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SECOND REGULAR SESSION-2020

Legislative Document

No. 2131

S.P. 766

In Senate, March 3, 2020

An Act To Correct Errors, Inconsistencies and Conflicts in and To Revise the State's Liquor Laws

Reported by Senator LUCHINI of Hancock for the Joint Standing Committee on Veterans and Legal Affairs pursuant to Resolve 2019, chapter 15, section 3.

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

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

2 **Sec. 1. 17 MRSA §2003-A**, as amended by PL 2001, c. 139, §1, is further
3 amended by amending the section headnote to read:

4 **§2003-A. Definitions Public drinking**

5 **Sec. 2. 28-A MRSA §1**, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to
6 read:

7 **§1. Compliance required; penalty**

8 ~~Any~~ Except as otherwise provided by law, a person who that purchases, imports,
9 causes to be imported, transports, causes to be transported, manufactures, possesses or
10 sells or offers for sale alcohol in violation of law commits a Class E crime.

11 **Sec. 3. 28-A MRSA §2, sub-§2-C** is enacted to read:

12 **2-C. Bed and breakfast guest.** "Bed and breakfast guest" means a person whose
13 name and address are registered on the registry maintained by the bed and breakfast and
14 who is the bona fide occupant of a room of the bed and breakfast. "Bed and breakfast
15 guest" does not include a person whose name and address are registered on the bed and
16 breakfast registry solely for the purpose of obtaining liquor.

17 **Sec. 4. 28-A MRSA §2, sub-§4**, as enacted by PL 1987, c. 45, Pt. A, §4, is
18 amended to read:

19 **4. Bottler.** "Bottler" means a person ~~who~~ that packages spirits, wine or ~~beer~~ malt
20 liquor for sale in containers, and is not engaged in distilling, brewing, fermenting or
21 rectifying liquor.

22 **Sec. 5. 28-A MRSA §2, sub-§5**, as enacted by PL 1987, c. 45, Pt. A, §4, is
23 amended to read:

24 **5. Brewer Brewery.** "Brewer Brewery" means a person who produces malt liquor
25 by fermentation of malt, wholly or partially, or from any substitute for malt. that engages
26 in the activities under either paragraph A or B, or both:

27 A. Brewing, lagering and kegging, bottling or packaging the person's own malt
28 liquor; or

29 B. Producing or bottling low-alcohol spirits products consisting of malt liquor to
30 which spirits have been added.

31 **Sec. 6. 28-A MRSA §2, sub-§7**, as enacted by PL 1987, c. 45, Pt. A, §4, is
32 amended to read:

33 **7. Catering.** "Catering" means service of liquor with or without food by a person to
34 groups at a prearranged function.

1 A. "~~Off-premise~~ Off-premises catering" means service of liquor with or without food
2 by a licensee to groups at prearranged functions located at a place other than the
3 licensee's premises.

4 B. "~~On-premise~~ On-premises catering" means service of liquor with or without food
5 by a licensed club having the catering privilege to groups of nonmembers at
6 prearranged functions.

7 **Sec. 7. 28-A MRSA §2, sub-§8**, as amended by PL 1997, c. 373, §11, is repealed
8 and the following enacted in its place:

9 **8. Certificate of approval holder.** "Certificate of approval holder" means:

10 A. An in-state manufacturer of malt liquor, wine or spirits licensed under section
11 1355-A; or

12 B. An out-of-state manufacturer or out-of-state wholesaler of malt liquor or wine that
13 has been issued a certificate of approval under section 1361.

14 **Sec. 8. 28-A MRSA §2, sub-§9-B** is enacted to read:

15 **9-B. Club member.** "Club member" means a person who, whether as a charter
16 member or admitted in accordance with the bylaws of the club, is a bona fide member of
17 that club and who maintains membership in good standing by payment of dues in a bona
18 fide manner in accordance with bylaws and whose name and address are entered on the
19 list of members. A person who does not have full club privileges may not be considered
20 a bona fide member.

21 **Sec. 9. 28-A MRSA §2, sub-§10-B** is enacted to read:

22 **10-B. Dining car or passenger car.** "Dining car" or "passenger car" means a
23 railroad car in which food and liquor are served.

24 **Sec. 10. 28-A MRSA §2, sub-§11**, as enacted by PL 1987, c. 45, Pt. A, §4, is
25 repealed and the following enacted in its place:

26 **11. Distillery.** "Distillery" means a person that engages in the activities under either
27 paragraph A or B, or both:

28 A. Producing the person's own spirits by the process of distillation; or

29 B. Producing low-alcohol spirits products.

30 **Sec. 11. 28-A MRSA §2, sub-§11-E** is enacted to read:

31 **11-E. Full meal.** "Full meal" means a meal consisting of a diversified selection of
32 food that ordinarily cannot be consumed without the use of tableware and that cannot be
33 conveniently consumed while standing or walking.

34 **Sec. 12. 28-A MRSA §2, sub-§12-B** is enacted to read:

1 **12-B. Hotel guest.** "Hotel guest" means a person whose name and address are
2 registered on the registry maintained by the hotel and who is the bona fide occupant of a
3 room of the hotel. "Hotel guest" does not include a person whose name and address are
4 registered on the hotel registry solely for the purpose of obtaining liquor.

5 **Sec. 13. 28-A MRSA §2, sub-§12-C** is enacted to read:

6 **12-C. International air terminal.** "International air terminal" means a terminal in
7 an airport served by one or more bona fide international airlines.

8 **Sec. 14. 28-A MRSA §2, sub-§12-D** is enacted to read:

9 **12-D. International passenger in transit.** "International passenger in transit"
10 means an airline passenger who is in transit and whose point of origin or point of
11 destination is a foreign country.

12 **Sec. 15. 28-A MRSA §2, sub-§15**, as amended by PL 2019, c. 281, §§2 and 3, is
13 further amended to read:

14 **15. Licensed establishment.** "Licensed establishment" means premises to which a
15 license for the sale of spirits, wine or malt liquor to be consumed on or off the licensed
16 premises applies; and any person or organization ~~which~~ that is licensed to sell spirits,
17 wine or malt liquor ~~in~~ during the times, and in the places and manners as specified in the
18 license. The following may be licensed establishments.

19 A. "Airline corporation" means ~~any~~ a person operating regularly scheduled intrastate
20 or interstate passenger air transportation.

21 B. "Auditorium" means ~~any~~ a commercially operated indoor or outdoor facility
22 designed or used for the gathering of an audience for speeches and live performances
23 of theater, music, dance or other performing arts that charges a fee and has adequate
24 facilities for the sale and consumption of liquor.

25 B-1. "Bowling center" means an indoor facility ~~operating~~ that operates at least 8
26 regulation lanes for the purpose of conducting the game of bowling ~~which, that~~ is
27 open to the ~~general~~ public and ~~which that~~ has suitable adequate facilities for the sale
28 and consumption of liquor.

29 B-2. "Bed and breakfast" means a place that advertises itself as a bed and breakfast
30 where the public for a fee may obtain overnight accommodations that include a
31 sleeping room or rooms and at least one meal per day.

32 C. "Civic auditorium" means a municipal, county or state or a quasi-municipal,
33 quasi-county or quasi-state owned or operated auditorium or civic center.

34 D. "Club" means ~~any reputable~~ a group of individuals incorporated and operating in
35 a bona fide manner solely for purposes of recreational, social, patriotic or fraternal
36 nature and not for pecuniary gain.

37 ~~(1) "Club member" means a person who, whether as a charter member or~~
38 ~~admitted in accordance with the bylaws of the club, has become a bona fide~~
39 ~~member of that club and who maintains membership in good standing by~~

1 ~~payment of dues in a bona fide manner in accordance with bylaws and whose~~
2 ~~name and address is entered on the list of members. No person who does not~~
3 ~~have full club privileges may be considered a bona fide member.~~

4 D-1. "Curling ~~club center~~" means ~~any a~~ facility ~~offering that offers~~ curling facilities
5 to the public for a fee, ~~that offers food for sale to the public and~~ that has adequate
6 facilities for the sale and consumption of liquor.

7 D-2. "Common consumption area" means an area designated as a common area
8 within an entertainment district in which customers of more than one common
9 consumption area licensee are permitted to consume spirits, wine and malt liquor sold
10 by the common consumption area licensees.

11 E. "Dining car" and "passenger car" mean cars in which food and liquor are served.

12 F-1. "Disc golf course" means ~~any a~~ commercially operated facility ~~offering that~~
13 ~~offers~~ disc golfing ~~facilities~~ to the ~~general~~ public for a fee, ~~that offers~~ food for sale ~~to~~
14 ~~the public~~ and ~~that has~~ adequate facilities for the sale and consumption of liquor. A
15 disc golf course ~~consists of~~ ~~must have~~ no ~~less~~ ~~fewer~~ than 18 disc ~~golfing~~ holes with a
16 total distance of no less than 5,000 feet per 18 disc ~~golfing~~ holes and ~~has~~ ~~must have~~ a
17 value of not less than \$50,000.

18 G. "Golf course" means a commercially operated facility, whether publicly or
19 privately owned, ~~offering that offers~~ golfing facilities to the ~~general~~ public for a fee,
20 including a ~~regulation size~~ regulation-size golf course of not less than 9 holes and an
21 average total of not less than 1,200 yards per 9 holes, that has a value of not less than
22 \$100,000, that offers food for sale to the public and that has adequate facilities for the
23 sale and consumption of liquor.

24 H. "Hotel" means ~~any reputable a~~ place ~~operated by responsible persons of good~~
25 ~~reputation,~~ where the public obtains sleeping accommodations for a consideration and
26 where ~~meals may be served~~ food is offered for sale to the public, whether or not
27 under one roof. Nothing in this paragraph may be held to prevent the bureau from
28 issuing a part-time license to a bona fide part-time hotel.

29 (1) ~~A hotel is considered to be serving meals when it provides on the premises~~
30 ~~one or more public dining rooms, open and serving food during the morning,~~
31 ~~afternoon and evening, and a separate kitchen in which food is regularly prepared~~
32 ~~for the public.~~

33 (2) ~~Nothing in this paragraph may be held to prevent the bureau from issuing~~
34 ~~part-time licenses to bona fide part-time hotels.~~

35 (3) ~~"Hotel guest" means a person whose name and address is registered on the~~
36 ~~registry maintained by the hotel and who is the bona fide occupant of a room of~~
37 ~~the hotel. A person registering solely for the purpose of obtaining liquor is not~~
38 ~~considered a hotel guest.~~

39 I. "Incorporated civic organization" means ~~any an~~ organization incorporated as a
40 corporation without stock under Title 13, chapter 81 or Title 13-B with a civic or
41 charitable purpose, including but not limited to relief of poverty, advancement of
42 education and the arts, promotion of social health, safety and welfare, fostering
43 community and economic development, protection against animal cruelty, combating

1 community deterioration, lessening the burdens of government and providing
2 assistance to the underprivileged and distressed.

3 J. "Indoor ice skating ~~club~~ center" means ~~any~~ a commercially operated indoor facility
4 ~~offering that offers~~ ice skating facilities to the ~~general~~ public, ~~which charges for a fee,~~
5 that offers food for sale to the public and ~~which that~~ has adequate facilities for the
6 sale and consumption of liquor.

7 K. "Indoor racquet ~~club~~ center" means ~~any~~ a commercially operated indoor facility
8 with 4 or more courts or areas designed or used for the playing of ~~any~~ a racquet sport,
9 ~~which that~~ is open to the ~~general~~ public, ~~which charges for a fee, that offers food for~~
10 sale to the public and ~~which that~~ has adequate facilities for the sale and consumption
11 of liquor. Racquet sports include tennis, squash, handball, paddleball and badminton.

12 ~~K-1. "International air terminal" means an airport served by one or more bona fide~~
13 ~~international air carriers.~~

14 L. "Class A lounge" means a ~~reputable~~ place ~~operated by responsible persons of~~
15 ~~good reputation,~~ where food and liquor are sold at tables, booths and counters.

16 L-1. "Minibar" means a self-contained locking cabinet, refrigerated or unrefrigerated,
17 designed for storing, dispensing and selling liquor and related merchandise.

18 M. "Outdoor stadium" means ~~any~~ a commercially operated outdoor facility with
19 3,000 or more fixed seats that is designed or used for the playing of ~~any~~ a sport or for
20 an event, that is open to the ~~general~~ public, ~~charges for a fee and that~~ has adequate
21 facilities for the sale and consumption of wine and malt liquor.

22 N. "Performing arts center" means ~~any~~ a charitable or nonprofit corporation
23 incorporated as a corporation without capital stock under Title 13, chapter 81; and
24 ~~which that~~ has as its primary purpose the encouragement, promotion and presentation
25 of the arts for the benefit of the ~~general~~ public.

26 N-1. "Pool hall" means a pool hall or billiard room that contains at least 6 regulation
27 pool tables and generates at least 50% of its gross annual income from the sale of
28 games of pool or the rental of pool tables.

29 O. "Public service corporation" means an airline corporation, railroad corporation or
30 vessel corporation operating in the State.

31 P. "Qualified catering service" means a catering establishment as defined in Title 22,
32 chapter 562; and licensed by the Department of Health and Human Services.

33 P-1. "Railroad corporation" means a corporation operating one or more dining cars
34 or passenger cars within the State.

35 Q. "Restaurant" means a ~~reputable~~ place ~~operated by responsible persons of good~~
36 ~~reputation,~~ ~~which that~~ is regularly used for the purpose of providing food for the
37 public; and ~~which that~~ has adequate and sanitary kitchen and dining room equipment
38 and capacity for preparing and serving suitable food for the public.

39 R. "Class A restaurant" means a ~~reputable~~ place ~~operated by responsible persons of~~
40 ~~good reputation~~ that is regularly used for the purpose of providing full ~~course~~ meals
41 for the public on the premises, that is equipped with a separate and complete kitchen;

1 and that maintains adequate dining room equipment and capacity for preparing and
2 serving full ~~course~~ meals upon the premises. A Class A restaurant/lounge is not a
3 Class A restaurant.

4 ~~(1) A full course meal consists of a diversified selection of food that ordinarily~~
5 ~~cannot be consumed without the use of tableware and that cannot be conveniently~~
6 ~~consumed while standing or walking.~~

7 R-1. "Class A restaurant/lounge" means a ~~reputable~~ place ~~operated by responsible~~
8 ~~persons of good reputation~~ that is regularly used for the purpose of providing full
9 ~~course~~ meals for the public on the premises, that is equipped with a separate and
10 complete kitchen, and that maintains adequate dining room equipment and capacity
11 for preparing and serving full ~~course~~ meals upon the premises but that:

12 (1) After 9 p.m., serves liquor and does not serve full ~~course~~ meals; or

13 (2) Maintains a room or rooms, separate from the main restaurant space, in
14 which full ~~course~~ meals are not regularly served and where liquor is sold at
15 tables, booths and counters.

16 ~~For purposes of this paragraph, the term "full course meals" means meals consisting~~
17 ~~of a diversified selection of food that ordinarily can not be consumed without the use~~
18 ~~of tableware and that can not be conveniently consumed while standing or walking.~~

19 S. "Ship chandler" means a retail establishment supplying provisions, including malt
20 liquor and wine, to ships of foreign registry.

21 T-1. "Tavern" means a ~~reputable~~ place ~~operated by responsible persons~~ where food
22 ~~may be sold~~ and malt liquor may be sold at tables, booths and counters.

23 ~~V. "Vessel" means any ship, vessel or boat of any kind used for navigation of the~~
24 ~~coastal water or for commercial navigation of inland waters and licensed for carrying~~
25 ~~not less than 25 passengers under the requirements of the Public Utilities~~
26 ~~Commission or the United States Coast Guard.~~

27 W. "Vessel corporation" means a corporation operating one or more vessels within
28 the State.

29 **Sec. 16. 28-A MRSA §2, sub-§16-A**, as amended by PL 2017, c. 301, §1, is
30 further amended to read:

31 **16-A. Low-alcohol spirits product.** "Low-alcohol spirits product" means a product
32 containing spirits that has ~~an alcohol content of more than 1/2 of 1% of alcohol by~~
33 volume but no more than 8% or less of alcohol by volume. Beginning July 1, 2019,
34 "low-alcohol spirits product" does not mean a flavoring, such as an extract or concentrate,
35 added to a malt beverage or wine that:

36 A. May or may not contain alcohol;

37 B. Is not intended to be consumed alone as a beverage or a food product but serves
38 as a flavor enhancement to a beverage or a food product; and

39 C. Is not, prior to being added to a malt beverage or wine, subject to excise tax under
40 chapter 65.

1 **Sec. 17. 28-A MRSA §2, sub-§19-A**, as enacted by PL 2009, c. 458, §1, is
2 repealed.

3 **Sec. 18. 28-A MRSA §2, sub-§23-A**, as enacted by PL 1999, c. 760, §1, is
4 repealed.

5 **Sec. 19. 28-A MRSA §2, sub-§25**, as enacted by PL 1987, c. 45, Pt. A, §4, is
6 amended to read:

7 **25. Rectifier.** "Rectifier" means a person ~~who~~ that produces spirits or low-alcohol
8 spirits products by combining spirits with other products.

9 **Sec. 20. 28-A MRSA §2, sub-§27**, as amended by PL 1997, c. 373, §18, is
10 further amended to read:

11 **27. Retailer or retail licensee.** "Retailer" or "retail licensee" means ~~any~~ a person
12 licensed by the bureau to engage in the purchase and resale of liquor in the original
13 container or by the drink; for on-premises or off-premises consumption ~~on or off the~~
14 premises where sold. "Retailer" ~~does and~~ "retail licensee" do not include wholesalers as
15 defined in subsection 35.

16 A. "~~Off-premise~~ Off-premises retail licensee" means a person licensed to sell liquor
17 in sealed bottles, containers or original packages to be consumed off the premises
18 where sold.

19 B. "~~On-premise~~ On-premises retail licensee" means a person licensed to sell liquor to
20 be consumed on the premises where sold.

21 **Sec. 21. 28-A MRSA §2, sub-§29**, as amended by PL 2019, c. 529, §2, is further
22 amended to read:

23 **29. Small brewery.** "Small brewery" means a ~~facility that brews, lagers and kegs,~~
24 ~~bottles or packages its own malt liquor, not to exceed 30,000 barrels per year.~~ person that
25 engages in the activities under either paragraph A or B, or both:

26 A. Brewing, lagering and kegging, bottling or packaging the person's own malt
27 liquor; or

28 B. Producing or bottling low-alcohol spirits products consisting of malt liquor to
29 which spirits have been added.

30 "Small brewery" does not include a person that engages in the activities described in
31 paragraph A or B that produces in total more than 30,000 barrels per year of malt liquor
32 and low-alcohol spirits products consisting of malt liquor to which spirits have been
33 added.

34 **Sec. 22. 28-A MRSA §2, sub-§29-A**, as amended by PL 2019, c. 404, §1, is
35 further amended to read:

36 **29-A. Small distillery.** "Small distillery" means a ~~distiller that produces spirits in an~~
37 ~~amount that does not exceed 50,000 gallons per year.~~ person that engages in the activities
38 under either paragraph A or B, or both:

1 A. Producing the person's own spirits by the process of distillation; or

2 B. Producing low-alcohol spirits products.

3 "Small distillery" does not include a person that engages in the activities described in
4 paragraph A or B that produces in total more than 50,000 gallons per year of spirits and
5 low-alcohol spirits products.

6 **Sec. 23. 28-A MRSA §2, sub-§29-B**, as amended by PL 2019, c. 529, §3, is
7 further amended to read:

8 **29-B. Small winery.** "Small winery" means a ~~facility~~ person that ferments, ages ~~and~~
9 or bottles:

10 A. Up to 50,000 gallons per year of ~~its~~ the person's own wine that is not hard cider;
11 and

12 B. Up to 3,000 barrels per year of ~~its~~ the person's own wine that is hard cider.

13 **Sec. 24. 28-A MRSA §2, sub-§31-A**, as enacted by PL 2013, c. 269, Pt. A, §1
14 and amended by c. 368, Pt. V, §61, is further amended to read:

15 **31-A. Spirits administration.** "Spirits administration" ~~or "administration"~~ means
16 the management of spirits activities involving the distribution and sale of spirits by the
17 bureau or ~~any person awarded a contract under section 90~~ the wholesale spirits provider.
18 "Spirits administration" includes, but is not limited to, financial and performance
19 management; profitable and responsible growth management; management of contracts;
20 management of agency liquor store matters and orders; personnel management;
21 monitoring and reporting of spirits inventory; management of bailment records and
22 billing; management of accounts receivable, accounts payable and tax collection and
23 reporting; and sales and profit reporting. "Spirits administration" does not include
24 warehousing and distribution of spirits by the bureau.

