does not exceed
23 \$200 per event. Any remaining food or snacks provided in conjunction with a
24 taste-testing event must be removed by the certificate of approval holder, licensed
25 sales representative or wholesale licensee from the licensed premises at the
26 conclusion of the event.

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

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

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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.