25 **Sec. 25. 28-A MRSA §2, sub-§31-B**, as enacted by PL 2013, c. 269, Pt. A, §1
26 and amended by c. 368, Pt. V, §61, is further amended to read:

27 **31-B. Spirits trade marketing.** "Spirits trade marketing" ~~or "trade marketing"~~
28 means oversight and management by the bureau or any person awarded a spirits trade
29 marketing contract under section 90. "Spirits trade marketing" includes, but is not limited
30 to, agency liquor store category management, analysis and recommendations; agency
31 liquor store shelf reset recommendations; agency liquor store displays, advertising, point-
32 of-sale material and event marketing recommendations; development, production and
33 distribution of sales, marketing and informational publications; consultation and
34 coordination with spirits suppliers ~~and brokers~~ on matters affecting their brands; and
35 development, production and distribution of any social responsibility initiatives and
36 compliance related to those initiatives.

37 **Sec. 26. 28-A MRSA §2, sub-§31-C** is enacted to read:

38 **31-C. Spirits supplier.** "Spirits supplier" means a person that provides spirits for
39 sale by the bureau in the State, including:

- 1 A. An in-state or out-of-state spirits manufacturer;
2 B. A person that engages in the out-of-state purchase of spirits for resale to the
3 bureau; and
4 C. An agent or representative of a person described in paragraph A or B.

5 **Sec. 27. 28-A MRSA §2, sub-§32-A**, as enacted by PL 2013, c. 345, §1, is
6 amended to read:

7 **32-A. Tenant brewer brewery.** "Tenant ~~brewer~~ brewery" means a person ~~who~~ that
8 has submitted a brewer's notice to and received approval from the United States
9 Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau authorizing the
10 ~~brewer person~~ to engage in an alternating proprietorship as defined by federal regulation
11 and is licensed by the bureau to produce malt liquor at a manufacturing facility of another
12 ~~brewer who~~ brewery that is licensed by the bureau.

13 **Sec. 28. 28-A MRSA §2, sub-§33-A** is enacted to read:

14 **33-A. Vessel.** "Vessel" means a ship, vessel or boat of any kind used for navigation
15 of the coastal waters or for commercial navigation of inland waters and licensed for
16 carrying not less than 25 passengers under the requirements of the Public Utilities
17 Commission or the United States Coast Guard.

18 **Sec. 29. 28-A MRSA §2, sub-§34**, as amended by PL 1997, c. 373, §20, is
19 further amended to read:

20 **34. Wholesale licensee.** "Wholesale licensee" means a person licensed by the
21 bureau under section 1401 as a ~~an~~ in-state wholesaler.

22 **Sec. 30. 28-A MRSA §2, sub-§34-A** is enacted to read:

23 **34-A. Wholesale spirits provider.** "Wholesale spirits provider" means a person that
24 has a contract under section 90 to serve as an agent of the State for the purpose of
25 providing wholesale spirits to establishments licensed by the State to sell spirits for off-
26 premises consumption.

27 **Sec. 31. 28-A MRSA §2, sub-§35**, as amended by PL 1987, c. 342, §12, is
28 further amended to read:

29 **35. Wholesaler.** "Wholesaler" means a person ~~who~~ that engages in the purchase and
30 resale of ~~malt or brewed beverages or wines~~ malt liquor or wine, or both, in sealed
31 bottles, containers or original packages, as prepared for the market by the manufacturer at
32 the place of manufacture, but not for consumption, except ~~when taste testing, on the~~
33 ~~premises of that wholesaler~~ during a taste-testing event conducted in accordance with the
34 requirements of this Title.

35 **Sec. 32. 28-A MRSA §2, sub-§36**, as amended by PL 1993, c. 462, §5, is further
36 amended to read:

1 **36. Wine.** "Wine" means ~~any~~ liquor containing not more than 24% alcohol by
2 volume that is produced by the fermentation of fruit or other agricultural products
3 containing sugar or wine to which spirits have been added not to exceed 24% alcohol by
4 volume. "Wine" includes, but is not limited to, hard cider, wine coolers, table wine, still
5 wine, sparkling wine, champagne and fortified wine, ~~provided that the alcohol content is~~
6 ~~not above~~ do not contain more than 24% alcohol by volume.

7 **Sec. 33. 28-A MRSA §2, sub-§37**, as amended by PL 1997, c. 767, §3, is further
8 amended to read:

9 **37. Winery.** "Winery" means a ~~facility~~ person that ferments, ages ~~and or~~ bottles the
10 person's own wine and hard cider.

11 **Sec. 34. 28-A MRSA §3-B, sub-§1, ¶A**, as enacted by PL 2013, c. 476, Pt. A,
12 §4, is amended to read:

13 A. Purchase of spirits ~~and, until June 30, 2014, fortified wine;~~

14 **Sec. 35. 28-A MRSA §3-B, sub-§2**, as enacted by PL 2013, c. 476, Pt. A, §4, is
15 amended to read:

16 **2. Timing of payment from agency liquor store.** An agency liquor store, when
17 approved by the bureau, may pay for spirits purchased from the bureau by mailing a
18 check for payment to the bureau or ~~an entity awarded a contract under section 90 the~~
19 wholesale spirits provider when notified of the amount due or upon receiving a delivery
20 of spirits. Payments remitted by check must be received or postmarked within 3 days of
21 receipt of a delivery of spirits or notification of the amount due. Payments remitted using
22 electronic funds transfer must be debited within 3 days of receipt of a delivery of spirits
23 or notification of the amount due.

24 **Sec. 36. 28-A MRSA §3-B, sub-§3**, as enacted by PL 2013, c. 476, Pt. A, §4, is
25 amended to read:

26 **3. Payments returned for insufficient funds or not honored; suspension.** If a
27 payment made to the bureau is returned for insufficient funds or is not honored, the
28 bureau shall immediately notify the licensee. If the bureau does not receive payment in
29 full, in a manner prescribed by the bureau, by 5:00 p.m. on the 2nd business day after
30 notifying the licensee, the bureau, notwithstanding chapter 33 and Title 5, chapter 375,
31 subchapter 5, may immediately suspend the licensee's license. The director of the bureau
32 or the director's designee shall notify the licensee of the suspension and shall demand that
33 the licensee provide proof of payment within 30 days of the date of suspension. If the
34 licensee fails to show proof that the payment returned for insufficient funds or not
35 honored was subsequently paid in full, the suspension remains in effect until payment is
36 made or until the license is subject to renewal as provided in section 458. A licensee
37 aggrieved by a decision of the director or the director's designee may request in writing
38 and must be granted a hearing before the District Court, which shall consider the matter
39 in the same manner as is provided in section 803. The bureau may require a licensee
40 whose payment is returned for insufficient funds or not honored to make all payments to
41 the bureau by cash, certified check or money order only for a period not to exceed one

1 year for each instance of payments returned for insufficient funds or not honored. For the
2 purposes of this subsection, payments made to the bureau include payments to ~~the entity~~
3 ~~contracted by the State under section 90~~ the wholesale spirits provider.

4 **Sec. 37. 28-A MRSA §4, sub-§1**, as amended by PL 2015, c. 74, §1, is further
5 amended to read:

6 **1. Hours for sale of liquor.** Except as provided in ~~paragraphs B and D~~ this
7 subsection, licensees may sell or deliver liquor from 5 a.m. on any day until 1 a.m. of the
8 following day.

9 B. Licensees may sell liquor on January 1st of any year from 12 midnight to 2 a.m.

10 (1) In areas in which liquor may be sold except on Sundays, if January 1st falls
11 on a Monday, licensees may sell or deliver liquor between 9 p.m. Sunday,
12 December 31st and 2 a.m. January 1st, notwithstanding any local option
13 decisions to the contrary.

14 D. Wholesale licensees may sell or deliver liquor to licensed establishments from 4
15 a.m. on any day until 1 a.m. the following day.

16 E. An on-premises retail licensee located in an international air terminal may sell
17 liquor to an international passenger in transit at any time of day.

18 **Sec. 38. 28-A MRSA §6-A, sub-§2, ¶A**, as enacted by PL 2019, c. 46, §2, is
19 amended to read:

20 A. Liquor sold by the manufacturer for on-premises consumption pursuant to section
21 1355-A, subsection 2, paragraph ~~E, F~~ B or I; or

22 **Sec. 39. 28-A MRSA §10**, as amended by PL 2017, c. 167, §3 and c. 324, §1, is
23 further amended by amending the section headnote to read:

24 **§10. Class A restaurant and ~~off-premise~~ off-premises retail licensee on same**
25 **premises**

26 **Sec. 40. 28-A MRSA §10, sub-§1**, as amended by PL 2013, c. 344, §1, is further
27 amended to read:

28 **1. Class A restaurant or restaurant and ~~off-premise~~ off-premises retail licensee**
29 **on same premises not prohibited.** If a portion of the premises is licensed as an ~~off-~~
30 ~~premise~~ off-premises retail licensee, no provision within this Title may be construed to
31 prohibit issuance of a Class III or Class IV license to the same licensee for a restaurant or
32 Class A restaurant for the remaining portion of the premises, as long as necessary
33 qualifications are maintained for each separately licensed area.

34 **Sec. 41. 28-A MRSA §10, sub-§2-B, ¶B**, as amended by PL 2017, c. 167, §3, is
35 further amended to read:

36 B. When access between the 2 licensed areas exists for patrons of either
37 establishment, all malt liquor and wine sold for on-premises consumption must be
38 served by an employee of the licensed on-premises establishment and ~~may be served~~

1 only when accompanying food or a full course meal prepared in a separate and
2 complete kitchen on the premises. A restaurant under this paragraph must serve food.
3 For the purposes of this paragraph, "food" includes cold or hot meals, including
4 sandwiches and salads, but is not limited to hamburgers, cheeseburgers, hot dogs,
5 pizzas and other food items that customarily appear on a restaurant menu. "Food"
6 does not include prepackaged snack foods such as popcorn, chips or pretzels. A
7 Class A restaurant under this paragraph must serve a full course meal.:

8 (1) Must be accompanied by a full meal prepared in a separate and complete
9 kitchen on the premises of the on-premises establishment if the on-premises
10 establishment is a Class A restaurant; or

11 (2) Must be accompanied by a full meal or a hot or cold meal prepared in a
12 separate and complete kitchen on the premises of the on-premises establishment
13 if the on-premises establishment is a restaurant. For purposes of this
14 subparagraph, a "hot or cold meal" means a meal consisting of food items that
15 customarily appear on a restaurant menu including, but not limited to,
16 sandwiches, salads, hamburgers, cheeseburgers, hot dogs and pizza. A meal
17 consisting solely of prepackaged snack foods such as popcorn, chips or pretzels is
18 not a "hot or cold meal" within the meaning of this subparagraph.

19 **Sec. 42. 28-A MRSA §10, sub-§2-B, ¶C**, as enacted by PL 2015, c. 494, Pt. D,
20 §9, is amended to read:

21 C. Malt liquor or wine sold or served on the premises may not be transported by a
22 patron or employee of either establishment from one licensed area to another. The
23 licensee shall ensure that easily readable signs are conspicuously posted to inform the
24 public that transfer of ~~alcoholic beverages~~ malt liquor or wine from one licensed area
25 to another is strictly prohibited.

26 **Sec. 43. 28-A MRSA §11, sub-§1**, as amended by PL 1997, c. 373, §25, is
27 further amended to read:

28 **1. Connection with other licensed premises.** Notwithstanding any ~~other~~ law or
29 rule of the bureau to the contrary, any a retailer's licensed ~~premise~~ premises may be
30 connected with ~~any other~~ another retailer's licensed ~~premise~~ premises by a doorway or
31 other ~~apertures~~ aperture that ~~are~~ is not securely and permanently sealed.

32 **Sec. 44. 28-A MRSA §11, sub-§2**, as enacted by PL 1987, c. 45, Pt. A, §4, is
33 further amended to read:

34 **2. Violation of public drinking law.** ~~Any persons~~ A person taking a drink of liquor
35 to another person, offering a drink of liquor to another person or consuming liquor within
36 the licensed premises of an ~~off-premise~~ off-premises retail licensee under the common
37 roof ~~shall be~~ is considered in violation of and subject to punishment under Title 17,
38 section 2003-A ~~and shall be punished accordingly.~~ This subsection does not prohibit
39 product sampling and taste testing authorized by and conducted in accordance with the
40 requirements of this Title.

1 **Sec. 45. 28-A MRSA §13**, as enacted by PL 1991, c. 528, Pt. VV, §3 and c. 591,
2 Pt. VV, §3, and affected by c. 528, Pt. RRR, is repealed and the following enacted in its
3 place:

4 **§13. Low-alcohol spirits products sold by wine licensees**

5 **1. Retail sales.** Notwithstanding any provision of this Title to the contrary, a person
6 licensed to sell wine for on-premises or off-premises consumption may also sell low-
7 alcohol spirits products. All provisions of this Title applicable to wine, except chapters
8 65 and 67, apply to low-alcohol spirits products when sold by persons licensed to sell
9 wine for on-premises or off-premises consumption.

10 **2. Wholesale sales.** Notwithstanding any provision of this Title to the contrary, a
11 person licensed under section 1401 as an in-state wholesaler of wine may also sell and
12 distribute low-alcohol spirits products.

13 **Sec. 46. 28-A MRSA §14**, as enacted by PL 2003, c. 68, §1, is repealed and the
14 following enacted in its place:

15 **§14. Hard cider sold by wine or malt liquor licensees**

16 **1. Retail sales.** Notwithstanding any provision of this Title to the contrary, a person
17 licensed to sell malt liquor for on-premises or off-premises consumption may also sell
18 hard cider. All provisions of this Title applicable to malt liquor, except chapter 65, apply
19 to hard cider when hard cider is sold by persons licensed to sell malt liquor for on-
20 premises or off-premises consumption. Nothing in this subsection prohibits a person
21 licensed to sell wine for on-premises or off-premises consumption from selling hard
22 cider.

23 **2. Wholesale sales.** Notwithstanding any provision of this Title to the contrary, a
24 person licensed under section 1401 as an in-state wholesaler of malt liquor may also sell
25 and distribute hard cider. Nothing in this subsection prohibits a person licensed under
26 section 1401 as an in-state wholesaler of wine from selling and distributing hard cider.

27 **Sec. 47. 28-A MRSA §81, sub-§3**, as enacted by PL 1997, c. 373, §28, is
28 amended to read:

29 **3. Listing of items.** The commission shall determine which spirits items may be
30 listed for sale in the State. Products listed must be made available by the spirits supplier
31 at a warehouse designated by the commission.

32 **Sec. 48. 28-A MRSA §81, sub-§4**, as enacted by PL 1997, c. 373, §28, is
33 amended to read:

34 **4. Notice to delist or stop purchases.** Before any spirits item listed by the
35 commission is discontinued or delisted or before the commission issues any order to stop
36 purchases of any listed spirits item ~~listed~~, the commission shall give the vendor of the
37 ~~items~~ item reasonable written notice of its intention to delist or stop purchase of the ~~items~~
38 item.

1 **Sec. 49. 28-A MRSA §83-B, sub-§8**, as enacted by PL 2013, c. 476, Pt. A, §9, is
2 amended to read:

3 **8. Rules for food service organizations.** Adopt rules permitting food service
4 organizations to purchase malt liquor, ~~wine and fortified~~ and wine from a wholesale
5 licensee, notwithstanding section 1401, subsection 9. For the purposes of this subsection,
6 "food service organization" means a business entity that provides catering services to
7 passengers on international flights and cruises. The rules must provide that a food service
8 organization is not required to have a license in order to purchase malt liquor, ~~wine and~~
9 ~~fortified~~ and wine from a wholesale licensee for consumption by passengers on
10 international flights and cruises after leaving port;

11 **Sec. 50. 28-A MRSA §83-C, sub-§2**, as enacted by PL 2013, c. 476, Pt. A, §9, is
12 amended to read:

13 **2. Price regulation.** Establish the wholesale ~~and retail~~ prices of spirits sold in this
14 State and make recommendations to the commission regarding the retail prices of spirits
15 sold in the State. The bureau shall adopt rules regarding the wholesale pricing of spirits
16 ~~and the retail pricing of spirits sold by to~~ agency liquor stores. ~~An entity awarded a~~
17 ~~contract under section 90~~ The wholesale spirits provider is granted the privilege to
18 distribute spirits under this Title and is immune from antitrust action so long as the ~~entity~~
19 wholesale spirits provider is in compliance with the bureau's rules and all other applicable
20 laws and regulations;

21 **Sec. 51. 28-A MRSA §83-C, sub-§2-A, ¶C**, as enacted by PL 2019, c. 404, §3,
22 is amended to read:

23 C. The bureau may reduce, at the expense of the manufacturer or the spirits supplier,
24 the retail price of those test-market spirits items that fail to meet set minimum gross
25 profit standards after a 3-month period-;

26 **Sec. 52. 28-A MRSA §83-C, sub-§3**, as enacted by PL 2013, c. 476, Pt. A, §9, is
27 amended to read:

28 **3. Purchase.** Oversee the wholesale purchase and storage of spirits for sale in the
29 State. ~~If the bureau awards a contract under section 90, spirits~~ Spirits delivered to the
30 wholesale spirits provider and stored at a warehouse ~~approved by the bureau~~ designated
31 by the commission under section 81 are the property of the spirits supplier. Spirits
32 become the property of the bureau upon removal from the warehouse for shipment to an
33 agency liquor store. Spirits delivered to an agency liquor store become the property of
34 the licensee upon receipt of delivery. ~~A person awarded a contract under section 90~~ The
35 wholesale spirits provider at no time takes legal title to any spirits delivered to the
36 warehouse. The bureau may buy and have in its possession spirits for sale to the public.
37 The bureau shall buy spirits directly and not through the State Purchasing Agent. All
38 spirits must be free from adulteration and misbranding;

39 **Sec. 53. 28-A MRSA §83-C, sub-§5**, as enacted by PL 2013, c. 476, Pt. A, §9, is
40 amended to read:

1 **5. Sales incentives to agents; rules.** Consider federal regulations that govern sales
2 incentives for ~~alcoholic beverages~~ spirits and the effect of a sales incentive program on
3 General Fund revenue and a pending or existing ~~contracts~~ contract with ~~any person~~
4 ~~awarded a contract under section 90~~ a wholesale spirits provider. The bureau may adopt
5 rules to provide for a sales incentive program for agency liquor stores. Rules adopted in
6 accordance with this subsection are major substantive rules ~~pursuant to~~ as defined in Title
7 5, chapter 375, subchapter 2-A;

8 **Sec. 54. 28-A MRSA §83-C, sub-§9**, as amended by PL 2019, c. 404, §4, is
9 further amended to read:

10 **9. Report on expenditures.** Report annually on expenditures and investments made
11 by the bureau, including, but not limited to, reductions in the retail price at which spirits
12 are sold and incentives offered to agency liquor stores, to the joint standing committee of
13 the Legislature having jurisdiction over appropriations and financial affairs and the joint
14 standing committee of the Legislature having jurisdiction over ~~alcoholic beverage~~
15 beverages matters. The report must include the impact of those spending initiatives on
16 the number of cases of spirits sold in the State and on sales of spirits generally.

17 **Sec. 55. 28-A MRSA §84, sub-§2**, as amended by PL 2013, c. 368, Pt. V, §61, is
18 further amended to read:

19 **2. Act as chief administrative officer of bureau.** Act as chief administrative
20 officer of the bureau, having general charge of the office and records and employ such
21 personnel as necessary to fulfill the purpose of this Title. The personnel must be
22 employed with the approval of the ~~Commissioner of Administrative and Financial~~
23 Services commissioner and are subject to the Civil Service Law;

24 **Sec. 56. 28-A MRSA §84, sub-§4**, as amended by PL 2015, c. 430, §1, is further
25 amended to read:

26 **4. Confer with commissioner.** Confer regularly as necessary or desirable and not
27 less than once a month with the ~~Commissioner of Administrative and Financial Services~~
28 commissioner on the operation and administration of the bureau and make available for
29 inspection by the ~~Commissioner of Administrative and Financial Services~~ commissioner,
30 upon request, all books, records, files and other information and documents of the bureau;

31 **Sec. 57. 28-A MRSA §85, sub-§2**, as repealed and replaced by PL 2013, c. 476,
32 Pt. A, §11, is amended to read:

33 **2. Inventory.** The bureau may keep and have on hand a stock of spirits for sale, the
34 value of which when priced for resale must be computed on the delivered case cost
35 F.O.B. liquor warehouse designated by the commission filed by ~~liquor~~ spirits suppliers.
36 The inventory value must be based upon actual cost for which payment may be due.
37 Spirits may not be considered to be in the inventory until payment has been made for
38 them.

39 **Sec. 58. 28-A MRSA §90**, as enacted by PL 2013, c. 269, Pt. A, §4 and amended
40 by c. 368, Pt. V, §61, is further amended to read:

1 **§90. Contract for operations of wholesale ~~liquor~~ spirits activities**

2 **1. Statement of purpose.** The Legislature finds that it is in the public interest to
3 seek efficiencies and maximize growth in the State's wholesale spirits business while
4 ensuring that growth in revenue from the business is achieved in a socially responsible
5 manner. The contracting of the operations of the wholesale spirits business should serve
6 this purpose and provide the State's agency liquor store partners with effective and
7 efficient services in order to responsibly serve consumers of spirits in the State.

8 **2. Contract for operations.** ~~The Commissioner of Administrative and Financial~~
9 ~~Services, referred to in this section as "the commissioner,"~~ commissioner shall enter into
10 a contract for warehousing, distribution and spirits administration and a contract for
11 spirits trade marketing, each for a term of 10 years. Each contract must be awarded
12 pursuant to a competitive bid process in a manner similar to the process described in Title
13 5, chapter 155, subchapter 1-A. The commissioner is prohibited from contracting with a
14 bidder ~~who also~~ that holds or has a direct financial interest in, or that has a principal
15 officer that holds or has a direct financial interest in, a license or permit in this State or
16 another state to ~~distill, bottle or~~ manufacture spirits liquor.

17 **3. Development of request for bid proposals; fee.** The commissioner shall develop
18 a request for proposals designed to encourage vigorous bidding for the purpose of
19 awarding 2 contracts for the operations of the State's wholesale spirits business. The
20 commissioner shall request bids for the operation of spirits trade marketing separately
21 from bids for the combined operations of warehousing, distribution and spirits
22 administration. In order to be considered for a contract to conduct spirits trade marketing,
23 a bidder must submit a nonrefundable application fee of up to \$5,000. In order to be
24 considered for a contract to conduct warehousing, distribution and spirits administration,
25 a bidder must submit a nonrefundable application fee of up to \$20,000. The application
26 fee must be credited to an Other Special Revenue Funds account within the division of
27 purchases within the Department of Administrative and Financial Services to be used for
28 managing the application process. A request for proposals must inform potential bidders
29 of the State's target gross revenue profit margin over the term of the contract and require
30 the bidder to affirm that neither the bidder, ~~or~~ nor any of the principal officers of the
31 bidder, ~~does not hold~~ holds or have has a direct financial interest in a license or permit in
32 this State or ~~any other~~ another state for the ~~distillation, bottling or~~ manufacture of
33 ~~alcoholic beverages~~ liquor. The request for proposals must instruct potential bidders to
34 propose the scope of operations the bidder will provide and the fee for that service
35 expressed as a percentage of revenue generated by the wholesale business. The request
36 for proposals must direct bidders to indicate if the bidder intends to use subcontractors
37 and to identify those subcontractors. The request for proposals must also inform potential
38 bidders that they may propose incentives for the bidder intended to encourage responsible
39 growth of revenue and enhanced efficiencies in services provided.

40 **4. Information provided by bidders.** A bidder seeking consideration of the award
41 of a contract for the operations of the State's wholesale spirits business pursuant to this
42 section shall comply with the requirements of this subsection.

- 1 A. A bidder on a contract to operate the warehousing, distribution and spirits
2 administration functions of the wholesale spirits business shall identify services or
3 operations for which the bidder may use a subcontractor and shall demonstrate:
- 4 (1) The bidder's financial capacity and access to capital to maintain the
5 operations;
 - 6 (2) The bidder's capabilities to provide adequate transportation and distribution
7 of ~~liquor~~ spirits to agency liquor stores;
 - 8 (3) The bidder's warehousing capabilities and proposed bailment rates for ~~liquor~~
9 spirits and related fees to be charged to ~~liquor~~ spirits suppliers;
 - 10 (4) That the bidder, including any principal officer of the bidder and any named
11 subcontractor, is of good moral character and has not been found to have violated
12 any state or federal law or rule governing the manufacture, distribution or sale of
13 ~~alcoholic beverages~~ liquor;
 - 14 (5) The bidder's knowledge of the wholesale liquor business, alcoholic beverage
15 industry or a related field;
 - 16 (6) The bidder's plan to provide agency liquor stores with a minimum of 2
17 deliveries per week;
 - 18 (7) The bidder's methods for processing orders and invoices, including any
19 minimum ordering requirements, split case restrictions and inventory control
20 plans;
 - 21 (8) The bidder's business plan to provide services in a manner that will assist the
22 State in achieving a target growth rate comparable to or exceeding that of other
23 states that control the sale and distribution of ~~alcoholic beverages~~ spirits;
 - 24 (9) The bidder's plan for enhancing services to ~~liquor~~ spirits suppliers and
25 agency liquor stores; and
 - 26 (10) The positive impact on the economy, employment and state revenues that
27 the bidder's overall proposal will provide.
- 28 B. A bidder on a contract to provide spirits trade marketing shall:
- 29 (1) Demonstrate the bidder's business plan and marketing strategies to encourage
30 responsible growth to the wholesale spirits business;
 - 31 (2) Demonstrate the bidder's experience or knowledge, if any, of responsible
32 marketing of ~~alcoholic beverages~~ liquor;
 - 33 (3) Identify services for which the bidder may use a subcontractor;
 - 34 (4) Demonstrate that the bidder, including any principal officer of the bidder and
35 any named subcontractor, is of good moral character and has not been found to
36 have violated any state or federal law or rule governing the manufacture,
37 distribution or sale of ~~alcoholic beverages~~ liquor; and
 - 38 (5) Demonstrate the positive impact on the economy, employment and state
39 revenues that the bidder's overall proposal will provide.

1 In addition to the requirements of paragraphs A and B, the commissioner, in order to
2 ensure that the objective of maximizing growth in the State's wholesale spirits business is
3 achieved, may require bidders to provide additional information, including disclosure of
4 the potential of a bidder's direct and substantial conflict of interest with the State's
5 financial interest.

6 **5. Award criteria and issuance of ~~contract~~ contracts.** The commissioner shall
7 select successful bidders for the contract to conduct the operations of warehousing,
8 distribution and spirits administration and the contract to provide spirits trade marketing;
9 however, both contracts may be awarded to the same bidder. The commissioner shall
10 choose the best value bidder in conformity with Title 5, section 1825-B, subsection 7 and
11 shall consider as criteria for award the information required to be provided in subsection
12 4, as applicable. When selecting a successful bidder for the contract to conduct the
13 operations of warehousing, distribution and spirits administration, the commissioner may
14 not consider as cause for disqualification for consideration any weakness in or inability to
15 demonstrate proficiency in any one criterion listed in subsection 4, paragraph A,
16 subparagraphs (6) to (10).

17 The commissioner shall ensure that the following criteria are met before entering into a
18 contract with a bidder for operations of warehousing, distribution and spirits
19 administration:

20 A. That revenue to the State from the sale of spirits is predictable over the term of
21 the contract;

22 B. That revenue from the sale of spirits will be maximized by the issuance of the
23 contract and achieved through efficiency of services or profit sharing or both;

24 C. That the contract establishes standards of efficiency and quality of operations;

25 D. That the bidder has demonstrated that services provided to agency liquor stores
26 will be enhanced;

27 E. That, upon execution of the contract, the disruption of services to agency liquor
28 stores and spirits suppliers will be minimal or absent; and

29 F. That the contract provides that the bureau must approve all bailment rates and
30 related fees.

31 **6. Contract provisions; oversight and performance review.** A contract provided
32 to a successful bidder in accordance with this section must require that the person
33 awarded the contract submit to the bureau, in a form determined by the bureau, an annual
34 report audited by an independent 3rd party. The bureau, following receipt of the report,
35 shall provide the report annually to the joint standing committees of the Legislature
36 having jurisdiction over appropriations and financial affairs and alcoholic beverages
37 matters. The contract must prohibit the person awarded the contract from engaging in
38 activities reserved for agency liquor stores licensed as reselling agents to provide spirits
39 to establishments licensed for on-premises consumption. The contract must also include
40 provisions that allow for ongoing performance standards review so that deficiencies in
41 such standards may result in amendments to the contract or nullification. Performance
42 standards subject to contract amendments or nullification include:

- 1 A. Working in partnership with the State to achieve the goal of a revenue growth rate
2 comparable to the average growth rate of other states that control the sale and
3 distribution of ~~alcoholic beverages~~ spirits;
- 4 B. Transparency in annual reporting and conformance to the reporting requirements
5 established by the bureau; and
- 6 C. Except for a contract awarded to conduct spirits trade marketing, responsiveness
7 to the service needs of agency liquor stores.

8 **7. Price regulation.** The ~~bureau~~ State shall regulate the wholesale and retail prices
9 of all ~~liquor~~ spirits sold by a person awarded a contract in accordance with this section.

10 **Sec. 59. 28-A MRSA §123, sub-§2**, as amended by PL 2013, c. 368, Pt. V, §24,
11 is further amended to read:

12 **2. Sale of spirits and fortified wine for off-premises consumption off the**
13 **premises on days other than Sunday.** Shall this municipality authorize the State to
14 permit the ~~operation of agency liquor stores~~ sale of spirits for off-premises consumption
15 on days other than Sunday?

16 **Sec. 60. 28-A MRSA §123, sub-§4**, as amended by PL 2013, c. 368, Pt. V, §25,
17 is further amended to read:

18 **4. Sale of spirits and fortified wine for off-premises consumption off the**
19 **premises on Sundays.** Shall this municipality authorize the State to permit the ~~operation~~
20 ~~of agency liquor stores~~ sale of spirits for off-premises consumption on Sundays?

21 **Sec. 61. 28-A MRSA §124, sub-§1**, as amended by PL 2001, c. 471, Pt. B, §14,
22 is further amended to read:

23 **1. Determination vote.** If the results of an election held under section 121 ~~or 122~~
24 show that:

- 25 A. A majority of the votes cast in any municipality on any local option question is in
26 the affirmative, the bureau may issue licenses of the type authorized by the
27 affirmative vote in that municipality;
- 28 B. A majority of the votes cast in any municipality on any local option question is in
29 the negative, the bureau may not issue licenses of the type denied by the negative
30 vote in that municipality; or
- 31 C. The vote is tied on any local option question, the law remains as it was before the
32 voting.

33 **Sec. 62. 28-A MRSA §161, sub-§7**, as repealed and replaced by PL 2003, c. 510,
34 Pt. E, §5, is amended to read:

35 **7. Right of access.** ~~Every~~ A bottle club shall allow law enforcement officers to enter
36 the bottle club premises at reasonable times for the purpose of investigating compliance
37 with this Title.

1 A. Entry into the bottle club premises under this subsection must be conducted in a
2 reasonable manner so as not to disrupt the operation of the bottle club.

3 B. The investigation must be limited to those areas involved in the actual operation
4 of the bottle club, including storage areas.

5 C. The following penalties apply to violations of this subsection.

6 (1) A bottle club that violates this subsection commits a civil violation for which
7 a fine of not less than \$100 and not more than \$300 may be adjudged.

8 (2) A bottle club that violates this subsection after having previously violated
9 this section commits a civil violation for which a fine of not less than \$200 and
10 not more than \$500 may be adjudged.

11 (3) A bottle club that violates this subsection after having previously violated
12 this section 2 or more times commits a civil violation for which a fine of \$500
13 may be adjudged.

14 **Sec. 63. 28-A MRSA §353**, as amended by PL 2015, c. 74, §3, is further amended
15 to read:

16 **§353. Business hours**

17 Agency liquor stores may be open for the sale and delivery of spirits ~~and fortified~~
18 ~~wine between the hours of 5 a.m. and 1 a.m. as provided in section 4, subsection 1 in~~
19 ~~municipalities and unincorporated places that have voted in favor of the operation of~~
20 ~~agency liquor stores~~ sale of spirits for off-premises consumption under local option
21 provisions and in unincorporated places where the sale of liquor for off-premises
22 consumption has been authorized by the county commissioners under section 122.
23 Notwithstanding any local option decisions to the contrary, agency liquor stores may be
24 open from 5 a.m. Sunday to 1 a.m. the ~~next~~ following day.

25 **Sec. 64. 28-A MRSA §353-A**, as amended by PL 2015, c. 74, §4, is repealed.

26 **Sec. 65. 28-A MRSA §451**, as amended by PL 1997, c. 373, §44, is further
27 amended to read:

28 **§451. Agency liquor stores**

29 This chapter governs the issuance of an agency liquor store license and the operation
30 of agency liquor stores licensed pursuant to this Part. The bureau may license and
31 regulate ~~persons~~ a person as an agency liquor stores store on an annual or temporary basis
32 for the purposes of selling liquor in sealed bottles, containers or original packages ~~to be~~
33 ~~consumed off the premises~~ for off-premises consumption.

34 **Sec. 66. 28-A MRSA §453, sub-§1, ¶A**, as amended by PL 1997, c. 373, §46, is
35 further amended to read:

36 A. The proposed agency liquor store is located in a municipality ~~or unincorporated~~
37 ~~place~~ that has voted in favor of ~~the operation of state liquor stores under~~ local option
38 provisions that authorize the sale of spirits, wine and malt liquor for off-premises

1 consumption or the proposed agency liquor store is located in an unincorporated
2 place where the county commissioners have authorized the sale of spirits, wine and
3 malt liquor for off-premises consumption.

4 **Sec. 67. 28-A MRSA §453-B**, as repealed and replaced by PL 2007, c. 117, §1, is
5 repealed.

6 **Sec. 68. 28-A MRSA §453-C, sub-§1**, as repealed and replaced by PL 2013, c.
7 476, Pt. B, §2 and affected by §6, is amended to read:

8 **1. ~~Agent licensed~~ License to resell spirits purchased from the bureau.** An ~~agent~~
9 ~~licensed to~~ agency liquor store may not resell spirits purchased from the bureau ~~or~~
10 ~~through an entity awarded a contract under section 90~~ to a retail licensee licensed for on-
11 premises consumption ~~must be~~ unless the agency liquor store is licensed as a reselling
12 agent under this section. A reselling agent is prohibited from reselling spirits to a retail
13 licensee licensed for on-premises consumption unless the spirits are purchased from the
14 bureau ~~or through an entity awarded a contract under section 90.~~

15 **Sec. 69. 28-A MRSA §455**, as repealed and replaced by PL 2003, c. 20, Pt. SS, §3
16 and affected by §8 and c. 51, Pt. C, §2 and amended by PL 2013, c. 368, Pt. V, §61, is
17 further amended to read:

18 **§455. ~~Liquor for agency liquor stores~~ Purchase of spirits**

19 **1. Agency liquor store purchases.** Agency liquor stores shall buy their ~~liquor~~
20 spirits from the bureau under section 606.

21 **2. Monthly specials.** The bureau may establish monthly specials for all agency
22 liquor stores. ~~The issuance of an agency liquor store license and the operation of agency~~
23 ~~liquor stores licensed pursuant to this Part are governed by this chapter.~~

24 **Sec. 70. 28-A MRSA §457**, as repealed and replaced by PL 2007, c. 117, §2, is
25 amended to read:

26 **§457. Transfer of agency liquor store license**

27 Upon application of a licensee under this chapter, an agency liquor store license must
28 be transferred to a new owner upon the sale of the licensed establishment and payment of
29 the transfer fee required in section ~~453-B~~ 1010-A, subsection 2 if the new owner is
30 eligible under section 601 and the physical premises of the establishment remain
31 unchanged.

32 **Sec. 71. 28-A MRSA §458, sub-§2, ¶A**, as enacted by PL 1991, c. 782, §1, is
33 amended to read:

34 A. The applicant's sales and inventory of ~~liquor~~ spirits;

35 **Sec. 72. 28-A MRSA §458, sub-§2-A**, as enacted by PL 1999, c. 34, §2, is
36 amended to read:

1 **2-A. Review exemptions.** Notwithstanding subsection 2, paragraph C, when
2 considering an application for the renewal of an agency liquor store license, the bureau
3 may not consider minor changes to the placement of ~~liquor spirits~~ inventory if the
4 changes are not for the purposes of marketing beyond those provided in law or ~~agency~~
5 rule or for increasing access by minors but are to address some other ~~liquor spirits~~
6 placement issue that is within the scope of the person's license.

7 **Sec. 73. 28-A MRSA §458, sub-§3**, as amended by PL 1997, c. 373, §50, is
8 further amended to read:

9 **3. Rejection of application; selection of alternate licensee.** If the bureau denies an
10 application for renewal of an agency liquor store license, the bureau may select an
11 alternate licensee in accordance with the criteria set forth in sections 453, ~~and 453-A and~~
12 ~~453-B~~. If the alternate licensee held an agency liquor store license in the past, the bureau
13 may consider any of the applicable criteria set forth in subsection 2 in considering
14 whether to license the alternate agency liquor store.

15 **Sec. 74. 28-A MRSA §459**, as enacted by PL 1993, c. 276, §1, is amended to
16 read:

17 **§459. Delivery of ~~liquor spirits~~ by ~~agency liquor stores~~ reselling agents**

18 ~~Agency liquor stores~~ Reselling agents may deliver ~~liquor spirits~~ to establishments that
19 are licensed to ~~serve liquor on-premises~~ sell spirits for on-premises consumption.

20 **Sec. 75. 28-A MRSA §460, sub-§1**, as amended by PL 2019, c. 79, §1, is further
21 amended to read:

22 **1. Taste testing on agency liquor store premises.** Subject to the conditions in
23 subsections 2 and 2-A, the bureau may authorize an agency liquor store stocking at least
24 100 different codes of spirits products to conduct taste testing of spirits on that licensee's
25 premises. ~~Any~~ An agency liquor store may not allow any other consumption of liquor on
26 ~~an~~ the agency liquor store's premises ~~is prohibited~~, except as permitted under section
27 ~~1205, 1207, 1208, 1402-A or 1504~~ 1206.

28 **Sec. 76. 28-A MRSA §460, sub-§2, ¶P** is enacted to read:

29 P. Spirits may be poured for the taste-testing event only by the owner or an employee
30 of the agency liquor store, by a sales representative licensed under section 1502
31 whose name is listed on the request to conduct the taste-testing event as required by
32 subsection 2-A, paragraph D or, if the manufacturer of the spirits being poured is
33 licensed under section 1355-A, by the manufacturer or an employee of the
34 manufacturer.

35 **Sec. 77. 28-A MRSA c. 21 headnote** is amended to read:

36 **CHAPTER 21**

37 **WHOLESALE ~~LIQUOR~~ SPIRITS PROVIDER**

1 **Sec. 78. 28-A MRSA §501**, as amended by PL 2013, c. 269, Pt. C, §9 and
2 affected by §13, is repealed.

3 **Sec. 79. 28-A MRSA §502**, as enacted by PL 2003, c. 20, Pt. SS, §4 and affected
4 by §8 and c. 51, Pt. C, §2, is repealed and the following enacted in its place:

5 **§502. Wholesale spirits provider; prohibited financial interests**

6 The wholesale spirits provider and each principal officer of the wholesale spirits
7 provider may not hold or possess:

8 **1. Agency liquor store license.** An agency liquor store license;

9 **2. License to manufacture liquor.** A license in this State or another state to
10 manufacture liquor; or

11 **3. Direct financial interest in prohibited license.** A direct financial interest in a
12 license described in subsection 1 or 2.

13 **Sec. 80. 28-A MRSA §503**, as amended by PL 2013, c. 269, Pt. C, §10 and
14 affected by §13, is repealed and the following enacted in its place:

15 **§503. Delivery of spirits by wholesale spirits provider**

16 **1. Authorized delivery to agency liquor stores.** The wholesale spirits provider
17 may deliver to an agency liquor store spirits that the agency liquor store purchased from
18 the bureau.

19 **2. Delivery to on-premises retail licensees prohibited.** The wholesale spirits
20 provider may not deliver spirits to establishments licensed by the State to sell spirits for
21 on-premises consumption.

22 **Sec. 81. 28-A MRSA §601**, as amended by PL 2017, c. 167, §10, is further
23 amended to read:

24 **§601. Eligibility**

25 **1. Eligibility qualifications.** The bureau may not issue a license or certificate of
26 approval to an applicant unless that applicant meets the following qualifications.

27 A. If the applicant is an individual, the applicant must be:

28 (1) At least 21 years of age; and

29 (2) A citizen of the United States.

30 B. If the applicant is a partnership or association, each ~~person~~ individual having an
31 interest in the partnership or association must be:

32 (1) At least 21 years of age; and

33 (2) A citizen of the United States.

1 C. If the applicant is a corporation, it must be incorporated under the laws of the
2 State or authorized to transact business in the State.

3 D. If the applicant has an existing business, the applicant must be currently in
4 compliance with all license, permit and approval requirements under Title 22 and
5 under any rules adopted pursuant to Title 22 that apply to the applicant's existing
6 business.

7 **2. Disqualifications.** The bureau may not issue a license or certificate of approval to
8 an applicant if:

9 A. Any of the principal officers of the corporation is not personally eligible because
10 that officer has had a license or certificate of approval for the sale of liquor revoked
11 under chapter 33, if the applicant is a corporation;

12 B. The applicant held a license or certificate of approval that was revoked for a
13 specific period under chapter 33 and the applicant is applying for a license or
14 certificate of approval within that period since revocation;

15 C. The applicant, ~~who that~~ was not at the time of the offense the holder of a liquor
16 license or a certificate of approval, was convicted of violating any laws of the State or
17 the United States with respect to manufacture, transportation, importation, possession
18 or sale of liquor within 5 years of applying for the license or certificate of approval.
19 For the purposes of this paragraph, ~~any~~ a person ~~who that~~ sells liquor of a greater
20 alcohol content than authorized by that person's license or certificate of approval is
21 not considered the holder of a license or a certificate of approval;

22 D. The applicant was convicted of selling liquor illegally on Sunday while an
23 employee or agent of a licensee within 5 years of applying for the license or
24 certificate of approval;

25 E. The applicant's license or certificate of approval expired pending an appeal from
26 conviction of illegally selling liquor on Sunday within 5 years of applying for the
27 license or certificate of approval;

28 F. The applicant is a law enforcement officer or if a law enforcement officer ~~benefits~~
29 would benefit directly from the issuance of the license or certificate of approval;

30 G. The applicant was denied a license or certificate of approval within the 6 months
31 before the application was filed, unless the bureau's denial of the license or certificate
32 of approval is overruled by the court under an appeal provided by section 805;

33 H. The applicant is the ~~husband, wife, father, mother~~ spouse, parent, child or other
34 close relation of a person whose license or certificate of approval or application for a
35 license or certificate of approval for the same premises was revoked by the District
36 Court ~~Judge~~ or denied by the bureau within the 6 months before the application was
37 filed;

38 I. The bureau determines that the purpose of the application is to circumvent the
39 provisions of this section; or

40 J. The applicant is a golf course or a restaurant located on the property of a golf
41 course and the Maine Human Rights Commission has found reasonable grounds to
42 believe that the golf course has denied membership to a person in violation of Title 5,

1 chapter 337, subchapter 5, and has determined that conciliation efforts under Title 5,
2 section 4612, subsection 3 have not succeeded. The Maine Human Rights
3 Commission shall notify the bureau when the golf course has corrected its
4 discriminatory membership practices, after which the applicant ceases to be
5 disqualified under this paragraph.

6 **Sec. 82. 28-A MRSA §602**, as amended by PL 1997, c. 373, §53, is further
7 amended to read:

8 **§602. Notification of license or certificate of approval expiration**

9 **1. Seven-day grace period upon license or certificate of approval expiration.**
10 Except as provided in subsection 3, a ~~license holder who~~ licensee that unintentionally
11 fails to renew ~~any~~ a license or certificate of approval upon its expiration date and
12 continues to make sales of liquor is not chargeable with illegal sales under section 2078
13 for a period of 7 days following the expiration date.

14 **2. Bureau must notify licensee of expiration.** The bureau shall notify the licensee
15 by the most expedient means available that the license or certificate of approval has
16 expired and all sales of liquor must be suspended immediately and remain suspended
17 until the license or certificate of approval is properly renewed.

18 **3. Illegal sales after expiration of grace period or after notice.** A licensee that
19 continues to make sales of liquor after having been properly notified of the expired
20 license ~~shall~~ or certificate of approval must be charged with illegal sales under section
21 2078.

22 **Sec. 83. 28-A MRSA §604**, as amended by PL 2011, c. 535, §3, is further
23 amended to read:

24 **§604. Production of licenses or certificates of approval**

25 ~~All licensees~~ A licensee shall make available for inspection ~~their~~ its licenses or
26 certificates of approval at ~~the~~ any premises in the State to which those licenses or
27 certificates of approval apply.

28 **Sec. 84. 28-A MRSA §605, first ¶**, as amended by PL 2015, c. 185, §2, is further
29 amended to read:

30 Except as otherwise provided in this section and section 608, a license or any interest
31 in a license may not be sold, transferred, assigned or otherwise subject to control by any
32 person other than the licensee. If the business, or any interest in the business, in
33 connection with which a licensed activity is conducted is sold, transferred or assigned, the
34 license holder shall immediately send to the bureau the license and a sworn statement
35 showing the name and address of the purchaser. The bureau is not required to refund any
36 portion of the license fee if the license is surrendered before it expires. For the purposes
37 of this section, neither a tenant ~~brewer who~~ brewery that is licensed in accordance with
38 section 1355-A, subsection 6 nor a tenant winery ~~who~~ that is licensed in accordance with
39 section 1355-A, subsection 7 is considered to be subject to the control of the host ~~brewer~~
40 brewery or host winery, as the case may be, as described in those subsections, or

1 considered to have been transferred or assigned the license or interest in the license of the
2 host ~~brewer~~ brewery or host winery.

3 **Sec. 85. 28-A MRSA §605, sub-§2, ¶A**, as amended by PL 1997, c. 373, §56
4 and PL 1999, c. 547, Pt. B, §78 and affected by §80, is further amended to read:

5 A. Personal representatives, receivers or trustees may operate the premises
6 themselves or through a manager for a year from the date of their appointment for the
7 benefit of the estate.

8 (1) The license must be renewed upon the expiration date at the regular license
9 fee.

10 (2) If the license or renewed license is not transferred within one year from the
11 date of appointment, it becomes void and must be returned to the bureau for
12 cancellation.

13 (3) Any suspension or revocation of the license by the District Court ~~Judge~~
14 for any violation applies against both the manager and the personal representative,
15 receiver or trustee.

16 (4) ~~No~~ A personal representative, receiver, trustee or duly appointed manager
17 may not operate under the license unless approved by the bureau.

18 **Sec. 86. 28-A MRSA §605, sub-§3, ¶A**, as enacted by PL 1987, c. 45, Pt. A, §4,
19 is amended to read:

20 A. Guardians and conservators, except in the case of ~~off-premise~~ off-premises retail
21 licensees approved by the municipal officers in their municipality, may not transfer
22 their wards' licenses and ~~must~~ shall renew licenses each year.

23 **Sec. 87. 28-A MRSA §606**, as amended by PL 2019, c. 404, §§7 to 11, is further
24 amended to read:

25 **~~§606. Liquor bought~~ Spirits purchased from bureau; sale to government agencies**

26 **1. Purchase of ~~liquor~~ spirits.** Subject to the restrictions provided in subsection 1-A,
27 a person licensed to sell spirits for on-premises consumption ~~must~~ shall purchase spirits
28 from an agency liquor store licensed as a reselling agent ~~under section 453-C~~. This
29 subsection does not apply to public service corporations operating interstate.

30 **1-A. On-premises licensees; purchase from ~~agency store~~ reselling agent.** A
31 Except for a public service corporation that operates interstate, a person licensed to sell
32 spirits for on-premises consumption on the premises shall purchase spirits from an agency
33 liquor store a reselling agent only, in accordance with this subsection. A licensee that
34 violates this subsection is subject to the administrative penalties provided in section
35 2074-A.

36 A. The sale price of spirits sold by a reselling agent to an establishment licensed for
37 on-premises consumption must be the retail price established by the commission or
38 the discounted retail price established by the bureau in accordance with subsection
39 1-C.

1 B. Upon completion of a transaction, the ~~agency liquor store~~ reselling agent and the
2 on-premises licensee shall each retain a copy of the licensee order form.

3 **1-C. Price of state spirits sales to agency liquor stores.** The bureau may offer
4 discounts below the retail price set by the commission on spirits sold to agency liquor
5 stores.

6 ~~**1-D. Purchase of spirits.** Subject to the restrictions provided in subsection 1-A, a
7 person licensed to sell spirits for on-premises consumption must purchase spirits from a
8 reselling agent. This subsection does not apply to public service corporations operating
9 interstate.~~

10 **3. Prospective licensees may order liquor spirits in advance.** Upon approval of
11 the bureau, ~~persons who have a person that has~~ been issued a license, ~~to sell spirits for on-~~
12 premises or off-premises consumption effective at a future date, may order ~~liquor spirits~~
13 in advance of the effective date of the license and may advertise the effective date.

14 **4-A. Discount rates for agency liquor stores; rulemaking.** Beginning July 1,
15 2014, the bureau shall set the wholesale price of spirits, which is the price an agency
16 liquor store pays to purchase spirits, at a minimum discount of 12% ~~of~~ off the retail price.
17 The bureau may establish discount rates greater than 12%, including graduated discount
18 rates, but those discount rates must be established by rules that ensure that any graduated
19 discount rate is structured in a way that does not adversely affect agency liquor stores that
20 stock a low level of inventory. Rules adopted pursuant to this subsection are routine
21 technical rules as defined in Title 5, chapter 375, subchapter 2-A.

22 **4-B. Discount rate for small distilleries.** Beginning July 1, 2019, the bureau shall
23 set the price of spirits produced by a small distillery licensed under section 1355-A,
24 subsection 5, paragraph B and retained by that small distillery for sale under section
25 1355-A, subsection 5, paragraph G or H at a discount of 22.75% ~~of~~ off the retail price.

26 **5. Sale to government instrumentalities.** The bureau may authorize the sale of
27 spirits to government instrumentalities within the State ~~approved by the bureau.~~ The
28 bureau shall set the price.

29 **6. Sale to airlines and ferry services for consumption outside the State.** The
30 bureau may authorize the sale of spirits ~~not~~ for consumption within outside of the State to
31 airlines and ferry services or their agents ~~as authorized by the bureau.~~ The bureau shall
32 set the price.

33 **6-A. Sale to hospitals and state institutions.** The bureau may authorize the sale of
34 spirits to hospitals and state institutions within the State, for medicinal purposes only.
35 The bureau shall set the price.

36 **7. Premium must be collected.** Nothing in this section permits the sale of spirits
37 without collecting the entire premium assessed under chapter 65.

38 **8. Limits on price.** An agency liquor store shall sell all spirits purchased from the
39 bureau ~~or through an entity awarded a contract under section 90~~ at the retail price
40 established by the commission.

1 **Sec. 88. 28-A MRSA §651**, as amended by PL 1997, c. 373, §§60 and 61, is
2 further amended to read:

3 **§651. Applications**

4 **1. File application with bureau.** An applicant for a ~~liquor~~ license or certificate of
5 approval under this Title shall file an application in the form required by the bureau.

6 **2. Contents of application.** The application must contain the following.

7 A. ~~Each~~ An applicant shall disclose the entire ownership or any interest in the person
8 or establishment for which a license or certificate of approval is sought. If the
9 applicant is a purchaser by contract, the applicant shall also disclose the terms of the
10 contract.

11 B. ~~Every~~ An applicant for a license for the sale of liquor to be consumed on the
12 premises where sold for on-premises consumption shall include in the application a
13 description of the premises to be licensed and provide any other material information,
14 description or plan of that part of the premises where the applicant proposes to keep
15 or sell liquor as the bureau requires.

16 C. The owner or the bona fide prospective purchaser ~~must~~ shall sign the application.
17 If the owner or bona fide prospective purchaser is:

18 (1) A natural person, then that person ~~must~~ shall sign;

19 (2) A partnership, then the partners of the partnership ~~must~~ shall sign; or

20 (3) A corporation, then a principal officer of the corporation or any person
21 specifically authorized by the corporation ~~must~~ shall sign.

22 **3. False answer given intentionally.** ~~Any~~ A person who intentionally gives an
23 untruthful answer in an application for a ~~liquor~~ license or certificate of approval under
24 this Title violates Title 17-A, section 453.

25 **Sec. 89. 28-A MRSA §652**, as amended by PL 2017, c. 167, §11, is further
26 amended to read:

27 **§652. Application procedure**

28 **1. License or certificate of approval fee.** ~~The~~ An applicant ~~must~~ shall enclose the
29 fee for the license or certificate of approval prescribed by ~~chapter 41~~ this Title with the
30 application for the license or certificate of approval.

31 **2. Effective date and term of license or certificate of approval.** All full-year
32 licenses and certificates of approval are effective for one year from the date of issuance.
33 All part-time licenses and certificates of approval are effective for the term of the license
34 or certificate of approval from the date of issuance.

35 **3. Renewal.** Licenses and certificates of approval may be renewed upon application
36 for renewal and payment of the annual fee, subject to bureau rules.

1 **4. Multiple licenses.** ~~Any~~ A licensee applying for a license to operate more than one
2 ~~premise premises~~ shall pay the fee prescribed for the type of license to be exercised at
3 each ~~premise premises~~.

4 **5. Filing fee.** Except as provided in paragraph A, ~~every~~ an applicant for an original
5 or renewal license or certificate of approval shall pay a filing fee of \$10 when filing the
6 application.

7 A. In unincorporated places, the applicant shall pay the filing fee of \$10 to the
8 county treasurer of the county in which the unincorporated place is located. All
9 applications for a license in unincorporated places must be accompanied by evidence
10 of payment of the filing fee to the county treasurer.

11 ~~**6. Public service license.** One public service license is sufficient to cover all
12 steamboats, cars, railroads and aircraft operated by any one public service corporation.~~

13 **Sec. 90. 28-A MRSA §653, sub-§2, ¶G**, as enacted by PL 2009, c. 81, §3, is
14 amended to read:

15 G. After September 1, 2010, server training, in a program certified by the bureau and
16 required by local ordinance, has not been completed by individuals who serve
17 ~~alcoholic beverages~~ liquor.

18 **Sec. 91. 28-A MRSA §705, sub-§1-A, ¶A**, as enacted by PL 2003, c. 349, §2, is
19 amended by amending subparagraph (1) to read:

20 (1) ~~Any~~ An agreement to engage in electronic funds transfer for payment for
21 ~~beer~~ malt liquor or wine between manufacturers, wholesale licensees or retail
22 licensees must be voluntary and in writing. A manufacturer, wholesale licensee
23 or retail licensee may not refuse to do business with or otherwise limit business
24 with another manufacturer, wholesale licensee or retail licensee for declining to
25 pay for ~~beer~~ malt liquor or wine by electronic funds transfer;

26 **Sec. 92. 28-A MRSA §705, sub-§1-B, ¶A**, as enacted by PL 2003, c. 349, §2, is
27 amended to read:

28 A. By a hotel or club to bona fide registered hotel guests or club members,
29 respectively;

30 **Sec. 93. 28-A MRSA §707, sub-§3, ¶B**, as enacted by PL 1987, c. 45, Pt. A, §4,
31 is amended to read:

32 B. Certificate of approval issued to an out-of-state manufacturer or ~~foreign~~ out-of-
33 state wholesaler of malt liquor or wine.

34 **Sec. 94. 28-A MRSA §707, sub-§5, ¶A**, as enacted by PL 1987, c. 342, §42, is
35 amended to read:

36 A. Certificate of approval issued to an out-of-state manufacturer or ~~foreign~~ out-of-
37 state wholesaler of malt liquor;

1 **Sec. 95. 28-A MRSA §707-A, sub-§2**, as enacted by PL 1997, c. 659, §1, is
2 amended to read:

3 **2. Requirements.** The exceptions to section 707 set out in subsection 1 apply only
4 if each of the following requirements is met.

5 A. The hotel must have at least 100 adequate sleeping rooms and the relationship
6 between the occupants of those rooms and the owner or operator of the establishment
7 is that of hotel guest and innkeeper.

8 B. The hotel may not purchase ~~any~~ malt liquor ~~and or~~ wine products sold by the
9 certificate of ~~compliance~~ approval holder to ~~Maine~~ wholesale licensees, ~~nor may and~~
10 the certificate of ~~compliance~~ approval holder may not require any brand of liquor
11 product to be purchased or sold by the hotel.

12 C. ~~Neither the~~ The certificate of approval holder ~~nor and~~ the retail licensee may not
13 directly or indirectly own or have any interest in a ~~Maine~~ wholesale licensee.

14 D. The certificate of ~~compliance~~ approval holder and the retail licensees must be
15 separate entities and may not have any common directors.

16 **Sec. 96. 28-A MRSA §708**, as amended by PL 2019, c. 404, §12, is further
17 amended to read:

18 **§708. Prohibited discounts and rebates**

19 ~~**1. Certificate of approval holders.** A certificate of approval holder may not offer~~
20 ~~to wholesale licensees any special discounts, volume discounts or other reduced prices or~~
21 ~~discounts, except bona fide price reductions under section 1408 offered to all wholesale~~
22 ~~licensees. A certificate of approval holder may offer depletion allowances to wholesale~~
23 ~~licensees if the depletion allowance is posted in accordance with section 1408. Except as~~
24 ~~provided by this section, a certificate of approval holder may not offer any free~~
25 ~~merchandise, rebate or gift to the purchaser of an alcoholic beverage.~~

26 **1-A. Manufacturers and wholesalers of malt liquor or wine.** A licensed in-state
27 manufacturer of malt liquor or wine and an out-of-state manufacturer of or out-of-state
28 wholesaler of malt liquor or wine that has been issued a certificate of approval may not:

29 A. Offer any special discounts, volume discounts or other reduced prices or
30 discounts on malt liquor or wine to a wholesale licensee, except bona fide price
31 reductions under section 1408 offered to all wholesale licensees; or

32 B. Offer depletion allowances to wholesale licensees unless the depletion allowance
33 is posted in accordance with section 1408.

34 **1-B. Certificate of approval holders.** Except as provided in this section, a
35 certificate of approval holder may not offer any free merchandise, rebate, refund or gift to
36 a purchaser of spirits, wine or malt liquor.

37 **2. Wholesale licensees.** A wholesale licensee may not offer to retail licensees any
38 special discounts, volume discounts, depletion allowances, other reduced prices or
39 discounts, or refunds except bona fide price reductions under section 1408 offered to all

1 retail licensees. A wholesale licensee may not offer any free merchandise, rebate, refund
2 or gift to ~~the a~~ purchaser of ~~an alcoholic beverage~~ liquor.

3 **3. Retail licensees.** A retail licensee may not offer any free merchandise, rebate,
4 refund or gift to ~~the a~~ purchaser of ~~any alcoholic beverage~~ liquor.

5 **5. Combination packages.** Notwithstanding subsection 3, agency liquor store
6 licensees may offer for sale any package or combination of packages of spirits that the
7 commission has approved for sale in ~~this~~ the State.

8 **6. Marketing and mail-in promotions.** Upon approval by the commission,
9 promotional materials designed to encourage a consumer to purchase a spirits product to
10 be attached to or displayed near the spirits product where it is offered for sale for off-
11 premises consumption may be offered by those whose spirits products are listed by the
12 commission. Upon approval by the commission, a mail-in rebate may be provided to
13 consumers through print or electronic media, attached to the spirits product or displayed
14 near the spirits product where the spirits product is offered for sale for off-premises
15 consumption. Mail-in rebates approved by the commission must be redeemed by the
16 manufacturer and not by the retail licensee and may not exceed the purchase price of the
17 spirits product. Mail-in rebates authorized by this subsection must require the inclusion
18 of the original dated sales receipt for the spirits product to which the rebate is applied.
19 The commission may approve mail-in rebates that offer an incrementally greater discount
20 based upon increased volume of purchased product. Mail-in rebates, certificates or
21 merchandise included with a spirits product must be inserted in the package or attached to
22 the package by the manufacturer.

23 **7. Instant marketing promotions.** The bureau, a manufacturer or a spirits supplier
24 ~~of spirits listed for sale by the commission~~ may offer monetary rebates in the form of
25 instant redeemable coupons as approved by the commission in accordance with
26 conditions established by the commission or rules established by the bureau. Agency
27 liquor store licensees may redeem the coupons only upon proof of purchase and in
28 accordance with the terms listed on the coupon. Instant redeemable coupons provided by
29 the manufacturer's agent or manufacturer's sales representative must be made available to
30 all agency liquor store licensees electing to offer the coupon in an amount equal to the
31 agency liquor store's inventory of spirits products that are subject to the coupon
32 promotion. The bureau, the manufacturer or the spirits supplier ~~of spirits~~ may offer
33 instant redeemable coupons to consumers through the bureau's, the manufacturer's or the
34 spirits supplier's publicly accessible website, other digital media platforms or print media.
35 An instant redeemable coupon used in a manner provided in this subsection for a spirits
36 product sold by an agency liquor store licensee to a consumer is for the benefit of the
37 consumer who purchases the spirits product.

38 This section does not prohibit a certificate of approval holder from including a
39 certificate, instant redeemable coupon or merchandise in or on a package of ~~beer~~ malt
40 liquor, wine or low-alcohol spirits product for sale by an ~~off-premise~~ off-premises
41 retailer. The package containing the certificate, instant redeemable coupon or
42 merchandise must be packaged by the certificate of approval ~~holders~~ holder at the
43 brewery or winery. Upon approval of the bureau, a certificate of approval holder may
44 offer a mail-in rebate for a malt liquor, wine or low-alcohol spirits product for consumers

1 through print or electronic media, attached to the package of malt liquor, wine or low-
2 alcohol spirits product or displayed near where the malt liquor, wine or low-alcohol
3 spirits product is offered for sale for off-premises consumption. Mail-in rebates
4 authorized by this paragraph must require the inclusion of the original dated sales receipt
5 for the product to which the rebate is applied. ~~Mail-in rebates~~, must be redeemed by the
6 certificate of approval holder and may not exceed the purchase price of the malt liquor,
7 wine or low-alcohol spirits product to which the rebate is applied. The commission may
8 approve mail-in rebates that offer an incrementally greater discount based upon increased
9 volume of purchased product.

10 This section does not prohibit the unconditional distribution of merchandise to the
11 patrons of an ~~on-premise~~ on-premises establishment.

12 **Sec. 97. 28-A MRS §708-A**, as amended by PL 2003, c. 192, §1, is further
13 amended to read:

14 **§708-A. In-pack sweepstakes, contests and games**

15 Notwithstanding any provision of law to the contrary, a certificate of approval holder,
16 spirits supplier, wholesale licensee or retail licensee may offer sweepstakes, games and
17 contests inside packages of ~~alcoholic beverages~~ liquor, if that offer is not contingent on
18 the purchase of ~~an alcoholic beverage~~ liquor. ~~A~~ The certificate of approval holder, spirits
19 supplier, wholesale licensee or retail licensee shall provide information about access to
20 participate in a sweepstakes, game or contest by providing either a sign in the retail outlet
21 or a notice on the primary or secondary packaging of the brand offering the sweepstakes,
22 game or contest.

23 **Sec. 98. 28-A MRS §708-C**, as amended by PL 2019, c. 404, §13, is further
24 amended to read:

25 **§708-C. Donations to public broadcasting stations, municipal entities, incorporated**
26 **civic organizations and national organizations**

27 **1. Donations for an auction or award.** ~~A person licensed by the bureau under~~
28 ~~section 1355-A, a~~ certificate of approval holder, ~~a manufacturer or supplier of spirits or a~~
29 spirits supplier or ~~a wholesaler~~ wholesale licensee may donate a certificate to purchase its
30 product or donate its product to a public broadcasting station, a municipal entity, an
31 incorporated civic organization or a similarly purposed national organization designated
32 by the United States Internal Revenue Service under the United States Internal Revenue
33 Code of 1986, Section 501(c)(3) for the purpose of an auction or to offer as a prize, gift or
34 award in conjunction with efforts to support the purposes of the incorporated civic
35 organization, similarly purposed organization, municipal entity or public broadcasting
36 station. Spirits donated in accordance with this subsection must be listed by the
37 commission for sale in this State, clearly labeled as a donation and purchased from the
38 ~~State's~~ State's wholesale ~~liquor~~ spirits provider at the wholesale price. A person authorized to
39 make a donation in accordance with this subsection shall maintain a record of each
40 donation, including the value of the donation and the date on which it was made. A
41 recipient of a donation under this subsection must be 21 years of age or older.

1 **2. Donations for consumption at on-premises events.** A person licensed by the
2 bureau under section 1355-A, a certificate of approval holder, a manufacturer or supplier
3 of spirits a spirits supplier or a wholesaler wholesale licensee may donate its product or
4 provide malt liquor, wine, or spirits ~~or fortified wine~~ at a reduced price to a person
5 licensed by the bureau to serve liquor for on-premises consumption at an event designed
6 to benefit a municipal entity, an incorporated civic organization or a similarly purposed
7 national organization designated by the United States Internal Revenue Service under the
8 United States Internal Revenue Code of 1986, Section 501(c)(3). Spirits donated in
9 accordance with this subsection must be listed by the commission for sale in this State,
10 clearly labeled as a donation and purchased from the ~~State's~~ wholesale liquor spirits
11 provider at the wholesale price. A person authorized to make a donation or offer its
12 product at a reduced price under this subsection shall maintain a record of the products
13 donated or offered, including the value of each, the reduced price when applicable and the
14 date on which the product was provided. All applicable excise taxes on donated malt
15 liquor, wine, or spirits ~~and fortified wine~~ must be remitted as required by this Title. A
16 licensee ~~provided that receives~~ product in accordance with this subsection:

17 A. Shall maintain a record of each product received and the date on which it was
18 received;

19 B. Shall maintain a record of the name of the municipal entity, incorporated civic
20 organization or similarly purposed national organization the event was designed to
21 benefit and for which the product is provided;

22 C. Shall ensure that the product provided is served only at the event designed to
23 benefit the municipal entity, incorporated civic organization or similarly purposed
24 national organization;

25 D. Shall ensure that excess product that was donated for the event is returned to the
26 donor within a reasonable period after the event; and

27 E. Shall ensure that containers holding donated product are returned to the donor for
28 recycling as appropriate and not presented for redemption under ~~Title 32, chapter 28~~
29 Title 38, chapter 33.

30 For purposes of this section, "municipal entity" means a county, city, town or
31 municipal agency or department.

32 **Sec. 99. 28-A MRSA §709, sub-§2, ¶F**, as enacted by PL 1987, c. 45, Pt. A, §4,
33 is amended to read:

34 F. ~~Those licensed as bona fide Licensed hotels or bed and breakfasts offering room~~
35 services service to registered hotel guests or bed and breakfast guests, respectively;

36 **Sec. 100. 28-A MRSA §709, sub-§2, ¶I**, as repealed and replaced by PL 2011, c.
37 629, §14, is amended to read:

38 I. Conducting taste testing under section 460, 1051, 1205, 1207, 1368 or ~~1355-A~~
39 1402;

40 **Sec. 101. 28-A MRSA §709, sub-§2, ¶J**, as amended by PL 2015, c. 142, §1 and
41 c. 214, §4, is further amended to read:

1 J. Providing samples authorized under section 1055, 1355-A, 1402, 1402-A or 1504;

2 **Sec. 102. 28-A MRSA §709, sub-§2, ¶K,** as repealed and replaced by PL 2015,
3 c. 494, Pt. A, §32, is amended to read:

4 K. Donations authorized under section 708-C; or

5 **Sec. 103. 28-A MRSA §709, sub-§2, ¶L,** as repealed and replaced by PL 2015,
6 c. 494, Pt. A, §33, is repealed.

7 **Sec. 104. 28-A MRSA §712,** as amended by PL 2017, c. 167, §13, is further
8 amended by amending the section headnote to read:

9 **§712. Advertising or sale of ~~malt liquor or wine~~ by trade name**

10 **Sec. 105. 28-A MRSA §713, sub-§3,** as enacted by PL 1987, c. 45, Pt. A, §4, is
11 amended to read:

12 **3. Sale from truck by wholesale licensee.** A wholesale licensee, ~~his or an~~ agent or
13 employee, ~~of the wholesale licensee~~ may travel from town to town or from place to place
14 in the same town selling, or carrying for sale or exposing for sale, malt liquor or wine
15 from ~~its~~ a vehicle only if the wholesale licensee, ~~his~~ agent or employee ~~has in his~~
16 possession possesses on the vehicle a manifest bearing a detailed description of the total
17 amount of malt liquor or wine on the vehicle and invoices, as required, as well as invoices
18 drawn up at the time of delivery.

19 **Sec. 106. 28-A MRSA §714, sub-§3,** as amended by PL 2019, c. 46, §4, is
20 further amended to read:

21 **3. Tagging requirement.** The sale of malt liquor in kegs is subject to the following.

22 A. Every keg of malt liquor offered for sale by an off-premises retail licensee,
23 referred to in this subsection as "the seller," must be tagged in a manner approved by
24 the commissioner identifying the keg and be labeled in accordance with the
25 requirements of section 6-A. The tag must be supplied for each keg, without fee, by
26 the wholesaler of the keg or the small brewer of brewery that produced the keg.

27 B. The ~~retail~~ seller of the keg shall complete a form designed and approved by the
28 commissioner and affix the tag to each keg supplied to the retail seller by the
29 distributor of the keg. The form must be printed and distributed, without fee, by the
30 wholesaler of the keg or the small brewer of brewery that produced the keg. The
31 form must include the name, address and date of birth of the purchaser and the
32 identification number of the keg. The form must summarize the requirements of this
33 section, the penalties for violating any provision of this section and the penalties for
34 providing alcohol to a minor. The seller shall retain the form as a record subject to
35 chapter 31.

36 C. The seller of the keg shall require positive identification of the purchaser.

1 D. The seller of the keg may require a deposit of up to \$50 from the purchaser of the
2 keg, regardless of the size of the keg. The seller shall refund the deposit to a person
3 who returns a properly tagged keg purchased from that seller.

4 E. The seller shall inform the purchaser that if the tag is defaced or missing when the
5 keg is returned ~~without the original numbered band intact~~, the deposit is forfeited.

6 F. The seller may retain ~~any~~ a deposit forfeited and use the funds forfeited for local
7 school-based alcohol education programs or for any other purpose.

8 **Sec. 107. 28-A MRSA §751, sub-§1, ¶E**, as enacted by PL 1993, c. 266, §20, is
9 amended to read:

10 E. In the case of an ~~on-premise~~ on-premises licensee, records of food purchases.

11 **Sec. 108. 28-A MRSA §751, sub-§3**, as repealed and replaced by PL 1987, c.
12 623, §10, is further amended to read:

13 **3. ~~On-premise~~ On-premises retail licensee to keep records of sales separate.** An
14 ~~on-premise~~ on-premises retail licensee shall separate liquor sales from food sales by the
15 licensee in the licensee's records.

16 **Sec. 109. 28-A MRSA §752, sub-§1, ¶B**, as enacted by PL 1987, c. 45, Pt. A,
17 §4, is amended to read:

18 B. Including detailed accounts of all its transactions with ~~brewers~~ breweries,
19 wineries, other wholesalers and retailers.

20 **Sec. 110. 28-A MRSA §801**, as amended by PL 1999, c. 547, Pt. B, §78 and
21 affected by §80, is further amended to read:

22 **§801. Jurisdiction of District Court Judge**

23 **1. Jurisdiction.** The District Court ~~Judge~~, as designated in Title 5, chapter 375, shall
24 conduct hearings on all matters concerning violations by licensees and their agents or
25 employees of any federal or state law or regulation relating to liquor or violations of any
26 rule adopted by the bureau. Notwithstanding Title 5, chapter 375, subchapter ~~VI~~ 6, the
27 District Court ~~Judge~~ has exclusive jurisdiction over all violations of this Title by licensees
28 and their agents or employees when no criminal penalty is provided.

29 **2. Powers.** The District Court ~~Judge~~ may suspend or revoke licenses and certificates
30 of approval of licensees and levy fines or civil forfeitures against licensees and their
31 agents or employees.

32 **Sec. 111. 28-A MRSA §802**, as amended by PL 1999, c. 547, Pt. B, §78 and
33 affected by §80, is further amended to read:

34 **§802. Causes for revocation and suspension of licenses and certificates of approval**

35 The District Court ~~Judge~~ may revoke or suspend licenses and certificates of approval
36 for the following causes:

1 **1. Violation of law or infraction of rule.** Violation of ~~any~~ a federal or state law,
2 rule or regulation relating to liquor or substantial infraction of ~~any~~ a rule adopted by the
3 bureau.

4 A. This subsection does not require the District Court ~~Judge~~ to hold licenses ~~who~~
5 that sold liquor to minors who furnished fraudulent proof of age liable
6 administratively;

7 **2. False material statement.** Knowingly making a false material statement of fact
8 in the application for the license or certificate of approval; and

9 **3. Failure to maintain requirements.** Failure to have and maintain throughout the
10 entire license or certificate of approval period all of the requirements of definitions, laws
11 and rules necessary to qualify for a license or certificate of approval.

12 A. For this offense the District Court ~~Judge~~ may suspend licenses or certificates of
13 approval for an indefinite period of time until the District Court ~~Judge~~ is satisfied that
14 the licensee has conformed to all applicable qualifications ~~required for licensing~~.

15 **Sec. 112. 28-A MRSA §803**, as amended by PL 2013, c. 476, Pt. A, §§22 to 24, is
16 further amended to read:

17 **§803. Revocation or suspension procedure**

18 **1. Violation of law or rule.** Upon discovering a violation of federal or state law,
19 rule or regulation relating to liquor, or an infraction of a rule adopted by the bureau, the
20 director of the bureau, or the director's designee, shall:

21 A. Report the violation to the District Court ~~Judge~~ in a signed complaint; or

22 B. Issue warnings to the licensees involved.

23 **2. Notice and hearing.** Except as provided under subsection 6, upon receipt of a
24 signed complaint prepared under subsection 1, paragraph A, notice must be provided and
25 a hearing must be held according to the following procedures.

26 A. The director of the bureau or the director's designee shall notify the licensee or the
27 licensee's agent or employee by serving on the licensee or the licensee's agent or
28 employee a copy of the complaint and a notice stating the time and place of the
29 hearing and that the licensee or the licensee's agent or employee may appear in
30 person or by counsel at the hearing. Service of the complaint and hearing notice
31 upon the licensee is sufficient when served in hand by the director's designee or when
32 sent by registered or certified mail at least 7 days before the date of the hearing to the
33 address given by the licensee at the time of the licensee's application for a license or
34 certificate of approval. Service of the complaint and hearing notice upon a licensee's
35 agent or employee is sufficient when served in hand by the director's designee or
36 when sent by registered or certified mail at least 7 days before the date of the hearing
37 to the address given by the agent or employee at the time the agent or employee was
38 initially notified by the bureau of the violation. The director or the director's designee
39 shall file proof of service with the District Court.

1 B. The District Court shall conduct a hearing limited to the facts, the law and rules of
2 the bureau, as specified in the complaint.

3 C. The District Court shall conduct the hearing in the following manner.

4 (1) The District Court may administer oaths to witnesses and issue subpoenas at
5 the request of any party, including subpoenas to compel the attendance of parents
6 and legal guardians of unemancipated minors.

7 (a) The bureau shall pay to the witnesses the legal fees for travel and
8 attendance, except that, notwithstanding Title 16, section 253, the bureau is
9 not required to pay the fees before the travel and attendance occur.

10 (2) Hearsay testimony is not admissible during the hearing. The licensees,
11 agents or employees named in the complaint have the right to have all witnesses
12 testify in person at the hearing.

13 (3) The District Court shall conduct hearings in one or more designated places
14 that are the most convenient and economical for all parties concerned in the
15 hearing.

16 D. The District Court shall render a decision in each case, based upon the facts, the
17 law and the rules of the bureau. The findings must specify the facts found and the
18 law or rules found to be violated.

19 **3. Suspension of penalty; place case on file.** After hearing, the District Court
20 Judge may:

21 A. Suspend a penalty; or

22 B. Place a case on file instead of imposing ~~any~~ a penalty.

23 **4. Application of suspension or revocation.** A suspension or revocation applies to
24 premises and persons in the following manner.

25 A. If a licensee is directly or indirectly interested in more than one license or
26 certificate of approval, suspensions apply only to the ~~premise~~ premises where the
27 violation occurs.

28 B. If a licensee is interested directly or indirectly in more than one license or
29 certificate of approval, the District Court Judge may order that a revocation apply to
30 any of those premises.

31 C. If the licensee is a corporation, the District Court Judge shall treat the officers,
32 directors and substantial stockholders as individuals.

33 **5. Term of suspension or revocation.** Except as provided by section 802,
34 subsection 3, suspensions must be for a definite period of time. If the District Court
35 Judge revokes a license or certificate of approval, the District Court Judge shall specify
36 that the bureau may not issue a license or certificate of approval to the person whose
37 license or certificate of approval is revoked for a period of not less than one year nor
38 more than 5 years from the date of revocation.

1 **6. Warnings.** Upon the written recommendation of the director of the bureau, or the
2 director's designee, the District Court ~~Judge~~, instead of notifying a licensee against ~~whom~~
3 which a complaint is pending to appear for hearing, may send the licensee a warning.
4 Warnings must be sent by registered or certified mail and contain a copy of the
5 complaint. A licensee to ~~whom~~ which a warning is sent may demand a hearing by
6 notifying the District Court ~~Judge~~ by registered or certified mail within 10 days from the
7 date the warning was mailed.

8 **7. License or certificate of approval subsequent to violation.** If ~~violations a~~
9 violation by licensees ~~occur in one year's license period and remain a licensee remains~~
10 undiscovered during the one-year period of the license or certificate of approval or carry
11 over into the next license year continues after the licensee's license or certificate of
12 approval has been renewed, pending investigation or final disposition either in criminal
13 courts or before the District Court Judge, any the license or certificate of approval issued
14 for a new license year subsequent to the violation may be suspended or revoked by the
15 District Court Judge.

16 **8. Fines.** Notwithstanding any ~~other provisions~~ provision of this Title to the
17 contrary, the District Court ~~Judge~~ may impose a fine of a specific sum on a licensee or the
18 licensee's agent or employee, of not less than \$50 nor more than \$1,500, for any one
19 offense. Such a fine may be imposed instead of or in addition to any suspension or
20 revocation of a license or certificate of approval by the court.

21 A. The District Court ~~Judge~~ shall maintain a record of all fines received by the court
22 and shall pay the fines into the General Fund by the 15th day of each month.

23 **9. Offer in compromise.** Notwithstanding any ~~other provisions~~ provision of this
24 Title to the contrary, the District Court ~~Judge~~ may accept from ~~any~~ a wholesale licensee
25 or certificate of approval holder under this Title an offer in compromise in lieu of
26 suspension of ~~any~~ a wholesale license or certificate of approval suspended by the District
27 Court ~~Judge~~.

28 A. A wholesale licensee or certificate of approval holder may petition the District
29 Court ~~Judge~~ to accept an offer in compromise within 10 days following receipt of
30 notice of the suspension.

31 B. The fine in lieu of suspension, when an offer in compromise is accepted by the
32 District Court ~~Judge~~, shall must be calculated in accordance with the following
33 formula: 50% of the daily gross profit multiplied by the number of days of license
34 suspension, except that the fine may not be less than \$75 for each day of license
35 suspension or more than \$1,500 for any one offense. For purposes of this paragraph,
36 "daily gross profit" means 1/30 of the total gross receipts from the sale of liquor
37 during the 30 business days immediately before the date of receipt of the notice of the
38 license suspension, less the invoice cost of the liquor sold by the wholesale licensee
39 or certificate of approval holder during those 30 business days.

40 ~~(1) Fifty percent of the daily gross profit multiplied by the number of license~~
41 ~~suspension days. Daily gross profit shall be determined to be 1/30 of the total~~
42 ~~gross receipts from the sale of liquor during the 30 business days immediately~~
43 ~~before the date of receipt of the notice of the license suspension, less the invoice~~

1 cost of the liquor which was sold by the wholesale licensee or certificate of
2 approval holder during those 30 business days;

3 (2) No such fine, in any event, shall be less than \$75 for each day of license
4 suspension; and

5 (3) The fine must not exceed \$1,500 for any one offense.

6 C. The wholesale licensee or certificate of approval holder shall pay the fine to the
7 District Court within 5 days from the date of the acceptance of the offer in
8 compromise. The District Court Judge shall then pay the fine into the General Fund.

9 D. If a wholesale licensee or certificate of approval holder fails to pay the fine in full
10 within the time period allowed in this subsection, the suspension of license or
11 certificate of approval begins on the following day.

12 **Sec. 113. 28-A MRSA §804**, as amended by PL 1999, c. 547, Pt. B, §78 and
13 affected by §80, is further amended to read:

14 **§804. Record of proceedings and transcript**

15 The District Court Judge shall keep a full and complete record of all proceedings on
16 the revocation and suspension of any a license or certificate of approval issued by the
17 bureau. The District Court Judge is not required to have a transcript of the testimony
18 prepared unless required for rehearing or appeal.

19 **Sec. 114. 28-A MRSA §805**, as amended by PL 2011, c. 559, Pt. A, §32, is
20 further amended to read:

21 **§805. Appeal from decision of District Court Judge or bureau**

22 **1. Aggrieved person may appeal within 30 days.** Any A person aggrieved by the
23 decision of the District Court Judge in revoking or suspending any license or certificate of
24 approval issued by the bureau or by refusal of the bureau to issue any a license applied
25 for or certificate of approval may, within 30 days of the decision or refusal, appeal to the
26 Superior Court by filing a complaint.

27 A. The 30-day period for appeal begins on:

28 (1) In the case of license revocation or a suspension or revocation, the effective
29 date of the suspension or revocation; or

30 (2) In the case of refusal by the bureau to issue a license or certificate of
31 approval, on the day when the bureau sends by registered or certified mail notice
32 to the applicant at the address of the applicant's business given in the applicant's
33 application for a license or certificate of approval.

34 B. Filing the complaint in the Superior Court stops the running of the limitation
35 period.

36 **2. Suspension or revocation suspended pending appeal.** The operation of a
37 suspension or revocation of a license or certificate of approval imposed by the District
38 Court ~~shall~~ must be suspended, pending judgment of the Superior Court, if the licensee

1 files an appeal in the Superior Court and notifies the District Court that the appeal has
2 been filed, within 7 days of the mailing of the decision of the District Court by certified
3 mail to the address given by the licensee at the time of the application for a the license or
4 certificate of approval.

5 **4. Superior Court decision.** After the hearing, the Superior Court may affirm,
6 modify or reverse the decision of the District Court ~~Judge~~.

7 **5. Further appeal.** An ~~aggrieved~~ aggrieved person may appeal the Superior Court
8 decision to the Supreme Judicial Court. Upon appeal, the Supreme Judicial Court may,
9 after consideration, reverse or modify any decree made by the Superior Court based upon
10 an erroneous ruling or finding of law.

11 **Sec. 115. 28-A MRSA §1001, sub-§3, ¶A,** as enacted by PL 1987, c. 45, Pt. A,
12 §4, is further amended to read:

13 A. ~~Airlines~~ Airline corporations;

14 **Sec. 116. 28-A MRSA §1001, sub-§3, ¶E-1** is enacted to read:

15 E-1. Curling centers;

16 **Sec. 117. 28-A MRSA §1001, sub-§3, ¶F,** as amended by PL 1987, c. 342, §57,
17 is repealed.

18 **Sec. 118. 28-A MRSA §1001, sub-§3, ¶I,** as enacted by PL 1987, c. 45, Pt. A,
19 §4, is amended to read:

20 I. Indoor ice skating ~~clubs~~ centers;

21 **Sec. 119. 28-A MRSA §1001, sub-§3, ¶J,** as enacted by PL 1987, c. 45, Pt. A,
22 §4, is amended to read:

23 J. Indoor racquet ~~clubs~~ centers;

24 **Sec. 120. 28-A MRSA §1001, sub-§3, ¶L,** as enacted by PL 1987, c. 45, Pt. A,
25 §4, is amended to read:

26 L. Qualified catering services; ~~and~~

27 **Sec. 121. 28-A MRSA §1001, sub-§3, ¶L-1** is enacted to read:

28 L-1. Railroad corporations; and

29 **Sec. 122. 28-A MRSA §1001, sub-§3, ¶M,** as enacted by PL 1987, c. 45, Pt. A,
30 §4, is amended to read:

31 M. ~~Vessels~~ Vessel corporations.

32 **Sec. 123. 28-A MRSA §1003, sub-§3, ¶A,** as enacted by PL 1987, c. 45, Pt. A,
33 §4, is amended to read:

34 A. ~~Airlines~~ Airline corporations;

1 **Sec. 124. 28-A MRSA §1003, sub-§3, ¶E-1** is enacted to read:

2 E-1. Curling centers;

3 **Sec. 125. 28-A MRSA §1003, sub-§3, ¶F**, as amended by PL 1987, c. 342, §60,
4 is repealed.

5 **Sec. 126. 28-A MRSA §1003, sub-§3, ¶I**, as enacted by PL 1987, c. 45, Pt. A,
6 §4, is amended to read:

7 I. Indoor ice skating ~~clubs~~ centers;

8 **Sec. 127. 28-A MRSA §1003, sub-§3, ¶J**, as enacted by PL 1987, c. 45, Pt. A,
9 §4, is amended to read:

10 J. Indoor racquet ~~clubs~~ centers;

11 **Sec. 128. 28-A MRSA §1003, sub-§3, ¶L**, as enacted by PL 1987, c. 45, Pt. A,
12 §4, is amended to read:

13 L. Qualified catering services; ~~and~~

14 **Sec. 129. 28-A MRSA §1003, sub-§3, ¶L-1** is enacted to read:

15 L-1. Railroad corporations; and

16 **Sec. 130. 28-A MRSA §1003, sub-§3, ¶M**, as enacted by PL 1987, c. 45, Pt. A,
17 §4, is amended to read:

18 M. ~~Vessels~~ Vessel corporations.

19 **Sec. 131. 28-A MRSA §1004, sub-§3, ¶A**, as enacted by PL 1987, c. 45, Pt. A,
20 §4, is amended to read:

21 A. ~~Airlines~~ Airline corporations;

22 **Sec. 132. 28-A MRSA §1004, sub-§3, ¶E-1**, as enacted by PL 1995, c. 558, §3,
23 is amended to read:

24 E-1. Curling ~~clubs~~ centers;

25 **Sec. 133. 28-A MRSA §1004, sub-§3, ¶F**, as amended by PL 1987, c. 342, §62,
26 is repealed.

27 **Sec. 134. 28-A MRSA §1004, sub-§3, ¶I**, as enacted by PL 1987, c. 45, Pt. A,
28 §4, is amended to read:

29 I. Indoor ice skating ~~clubs~~ centers;

30 **Sec. 135. 28-A MRSA §1004, sub-§3, ¶J**, as enacted by PL 1987, c. 45, Pt. A,
31 §4, is amended to read:

32 J. Indoor racquet ~~clubs~~ centers;

1 **Sec. 136. 28-A MRSA §1004, sub-§3, ¶M-1** is enacted to read:

2 M-1. Railroad corporations:

3 **Sec. 137. 28-A MRSA §1004, sub-§3, ¶O**, as enacted by PL 1987, c. 45, Pt. A,
4 §4, is amended to read:

5 O. ~~Vessels~~ Vessel corporations.

6 **Sec. 138. 28-A MRSA §1005, sub-§3, ¶A**, as enacted by PL 1987, c. 45, Pt. A,
7 §4, is amended to read:

8 A. ~~Airlines~~ Airline corporations;

9 **Sec. 139. 28-A MRSA §1005, sub-§3, ¶E-1** is enacted to read:

10 E-1. Curling centers;

11 **Sec. 140. 28-A MRSA §1005, sub-§3, ¶F**, as amended by PL 1987, c. 342, §64,
12 is repealed.

13 **Sec. 141. 28-A MRSA §1005, sub-§3, ¶I**, as enacted by PL 1987, c. 45, Pt. A,
14 §4, is amended to read:

15 I. Indoor ice skating ~~clubs~~ centers;

16 **Sec. 142. 28-A MRSA §1005, sub-§3, ¶J**, as enacted by PL 1987, c. 45, Pt. A,
17 §4, is amended to read:

18 J. Indoor racquet ~~clubs~~ centers;

19 **Sec. 143. 28-A MRSA §1005, sub-§3, ¶M-1** is enacted to read:

20 M-1. Railroad corporations:

21 **Sec. 144. 28-A MRSA §1005, sub-§3, ¶Q**, as enacted by PL 1987, c. 45, Pt. A,
22 §4, is amended to read:

23 Q. ~~Vessels~~ Vessel corporations.

24 **Sec. 145. 28-A MRSA §1007, sub-§3, ¶A**, as amended by PL 1987, c. 342, §68,
25 is further amended to read:

26 A. ~~Off-premise~~ Off-premises retailers with a qualifying stock of groceries,
27 compatible merchandise or combination of both, as described in section 1201,
28 subsections 6 and 7.

29 **Sec. 146. 28-A MRSA §1009, sub-§3, ¶A**, as repealed and replaced by PL 1987,
30 c. 342, §72, is amended to read:

31 A. ~~Off-premise~~ Off-premises retailers with a qualifying stock of groceries,
32 compatible merchandise or combination of both, as described in section 1201,
33 subsections 6 and 7.

1 **Sec. 147. 28-A MRSA §1010-A, sub-§2**, as amended by PL 2011, c. 497, §1, is
2 repealed and the following enacted in its place:

3 **2. Fees.** The fees for a Class VIII license are as follows:

4 A. The initial fee for a Class VIII license is \$2,000;

5 B. The annual renewal fee for a Class VIII license is \$700; and

6 C. The fee to transfer a Class VIII license to a new owner of an agency liquor store
7 in accordance with section 457 is \$2,000.

8 **Sec. 148. 28-A MRSA §1010-A, sub-§3, ¶A**, as enacted by PL 2011, c. 460, §2,
9 is amended to read:

10 A. Agency liquor store licensees with a qualifying stock of groceries, compatible
11 merchandise or a combination of both, as described in section 1201, subsections 6
12 and 7.

13 **Sec. 149. 28-A MRSA §1011-A, sub-§1**, as enacted by PL 1993, c. 410, Pt. ZZ,
14 §17, is amended to read:

15 **1. Types of liquor that may be sold.** A Class XI licensee may sell spirits, wine and
16 malt ~~to be consumed on the premises where sold~~ liquor for on-premises consumption.

17 **Sec. 150. 28-A MRSA §1012, sub-§1**, as amended by PL 1987, c. 623, §12, is
18 further amended to read:

19 **1. Incorporated civic organizations.** An incorporated civic organization may
20 obtain up to 5 licenses per year to sell spirits, wine and malt liquor ~~to be consumed on the~~
21 premises for on-premises consumption as provided in section 1071. The fee for each
22 license is \$50.

23 A. ~~The license fee for each license is~~ \$ 50.

24 **Sec. 151. 28-A MRSA §1012, sub-§2**, as amended by PL 2017, c. 17, §6, is
25 repealed and the following enacted in its place:

26 **2. Auxiliary license.** The following licensed establishments may obtain an auxiliary
27 license to sell spirits, wine or malt liquor for on-premises consumption at one additional
28 premises as provided in section 1075:

29 A. A Class A restaurant located at, a Class A restaurant/lounge located at, a Class A
30 lounge located at or a hotel with a Class I license located at a ski area, golf course or
31 disc golf course; or

32 B. A golf course with a Class I license or a club with a Class I or Class V license
33 located at a golf course or disc golf course.

34 The fee for an auxiliary license is \$100.

35 **Sec. 152. 28-A MRSA §1012, sub-§3**, as amended by PL 1999, c. 236, §1, is
36 repealed and the following enacted in its place:

1 **3. Off-premises catering license.** A club licensed to sell spirits, wine and malt
2 liquor or a licensed Class A restaurant, licensed Class A restaurant/lounge, licensed Class
3 A lounge, licensed hotel or licensed bed and breakfast may obtain a license to conduct
4 off-premises catering of the same type or types of liquor that the establishment may sell
5 pursuant to the establishment's underlying club, Class A restaurant, Class A
6 restaurant/lounge, Class A lounge, hotel or bed and breakfast license as provided in
7 section 1052. The fee for an off-premises catering license is \$10 per calendar day of the
8 event or gathering.

9 **Sec. 153. 28-A MRSA §1012, sub-§4,** as amended by PL 2017, c. 167, §19, is
10 repealed and the following enacted in its place:

11 **4. Golf course or disc golf course mobile service bar.** A licensee that is the owner
12 of a golf course or disc golf course and a licensee that is a Class A restaurant located at, a
13 Class A restaurant/lounge located at or a hotel with a Class I license located at a golf
14 course or disc golf course may apply for a license to sell liquor from a mobile service bar
15 as provided in section 1075-A. The license fee per calendar year is \$100.

16 **Sec. 154. 28-A MRSA §1012, sub-§6, ¶C,** as amended by PL 2019, c. 404, §16,
17 is further amended to read:

18 C. A minibar may be stocked with ~~beer~~ malt liquor, wine and spirits as well as other
19 complementary merchandise;

20 **Sec. 155. 28-A MRSA §1012, sub-§6, ¶D,** as enacted by PL 2009, c. 458, §2, is
21 amended to read:

22 D. Supplies of ~~beer~~ malt liquor and wine for a hotel minibar must be purchased from
23 a wholesale licensee;

24 **Sec. 156. 28-A MRSA §1051, sub-§3, ¶A,** as amended by PL 1999, c. 236, §2,
25 is further amended to read:

26 A. Subject to law and the rules of the bureau, hotel or bed and breakfast licensees
27 may sell liquor in the original packages or by the drink to ~~bona fide registered room~~
28 hotel guests or bed and breakfast guests, respectively. ~~Any A~~ sale to a hotel guest or
29 bed and breakfast guest may be delivered to the guest's room only by a hotel or bed
30 and breakfast employee.

31 **Sec. 157. 28-A MRSA §1051, sub-§3, ¶B,** as enacted by PL 1987, c. 45, Pt. A,
32 §4, is amended to read:

33 B. A licensee may serve liquor at locations other than the licensed premises under
34 the ~~off-premise~~ off-premises catering license issued under section 1052.

35 **Sec. 158. 28-A MRSA §1051, sub-§4,** as enacted by PL 1997, c. 306, §1, is
36 amended to read:

37 **4. Partially Removal of partially consumed bottles of wine from premises.**
38 Notwithstanding subsection 3, any establishment licensed by the State to sell wine on the
39 premises may permit a person who has purchased a full ~~course~~ meal, and purchased and

1 partially consumed a bottle of ~~table~~ wine with the meal, to remove the partially consumed
2 bottle from the premises upon departure, ~~provided that~~ as long as the person is not visibly
3 intoxicated as provided in section 2503, subsection 7; and the bottle of ~~table~~ wine is
4 removed and transported in a manner consistent with subsection 5.

5 **Sec. 159. 28-A MRSA §1051, sub-§5**, as amended by PL 1999, c. 293, §1, is
6 further amended to read:

7 **5. ~~Transporting~~ Transportation of partially consumed bottles of wine.** A
8 partially consumed bottle of ~~table~~ wine that is removed from the premises under
9 subsection 4 must be transported in compliance with Title 29-A, section 2112-A, if
10 transported by motor vehicle, or securely sealed and bagged if transported on foot or by
11 means other than a motor vehicle.

12 **Sec. 160. 28-A MRSA §1051, sub-§6**, as amended by PL 2019, c. 404, §18, is
13 further amended to read:

14 **6. Spirits taste-testing events for retail licensees on on-premises retail licensee's**
15 **premises.** A ~~distiller distillery~~, a licensed spirits sales representative and the ~~State's~~
16 wholesale ~~liquor spirits~~ provider, with the written permission of the bureau, may rent or
17 lease an area or room from an on-premises retail licensee for the purpose of inviting retail
18 licensees to taste test spirits. Spirits taste-testing events must be conducted during hours
19 that are authorized by the bureau for the sale of the product on the premises. The
20 following conditions apply to ~~all taste-testing~~ each taste-testing event conducted under
21 this subsection.

22 A. The ~~distiller distillery~~, the licensed spirits sales representative or the ~~State's~~
23 wholesale ~~liquor spirits~~ provider may provide the products for ~~taste-testing~~ the taste-
24 testing event only if the retail price has been paid and a record of the transaction is
25 maintained and made available to the bureau.

26 B. The taste-testing ~~activity event~~ may be conducted only within a special designated
27 area or room.

28 C. The taste-testing ~~activity event~~ may be open only to invited retail licensees or
29 their authorized agents and not to family members, guests or the ~~general~~ public.

30 D. After the taste-testing ~~activity event~~ is concluded, the ~~distiller distillery~~, the
31 licensed spirits sales representative or the wholesale ~~liquor spirits~~ provider, as
32 applicable, shall remove all products supplied for the taste-testing ~~activity event~~
33 from the retail licensee's premises.

34 E. Spirits may not be served to a person who is a minor or who is visibly intoxicated.

35 **Sec. 161. 28-A MRSA §1051, sub-§8**, as amended by PL 2019, c. 404, §19, is
36 further amended to read:

37 **8. Liquor taste-testing events for general public on on-premises retail licensee's**
38 **premises.** The bureau may authorize an ~~on-premise~~ on-premises retail licensee to
39 conduct ~~taste-testings of liquor~~ taste-testing events open to the public on the licensed
40 premises. Taste-testing events under this subsection ~~must be conducted during hours that~~

1 ~~are authorized by the bureau for the sale of liquor on the licensed premises and~~ may be
2 held in collaboration with a certificate of approval holder, sales representative licensed
3 under section 1502 or wholesale licensee. An ~~on-premise~~ on-premises retail licensee may
4 request authority to conduct a ~~taste-testing~~ taste-testing event using forms prescribed by
5 the bureau. The request must indicate if a sales representative licensed under section
6 1502 will be pouring samples of liquor for taste testing and verification that the sales
7 representative has successfully completed an alcohol server education course approved by
8 the commissioner. The following conditions apply to all taste-testing events conducted
9 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 spirits having an alcohol content of 80 proof or less; or, for spirits
21 containing an alcohol content of greater than 80 proof, a person may not be served
22 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 no more than one taste-testing event 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. This notification must list the name of any sales representative
35 licensed under section 1502 who will be pouring samples for taste testing.
- 36 L. Liquor served at a taste-testing event may be provided by the retail licensee
37 purchasing the liquor from a wholesale licensee or ~~agency liquor store~~ a reselling
38 agent. A record of a transaction under this paragraph must be maintained and made
39 available to the bureau.

1 M. The retail licensee shall establish a designated area in which to conduct a
2 taste-testing event in accordance with this section and shall make reasonable attempts
3 to ensure that tastings are confined to the designated area.

4 N. The retail licensee, with prior approval from the bureau, may conduct an
5 invitation-only taste-testing event at the licensed premises in place of or to coincide
6 with a taste-testing event that is open to the public.

7 O. After a taste-testing event is concluded, the retail licensee may return any unused
8 portion of liquor used to conduct the taste-testing event to the licensee's existing
9 stock.

10 P. A certificate of approval holder, licensed sales representative or wholesale
11 licensee ~~who~~ that participates in a taste-testing event may provide and distribute food
12 or snacks to be consumed in conjunction with the liquor to be tasted at no cost to the
13 public or the retail licensee if the total cost for the food or snacks does not exceed
14 \$200 per event. Any remaining food or snacks provided in conjunction with a
15 taste-testing event must be removed by the certificate of approval holder, licensed
16 sales representative or wholesale licensee from the licensed premises at the
17 conclusion of the event.

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

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

34 S. Liquor may be poured for the taste-testing event only by the owner or an
35 employee of the on-premises retail licensee, by a sales representative licensed under
36 section 1502 whose name is listed on the request to conduct the taste-testing event as
37 required by paragraph K or, if the manufacturer of the liquor being poured is licensed
38 under section 1355-A, by the manufacturer or an employee of the manufacturer.

39 The bureau may adopt rules to implement this subsection. Rules adopted pursuant to this
40 subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

41 **Sec. 162. 28-A MRSA §1052**, as amended by PL 2017, c. 260, §1, is further
42 amended to read:

1 **§1052. ~~Off-premise~~ Off-premises catering at planned events or gatherings**

2 **1. ~~Off-premise~~ Off-premises catering license for sale of liquor ~~off-premise~~.**
3 ~~Class A restaurants, Class A lounges, Class A restaurant/lounges, hotels, bed and~~
4 ~~breakfasts and clubs~~ A club licensed to sell spirits, wine and malt liquor or a licensed
5 Class A restaurant, licensed Class A restaurant/lounge, licensed Class A lounge, licensed
6 hotel or licensed bed and breakfast may apply for an additional license to conduct off-
7 premises catering ~~of spirits, wine and malt liquor~~ at planned events or gatherings to be
8 held at locations other than the licensee's premises under this section.

9 **2. ~~Fee.~~** ~~The license fee for the off-premise catering license is \$10 per calendar day~~
10 ~~of the event or gathering.~~

11 **3. ~~Sponsor~~ Type of event.** ~~The off-premise sales~~ An off-premises catering license
12 authorizes the licensee to sell the type of liquor specified in subsection 3-A only at:

- 13 A. Public events or public gatherings sponsored by a charitable, nonprofit
14 organization or civic group; and
15 B. Private events or private gatherings sponsored by an individual person,
16 organization or association of persons.

17 **3-A. Type of liquor.** An off-premises catering licensee may sell at an event
18 described in subsection 3 only the type or types of liquor that the licensee is authorized to
19 sell pursuant to the licensee's underlying club, Class A restaurant, Class A
20 restaurant/lounge, Class A lounge, hotel or bed and breakfast license.

21 **4. Application.** The licensee must apply for an off-premises catering license by
22 filing a written application with the bureau at least 24 hours before the event or gathering.
23 The application must include the following:

- 24 A. Title and purpose of the event;
25 B. Date, time and duration;
26 C. Location;
27 D. Approximate number of persons to be accommodated;
28 E. Name and address of sponsoring person, organization or association;
29 F. If food is to be served, the name and address of food caterer, if other than the
30 licensee; and
31 G. Approval by the municipal officers, or a municipal official designated by the
32 municipal officers, of the municipality in which the proposed additional licensed
33 premises are located, which, notwithstanding section 653, may be granted without
34 public notice. The bureau shall accept approval required under this paragraph in
35 electronic form submitted by the applicant or directly by the municipality to the
36 bureau.

37 **5. Ruling on application.** Upon receipt of the application, the bureau may
38 immediately approve or deny the application. The bureau shall advise the applicant that

1 the license and the ~~off-premise~~ off-premises sales license may be revoked and suspended
2 under chapter 33.

3 **6. Local option questions.** The bureau may not grant approval for the sale of liquor
4 at events to be held in areas where the voters have voted in the negative concerning the
5 pertinent local option questions.

6 **Sec. 163. 28-A MRSA §1052-D**, as amended by PL 2019, c. 404, §§20 to 25, is
7 further amended to read:

8 **§1052-D. Taste-testing event license**

9 **1. Taste-testing event license.** ~~A person who has been issued a license under~~
10 ~~section 1355-A, a wholesaler licensed under section 1401, a person who has been granted~~
11 ~~a certificate of approval from the bureau, a supplier or foreign manufacturer of spirits or a~~
12 ~~broker~~ One or more certificate of approval holders, wholesale licensees or spirits
13 suppliers may apply jointly in any combination for a license to participate in a
14 taste-testing event subject to the conditions prescribed by this section. ~~For the purposes~~
15 ~~of this section, "broker" means a person who represents suppliers or manufacturers of~~
16 ~~spirits and "foreign manufacturer of spirits" means a person who produces spirits outside~~
17 ~~of the State.~~

18 **2. Sponsored manufacturers.** For the purposes of this section, "sponsored
19 manufacturer" means a manufacturer without a license or certificate of approval ~~who that~~
20 ~~is sponsored by a certificate of approval holder or a manufacturer licensed under section~~
21 ~~1355-A or a manufacturer who may participate in a taste-testing event~~ person licensed
22 under subsection 1.

23 A sponsored manufacturer licensed in another state may participate in the taste-testing
24 event in the same manner and subject to the same conditions as a ~~manufacturer~~ person
25 ~~licensed under section 1355-A or a person who has been granted a certificate of approval~~
26 subsection 1 if:

- 27 A. The sponsored manufacturer provides a copy of state and federal licenses or
28 permits authorizing the manufacture of ~~alcoholic beverages~~ liquor; and
29 B. The sponsored manufacturer is included on the application for the taste-testing
30 event license.

31 Nothing in this section prohibits a ~~manufacturer licensed under section 1355-A or a~~
32 ~~manufacturer who has received a certificate of approval~~ person licensed under subsection
33 1 from sponsoring more than one sponsored manufacturer.

34 **3. Application.** An applicant for a taste-testing event license shall submit a written
35 application to the bureau no later than 15 calendar days prior to the first day of the taste-
36 testing event. The application must include the following:

- 37 A. The name and address of each applicant;
38 B. The title and purpose of the taste-testing event;
39 C. The date, time and duration of the taste-testing event;

- 1 D. The address and location of the taste-testing event including a description of the
2 area designated for the taste-testing event;
- 3 E. The names of each sponsored manufacturer ~~who~~ that intends to take part in the
4 taste-testing event and the name of the certificate of approval holder or manufacturer
5 ~~who~~ that has agreed to be the manufacturer's sponsor;
- 6 F. The sample size and overall sample limit that will be imposed for each day of the
7 taste-testing event consistent with the requirements in subsection 7, paragraph C; and
- 8 G. Approval by the municipal officer or a municipal official designated by the
9 municipal officers of the municipality where the taste-testing event will be located.
10 Notwithstanding section 653, the approval may be granted without public notice.

11 **4. Fee.** The license fee for a taste-testing event license is \$20 for each ~~manufacturer~~
12 ~~licensed under section 1355-A, person licensed under subsection 1 and each sponsored~~
13 ~~manufacturer, wholesaler licensed under section 1401, certificate of approval holder or~~
14 ~~broker participating in the taste-testing event.~~

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

18 **6. Up to 10 licensed events per year; one event per license.** ~~A certificate of~~
19 ~~approval holder, a manufacturer licensed under section 1355-A, a supplier or foreign~~
20 ~~manufacturer of spirits, a broker or a wholesaler licensed under section 1401~~ A person
21 eligible for a license under subsection 1 may obtain up to 10 licenses under this section
22 per calendar year. Each license permits a taste-testing event lasting up to 4 consecutive
23 days.

24 **7. Conditions.** The following conditions apply to taste-testing events licensed under
25 this section.

26 A. A person may not be charged a fee, except the fee for admission, for any malt
27 liquor, wine or spirits that are offered for taste testing at the event. ~~This paragraph~~
28 ~~does not apply to malt liquor, wine or spirits that are sold for on-premises~~
29 ~~consumption under a license duly issued by the bureau separate from a taste-testing~~
30 ~~event license.~~

31 B. The venue for the taste-testing event may not be currently licensed to serve
32 ~~alcoholic beverages~~ any type of liquor for on-premises consumption. If the venue is
33 currently licensed for on-premises consumption, the bureau shall ~~permit the~~
34 ~~temporary surrender of the venue's license for the duration of the taste-testing event~~
35 temporarily suspend the authority of the on-premises retail licensee to sell liquor for
36 on-premises consumption in the area designated for the taste-testing event.
37 Notwithstanding paragraph A, the on-premises retail licensee may sell liquor for on-
38 premises consumption outside the area designated for the taste-testing event.

39 C. A licensee under this section shall limit the size of samples provided for tasting to
40 4 ounces of malt liquor, 1 1/2 ounces of wine and 1/2 ounce of spirits. A licensee
41 shall limit the total number of samples to 12 per day, per person, except that:

- 1 (1) The 12-sample limit does not apply when the licensee provides a variety of
2 substantial food offerings to patrons of the taste-testing event. For the purposes
3 of this subparagraph, "substantial food" does not include offerings such as
4 prepackaged snacks, pretzels, peanuts, popcorn or chips; and
- 5 (2) The sample-size and 12-sample limit do not apply when a licensee includes,
6 as part of a taste-testing event, a multicourse sit-down meal designed to pair food
7 with complementing ~~alcoholic beverages~~ liquor. This exception applies only at a
8 taste-testing event that is designed to promote the food and beverage or
9 hospitality industry at which at least 50% of the vendors represent and promote a
10 business other than the manufacture or distribution of liquor.
- 11 D. A licensee under this section shall record ~~of~~ the number of patrons admitted to the
12 taste-testing event by requiring patrons to submit a ticket or sign a register or by
13 employing some similar method of tracking attendance.
- 14 E. Points of entry to the taste-testing venue must be clearly defined and monitored to
15 ensure consumption takes place only within the designated area of the taste-testing
16 event.
- 17 F. A minor is prohibited from attending the taste-testing event unless accompanied
18 by a parent or guardian or unless the alcohol served at the taste-testing event is
19 confined to a segregated area from which minors are prohibited.
- 20 G. Malt liquor, wine or spirits for taste testing may not be poured in advance and
21 made available for patrons of the taste-testing event to serve themselves.
- 22 H. A person who is visibly intoxicated may not be served.
- 23 I. ~~A licensee under this section who is a manufacturer licensed under section~~
24 ~~1355 A, is a wholesaler licensed under section 1401 or is a certificate of approval~~
25 ~~holder~~ A person licensed under subsection 1 may provide for taste testing any malt
26 liquor or wine that the licensee, ~~wholesaler or manufacturer~~ manufactures or
27 distributes that is registered and authorized for distribution and sale under this Title.
28 ~~A licensee under this section who is a manufacturer of spirits licensed under section~~
29 ~~1355 A, a supplier or foreign manufacturer of spirits or a broker may provide for~~
30 ~~taste testing or any spirits that the licensee manufactures or distributes that are listed~~
31 ~~for sale by the commission. A sponsored manufacturer may provide for taste testing~~
32 any spirits, wine or malt liquor that the sponsored manufacturer manufactures.
33 Excise taxes for malt liquor and wine under section 1652 must be paid before the
34 scheduled date of the taste-testing event.
- 35 J. A sponsored manufacturer may, for the purpose of promoting malt liquor or wine
36 for distribution and sale in the State, provide for taste testing any malt liquor or wine
37 that the sponsored manufacturer manufactures outside the State that has been
38 registered with the United States Department of the Treasury, Alcohol and Tobacco
39 Tax and Trade Bureau. All containers of malt liquor or wine served in accordance
40 with this paragraph, including empty containers, must be removed from the State
41 following the taste-testing event. All malt liquor and wine provided for the
42 taste-testing event under this paragraph is subject to excise taxes under section 1652
43 and premiums, when applicable, under section 1703.

1 K. Each ~~manufacturer, sponsored manufacturer, wholesaler, certificate of approval~~
2 ~~holder or broker licensed to take part in the taste testing event~~ person licensed under
3 subsection 1 and each participating sponsored manufacturer described under
4 subsection 2 shall make available to the bureau or local law enforcement agency upon
5 request a list of the persons designated by the respective licensee to serve malt liquor,
6 wine or spirits for taste testing at the event. The list must be accompanied by an
7 affidavit attesting that no person designated to serve alcohol for taste testing has been
8 found to have violated any state or federal law prohibiting the sale or furnishing of
9 alcohol to a minor.

10 L. Each ~~manufacturer, sponsored manufacturer, wholesaler, certificate of approval~~
11 ~~holder or broker~~ person licensed under subsection 1 and each participating sponsored
12 manufacturer described under subsection 2 shall provide to ~~any~~ a person designated
13 to serve malt liquor, wine or spirits for taste testing a badge or similar means of
14 identification that clearly identifies the name of the ~~manufacturer, sponsored~~
15 ~~manufacturer, supplier, wholesaler or certificate of approval holder~~ licensee or
16 sponsored manufacturer. The badge or similar means of identification must be worn
17 in a manner so that it is conspicuous and clearly visible to a person being served.

18 **8. Information to be provided by the bureau.** The bureau shall develop an
19 informational pamphlet or similar document that is posted on the bureau's publicly
20 accessible website describing the conditions that apply to the conduct of a taste-testing
21 event, including generally applicable laws and rules that are not described in this section.
22 The bureau shall consider commonly cited violations from similar events that have been
23 conducted in the State when developing the informational pamphlet or similar document.

24 **9. Retail sales for off-premises consumption.** Notwithstanding any provision of
25 this Title to the contrary, a licensed in-state brewery, small brewery, winery, small
26 winery, distillery or small distillery may sell for off-premises consumption at a taste-
27 testing event under this section malt liquor, wine or spirits manufactured in the State by
28 the licensee under the following conditions.

29 A. Wine, spirits and malt liquor for retail sale must be prepackaged and sold by the
30 bottle or case. A sale must be accompanied by a sales receipt.

31 B. Spirits sold by a distillery are subject to the listing, pricing and distribution
32 provisions of this Title. Spirits sold by a small distillery may be sold in the same
33 manner as permitted under section 1355-A, subsection 5, paragraph G.

34 **Sec. 164. 28-A MRSA §1054, sub-§2,** as amended by PL 2017, c. 13, §2, is
35 further amended to read:

36 **2. Permit required Authority to require permit.** A municipality or, in the case of
37 an unincorporated place, the county commissioners may require ~~a~~ an on-premises retail
38 licensee ~~for sale of liquor to be consumed on the premises~~ to obtain a permit for music,
39 dancing or entertainment from the municipality or, in the case of an unincorporated place,
40 the county commissioners of the county in which the licensed premises are located. The
41 permit must specify which activities are prohibited on the licensed premises and may
42 include a list of which activities are authorized, in accordance with local ordinances or
43 regulations adopted by the municipality or unincorporated place.

1 **Sec. 165. 28-A MRSA §1054, sub-§8**, as amended by PL 1991, c. 377, §16, is
2 further amended to read:

3 **8. Appeal procedure.** ~~Any~~ If the municipality has a board of appeals, as described
4 in Title 30-A, section 2691, a licensee who that has applied for a permit and has been
5 denied, or ~~whose has had its~~ permit ~~has been~~ revoked or suspended, may appeal the
6 decision to the ~~municipal~~ board of appeals, ~~as defined in Title 30-A, section 2691,~~ within
7 30 days of the denial, suspension or revocation. The ~~municipal~~ board of appeals, ~~if the~~
8 ~~municipality has such a board,~~ may grant or reinstate the permit if it finds that:

9 A. The permitted activities would not constitute a detriment to the public health,
10 safety or welfare, or violate municipal ordinances or regulations; or

11 B. The denial, revocation or suspension was arbitrary and capricious.

12 **Sec. 166. 28-A MRSA §1054, sub-§11**, as amended by PL 2017, c. 13, §2, is
13 further amended to read:

14 **11. Municipal ordinances or regulations.** ~~A~~ If a municipality requires permits
15 under subsection 2, the municipality shall adopt ordinances or authorize the municipal
16 officers to establish written regulations governing the following aspects of the permits.

17 A. These ordinances or regulations must govern:

18 (1) The issuance, suspension and revocation of these permits;

19 (2) The classes of permits and fees for the issuance of these permits;

20 (3) The music, dancing or entertainment permitted under each class; and

21 (4) Other limitations on these activities required to protect the public health,
22 safety and welfare.

23 B. These ordinances or regulations may specifically determine:

24 (1) The location and size of premises to which the permits may apply;

25 (2) The facilities that may be required for the permitted activities on those
26 premises;

27 (3) The hours during which the permitted activities may take place; and

28 (4) The lighting level required, which may be lowered when the entertainment is
29 provided.

30 **Sec. 167. 28-A MRSA §1054, sub-§12**, as amended by PL 2017, c. 13, §2, is
31 further amended to read:

32 **12. Unincorporated place.** If licensed premises are located in an unincorporated
33 place in which the county commissioners require permits under subsection 2, the county
34 commissioners ~~of the county in which the unincorporated place is located~~ shall grant,
35 suspend or revoke permits in the same manner and with the same authority as municipal
36 officers. ~~The county commissioners~~ and shall adopt regulations in the same manner as
37 municipal officers.

1 **Sec. 168. 28-A MRSA §1055, sub-§1, ¶G**, as enacted by PL 2015, c. 142, §3, is
2 amended to read:

3 G. Spirits served as a sample must be purchased from the State or the ~~State's~~
4 ~~contracted wholesaler~~ wholesale spirits provider.

5 **Sec. 169. 28-A MRSA §1061, sub-§2**, as amended by PL 1995, c. 270, §1, is
6 further amended to read:

7 **2. Minors not permitted on premises.** Except as provided in paragraph B, ~~no~~ a
8 hotel licensee may not permit ~~any~~ a minor in ~~any~~ a hotel lounge ~~that serves alcoholic~~
9 ~~beverages where liquor is served~~.

10 B. This subsection does not apply when:

11 (1) The minor is accompanied by a parent, legal guardian or custodian, as
12 defined in Title 22, section 4002;

13 (2) The minor is employed under section 704; or

14 (3) The licensee does not permit consumption of liquor on the licensed premises.

15 **Sec. 170. 28-A MRSA §1061, sub-§3**, as amended by PL 1987, c. 342, §83, is
16 further amended to read:

17 **3. Income from sale of food requirement.** At least 10% of the gross annual
18 income, not including income from the rental of rooms or from a minibar licensed under
19 section 1012, must be from the sale of food for each licensed hotel. This requirement
20 does not apply to a hotel that has a Class I-A license under section 1002.

21 **Sec. 171. 28-A MRSA §1061, sub-§3-A** is enacted to read:

22 **3-A. Bureau to determine whether new applicant would probably meet sale of**
23 **food requirement.** The bureau may not issue an initial license to a hotel unless it
24 determines that the applicant would probably meet the requirements of subsection 3. This
25 requirement does not apply to a hotel that applies for a Class I-A license under section
26 1002.

27 **Sec. 172. 28-A MRSA §1061, sub-§3-B** is enacted to read:

28 **3-B. Proof of compliance with sale of food requirement for license renewal.** The
29 bureau may not renew a hotel's license unless the licensee furnishes the bureau with proof
30 that the previous year's business met the requirements of subsection 3. If the bureau
31 determines that the licensee has not satisfied the requirements of subsection 3, the bureau
32 may renew the license for only one year, during which the licensee must meet the
33 requirements of subsection 3 to be eligible for further license renewal. This subsection
34 does not apply to a hotel that has a Class I-A license under section 1002.

35 **Sec. 173. 28-A MRSA §1062**, as amended by PL 1997, c. 373, §§87 to 89, is
36 further amended to read:

1 **§1062. ~~Restaurant requirements~~ Restaurants**

2 **1. Issuance of licenses.** The bureau may issue licenses under this section for the sale
3 of wine and malt liquor ~~to be consumed on the premises for on-premises consumption~~ to
4 restaurants, as defined in section 2, subsection 15, paragraph Q.

5 **3. Income from sale of food requirement.** ~~Except as provided in paragraph B, at~~
6 At least 10% of the gross annual income must be from the sale of food for both year-
7 round and part-time restaurants.

8 A. ~~The bureau may not renew any license for the sale of wine or malt liquor unless~~
9 ~~the licensee furnishes proof to the bureau that the previous year's business conformed~~
10 ~~to the income requirement of this subsection.~~

11 B. ~~Income from the bowling business in bowling alleys must not be included in the~~
12 ~~income requirement of this section.~~

13 **4. Bureau determines who to determine whether new applicant would probably**
14 **qualify meet sale of food requirement.** The bureau may not issue ~~the~~ an initial license
15 if to a restaurant unless it determines that the applicant ~~for a new license~~ would probably
16 meet the requirements of subsection 3.

17 **5. Proof of compliance with sale of food requirement for license renewal.** The
18 bureau may not renew a restaurant's license unless the licensee furnishes the bureau with
19 proof that the previous year's business met the requirements of subsection 3. If the
20 bureau determines that the licensee has not satisfied the requirements of subsection 3, the
21 bureau may renew the license for only one year, during which the licensee must meet the
22 requirements of subsection 3 to be eligible for further license renewal.

23 **Sec. 174. 28-A MRSA §1063**, as amended by PL 1995, c. 25, §1, is further
24 amended to read:

25 **§1063. Class A restaurants and Class A restaurant/lounges**

26 **1. Issuance of license.** The bureau may issue licenses under this section for the sale
27 of spirits, wine and malt liquor ~~to be consumed on the premises for on-premises~~
28 consumption to Class A restaurants, as defined in section 2, subsection 15, paragraph R₂,
29 and to Class A restaurant/lounges, as defined in section 2, subsection 15, paragraph R-1.

30 **2. Income from sale of food requirement.** At least a minimum amount of the gross
31 annual income must be from the sale of food for each Class A restaurant or Class A
32 restaurant/lounge. The income from the sale of food requirement is based on the
33 population of the municipality in which the Class A restaurant or Class A
34 restaurant/lounge is located. The bureau shall prorate the income from the sale of food
35 requirement under this subsection for licensees that operate during only part of an annual
36 license period.

37 A. In municipalities having a population of more than 50,000 persons:

1 (1) Year-round Class A restaurants or Class A restaurant/lounges must have a
2 minimum gross annual income of \$50,000 per year from the sale of food to the
3 public on their premises.

4 B. In municipalities having a population of more than 30,000 but not more than
5 50,000 persons:

6 (1) Year-round Class A restaurants or Class A restaurant/lounges must have a
7 minimum gross annual income of \$40,000 per year from the sale of food to the
8 public on their premises.

9 C. In municipalities having a population of more than 20,000 but not more than
10 30,000 persons:

11 (1) Year-round Class A restaurants or Class A restaurant/lounges must have a
12 minimum gross annual income of \$30,000 per year from the sale of food to the
13 public on their premises.

14 D. In municipalities having a population of not more than 20,000 persons:

15 (1) Year-round Class A restaurants or Class A restaurant/lounges must have a
16 minimum gross annual income of \$20,000 per year in sale of food to the public
17 on their premises.

18 **3. Bureau determines to determine whether new applicant would probably**
19 **qualify meet sale of food requirement.** The bureau may not issue ~~the~~ an initial license
20 if to a Class A restaurant or a Class A restaurant/lounge unless it determines that the
21 applicant would probably qualify meet the requirements of subsection 2.

22 **4. Licensee for renewal must show proof of meeting income requirement Proof**
23 **of compliance with sale of food requirement for license renewal.** The bureau may not
24 renew ~~any a Class A restaurant's or a Class A restaurant/lounge's~~ license ~~for the sale of~~
25 ~~liquor under this subsection~~ unless the licensee furnishes the bureau with proof that the
26 previous year's business ~~conformed to~~ met the ~~income requirement~~ requirements of this
27 subsection 2. ~~The bureau shall prorate food requirements for licensees who operate~~
28 ~~during only part of an annual license period~~ If the bureau determines that the licensee has
29 not satisfied the requirements of subsection 2, the bureau may renew the license for only
30 one year, during which the licensee must meet the requirements of subsection 2 to be
31 eligible for further license renewal.

32 **Sec. 175. 28-A MRSA §1063-B, sub-§1,** as enacted by PL 1999, c. 760, §4, is
33 amended to read:

34 **1. Issuance of licenses.** The bureau may issue licenses under this section for the sale
35 of malt liquor and wine ~~to be consumed on the premises~~ for on-premises consumption to
36 pool halls as defined in section 2, subsection ~~23-A~~ 15, paragraph N-1.

37 **Sec. 176. 28-A MRSA §1065,** as amended by PL 2003, c. 493, §12 and affected
38 by §14 and amended by c. 689, Pt. B, §6, is further amended by amending the section
39 headnote to read:

1 **§1065. Licenses for Class A lounges**

2 **Sec. 177. 28-A MRSA §1065, sub-§4**, as amended by PL 2003, c. 493, §12 and
3 affected by §14, is further amended to read:

4 **4. Minors not allowed on premises.** Minors are not permitted to remain on the
5 premises of a licensed Class A lounge except when:

6 A. The minor is accompanied by a parent, legal guardian or custodian, as defined in
7 Title 22, section 4002; or

8 B. The licensee does not permit consumption of liquor on the premises for a specific
9 period of time or event.

10 **Sec. 178. 28-A MRSA §1066-A, sub-§2**, as amended by PL 1991, c. 824, Pt. A,
11 §58, is further amended to read:

12 **2. Minors not permitted on premises.** Minors are not permitted to remain on the
13 premises of a licensed tavern unless:

14 A. Accompanied by a parent, legal guardian or custodian, as defined in Title 22,
15 section 4002; or

16 B. Employed under section 704.

17 **Sec. 179. 28-A MRSA §1070, sub-§1**, as amended by PL 2015, c. 101, §1, is
18 further amended to read:

19 **1. Issuance of licenses.** The bureau may issue licenses to civic auditoriums as
20 defined in section 2, subsection 15, paragraph C under this section for the sale of spirits,
21 wine and malt liquor. The license may be issued to the owner of the civic auditorium, the
22 operator of the civic auditorium or the entity providing ~~alcoholic beverages~~ spirits, wine
23 and malt liquor to the public in the civic auditorium.

24 **Sec. 180. 28-A MRSA §1070, sub-§5**, as enacted by PL 2015, c. 101, §1, is
25 amended to read:

26 **5. Bottle service of spirits; designated areas.** A civic auditorium licensee may sell
27 spirits in original containers for service in a civic auditorium club suite under the
28 following conditions:

29 A. Spirits to be consumed in the club suite ~~are~~ must be provided exclusively by the
30 civic auditorium licensee;

31 B. Spirits containers provided for consumption in the club suite must remain in the
32 club suite for the duration of the event for which they were provided;

33 C. The number of spirits containers provided for consumption in the club suite may
34 not exceed 6; and

35 D. The registered tenant of the club suite or individual specifically granted access to
36 the club suite by the civic auditorium ~~signs~~ must sign a contract with the civic

1 auditorium agreeing that no person under 21 years of age will be provided or served
2 ~~alcoholic beverages~~ liquor in the club suite.

3 For purposes of this subsection, "club suite" means a designated area within a civic
4 auditorium designed to provide premium viewing of an event in the auditorium and to
5 which access is limited to registered tenants, invited guests and those who have been
6 specifically granted access by the operator of the civic auditorium and is not accessible to
7 the ~~general~~ public or civic auditorium patrons with tickets that provide for general
8 admission to that event at the auditorium. A club suite must have a clearly designated
9 point of access for the registered tenant or person specifically granted access by the
10 operator of the civic auditorium to ensure that persons present in the suite are limited to
11 invited guests and employees providing services to the club suite.

12 **Sec. 181. 28-A MRSA §1071, sub-§6**, as corrected by RR 2015, c. 2, §17, is
13 amended to read:

14 **6. Server requirements.** A ~~manufacturer licensed by the bureau under section~~
15 ~~1355-A, a~~ certificate of approval holder or a ~~wholesaler who~~ wholesale licensee that
16 provides malt liquor, wine, ~~fortified wine~~ or spirits for the public event or gathering being
17 sponsored may serve its product at the event. An incorporated civic organization issued a
18 license in accordance with this section shall provide the names of persons not licensed
19 under chapter 51, 55 or 59 who will be serving ~~alcoholic beverages~~ malt liquor, wine or
20 spirits at the event. In the event that a server from that list is unavailable, a licensed
21 manufacturer, distributor, wholesaler, small winery or small brewery that has provided
22 ~~alcoholic beverages~~ malt liquor, wine or spirits to be served at the event may provide
23 serving assistance.

24 **Sec. 182. 28-A MRSA §1072, sub-§2**, as amended by PL 1987, c. 342, §96, is
25 further amended to read:

26 **2. Requirements.** Except as provided in subsection 3, for at least one year
27 immediately before filing the application for a license, a club must have:

- 28 A. Been in continuous operation and existence;
- 29 B. Regularly occupied as owner or lessee a suitable clubhouse or quarters for use of
30 club members;
- 31 C. Held regular meetings;
- 32 D. Conducted its business through officers regularly elected; and
- 33 E. Charged and collected dues from club members.

34 **Sec. 183. 28-A MRSA §1072, sub-§4**, as amended by PL 1997, c. 373, §99, is
35 further amended to read:

36 **4. Register of club members.** Every club shall keep and maintain a register of the
37 name, identity and address of each ~~member of the club~~ member. The club shall allow any
38 liquor enforcement officer or other authorized agent of the bureau to inspect the register
39 at any reasonable time.

1 **Sec. 184. 28-A MRSA §1072, sub-§5**, as amended by PL 2019, c. 44, §1, is
2 further amended to read:

3 **5. Sale of liquor only to club members and guests; exception.** Except as provided
4 in paragraph A or B, licensed clubs may not sell liquor to anyone except club members
5 and their guests accompanying them.

6 A. Licensed veterans' and fraternal organizations and social clubs may sell liquor to
7 members of the same national or affiliated international organization and to members
8 of auxiliaries of the same national or affiliated international organization and their
9 guests accompanying them.

10 B. At the discretion of and by agreement with the bureau, a licensed veterans'
11 organization may, subject to time-of-day and seasonal limitations defined at the time
12 of license approval, sell liquor to the ~~general~~ public if the organization has a valid
13 license and is located on an island off the coast of the State that is provided with ferry
14 service pursuant to Title 23, Part 6 and Title 35-A, chapter 51. When a licensed
15 veterans' organization sells liquor to the ~~general~~ public pursuant to this paragraph, the
16 premises at which the liquor is sold are deemed a public place for purposes of Title
17 22, chapter 262 during the time the ~~general~~ public is invited or allowed to be present,
18 and smoking, as defined in Title 22, section 1541, subsection 6, is prohibited during
19 that time.

20 **Sec. 185. 28-A MRSA §1072, sub-§6**, as enacted by PL 1987, c. 45, Pt. A, §4, is
21 amended to read:

22 **6. Sales in original containers forbidden.** ~~No~~ A club may not sell spirits in the
23 original container.

24 **Sec. 186. 28-A MRSA §1073**, as amended by PL 2017, c. 167, §20, is further
25 amended to read:

26 **§1073. Indoor racquet clubs centers; ice skating clubs centers; golf courses; curling**
27 **clubs centers; and bowling centers disc golf courses**

28 **1. Issuance of licenses.** The bureau may issue licenses under this section for the sale
29 of spirits, wine and malt liquor ~~to be consumed on the premises for on-premises~~
30 consumption to ~~bowling centers~~, curling clubs centers, disc golf courses, golf courses,
31 indoor ice skating clubs centers and indoor racquet clubs centers as defined in section 2,
32 subsection 15, paragraphs ~~B-1~~, D-1, F-1, G, J and K₂, respectively.

33 **2. Food availability.** ~~The~~ A licensee under this section shall offer food for sale to
34 the public at all times that liquor is for sale. ~~For bowling centers, at least 10% of the~~
35 ~~gross annual income, not including income from the bowling business, must be from the~~
36 ~~sale of food.~~

37 **3. Separate area for sale of food and liquor.** ~~The~~ A licensee under this section
38 shall set aside a separate area for the sale and consumption of food and liquor in
39 accordance with the rules of the bureau. ~~For bowling centers, that separate area may not~~
40 ~~include the area in which the game of bowling is conducted.~~

1 **Sec. 187. 28-A MRSA §1073-A** is enacted to read:

2 **§1073-A. Bowling centers**

3 **1. Issuance of licenses.** The bureau may issue a license under this section for the
4 sale of spirits, wine and malt liquor for on-premises consumption to a bowling center as
5 defined in section 2, subsection 15, paragraph B-1.

6 **2. Separate area for sale of food and liquor.** A licensee under this section shall set
7 aside a separate area for the sale and consumption of food and liquor in accordance with
8 the rules of the bureau. The separate area may not include the area in which the game of
9 bowling is conducted.

10 **3. Income from sale of food requirement.** At least 10% of the gross annual income
11 of a bowling center licensed under this section, not including income from the bowling
12 business, must be from the sale of food.

13 **4. Bureau to determine whether new applicant would probably meet sale of**
14 **food requirement.** The bureau may not issue an initial license to a bowling center unless
15 it determines that the applicant would probably meet the requirements of subsection 3.

16 **5. Proof of compliance with sale of food requirement for license renewal.** The
17 bureau may not renew a bowling center's license under this section unless the licensee
18 furnishes the bureau with proof that the previous year's business met the requirements of
19 subsection 3. If the bureau determines that the licensee has not satisfied the requirements
20 of subsection 3, the bureau may renew the license for only one year, during which the
21 licensee must meet the requirements of subsection 3 to be eligible for further license
22 renewal.

23 **Sec. 188. 28-A MRSA §1074**, as amended by PL 1997, c. 373, §101, is further
24 amended to read:

25 **§1074. Outdoor stadiums**

26 **1. Issuance of licenses.** The bureau may issue ~~licenses~~ a license under this section
27 for the sale of ~~wine and~~ malt liquor ~~to be consumed on the premises~~ and wine for on-
28 premises consumption to an outdoor ~~stadiums~~ stadium, as defined in section 2, subsection
29 15, paragraph M. A concessionaire or lessee may be issued a license under this section,
30 regardless of whether it controls the premises, as long as that concessionaire or lessee
31 complies with the notice provisions applicable to qualified catering services in section
32 1076, subsection 7 prior to exercising the license.

33 **2. No sales at events for children.** The ~~A~~ licensee under this section may not sell
34 ~~any~~ malt liquor or wine at an outdoor stadium at any event primarily involving primary or
35 secondary school children.

36 **3. Conditions on sales.** The ~~A~~ licensee under this section may not sell malt liquor or
37 wine in the spectator stands at an outdoor stadium. ~~Liquor may be sold~~ A licensee may
38 sell malt liquor or wine only by the glass in plastic or paper cups.

1 **Sec. 189. 28-A MRSA §1075**, as amended by PL 2017, c. 17, §8, is repealed and
2 the following enacted in its place:

3 **§1075. Auxiliary licenses**

4 **1. Issuance of licenses.** Pursuant to section 1012, subsection 2 and subject to the
5 requirements of subsection 1-A, the bureau may issue one auxiliary license under this
6 section for the sale of spirits, wine or malt liquor for on-premises consumption at one
7 additional premises to:

8 A. A Class A restaurant located at, a Class A restaurant/lounge located at, a Class A
9 lounge located at or a hotel with a Class I license located at a ski area, golf course or
10 disc golf course; or

11 A-1. A golf course with a Class I license or a club with a Class I or Class V license
12 located at a golf course or disc golf course.

13 **1-A. Qualifications.** To qualify for an auxiliary license under this section:

14 A. The additional premises that will be subject to the auxiliary license must be
15 located at the same ski area, golf course or disc golf course as the licensee's current
16 Class A restaurant, Class A restaurant/lounge, Class A lounge, hotel, golf course or
17 club;

18 B. The additional premises must offer food for sale to the public, although the food
19 need not be prepared at the additional premises; and

20 C. The additional premises must be properly equipped, including with tables, chairs
21 and restrooms.

22 **2. Sales for consumption on slopes or courses prohibited.** A licensee under this
23 section may not sell liquor at a ski area for consumption on the slopes away from the
24 licensed area. Except as provided in section 1075-A, a licensee under this section may
25 not sell liquor at a golf course or disc golf course for consumption on the course away
26 from the licensed area.

27 **Sec. 190. 28-A MRSA §1075-A, sub-§2**, as amended by PL 2017, c. 167, §22, is
28 further amended to read:

29 **2. License.** The bureau may issue a license for a mobile service bar to a licensee
30 ~~who~~ that owns a golf course or disc golf course or may issue a license for a mobile
31 service bar to a licensee that is a Class A restaurant located at, a Class A
32 restaurant/lounge located at or ~~Class I~~ a hotel with a Class I license located at a golf
33 course or disc golf course. The licensee shall ensure that:

34 A. All individuals selling, serving or dispensing liquor from a mobile service bar are
35 employees of the golf course or disc golf course, except as provided in subsection
36 2-A;

37 B. The licensee does not possess or permit possession, sale or consumption of any
38 liquor on the golf course or disc golf course other than that which is permitted and
39 purchased by the licensee in accordance with the license or licenses granted;

- 1 C. A sufficient number of employees are deployed to adequately control and ensure
2 adherence to laws applying to the serving, sale and consumption of liquor on the golf
3 course or disc golf course;
- 4 D. Service or consumption of any liquor is not allowed in parking lots except as
5 otherwise provided in this chapter;
- 6 E. A licensee or licensee's employees do not allow patrons to leave the golf course or
7 disc golf course with any liquor;
- 8 F. Only one standard serving of liquor is served to ~~an individual~~ a patron at a time;
- 9 G. Signs are posted that state that a patron may not bring liquor onto the premises of
10 the golf course or disc golf course;
- 11 H. Signs are placed on the mobile service bar that state that service or consumption
12 of any liquor by a person under 21 years of age is prohibited;
- 13 I. Liquor from a mobile service bar is purchased and consumed only by those patrons
14 engaged in a round of golf or disc golf;
- 15 J. The operator of a mobile service bar is at least 21 years of age and has successfully
16 completed an alcohol server education course; and
- 17 K. The operator of a mobile service bar has the ability and necessary tools to
18 immediately contact a golf course or disc golf course employee working at the part of
19 the golf course or disc golf course licensed as an on-premises establishment or an
20 employee of a Class A restaurant or Class A restaurant/lounge operating under a
21 contract with a municipal golf course or disc golf course for assistance in enforcing
22 the provisions of this section.

23 **Sec. 191. 28-A MRSA §1075-A, sub-§3**, as amended by PL 2017, c. 17, §9, is
24 further amended to read:

25 **3. ~~Penalty~~ Bringing liquor to course prohibited; penalty.** A person who brings
26 ~~alcoholic beverages~~ liquor onto the premises of a golf course or disc golf course commits
27 a civil violation for which a fine of not less than \$250 nor more than \$1,500 may be
28 adjudged.

29 **Sec. 192. 28-A MRSA §1075-A, sub-§4**, as repealed and replaced by PL 2005,
30 c. 108, §5, is amended to read:

31 **4. Revocation and suspension of license.** A licensee ~~who holds a license issued by~~
32 ~~the bureau~~ under this section and that commits a violation of law or rule for which that
33 license may be revoked or suspended may also be subject to the revocation or suspension
34 of any other licenses that that licensee holds to sell liquor for on-premises consumption
35 are subject to chapter 33 to the same extent as are other on-premises licensees.

36 **Sec. 193. 28-A MRSA §1075-A, sub-§5**, as amended by PL 2017, c. 17, §9, is
37 further amended to read:

38 **5. Transportation of open containers prohibited.** A patron of a golf course or disc
39 golf course licensed under this section who operates a golf cart is prohibited from

1 transporting an open container of liquor across a public way ~~as defined by~~. For the
2 purposes of this subsection, "public way" has the same meaning as in Title 29-A, section
3 2112-A, subsection 1, paragraph D.

4 **Sec. 194. 28-A MRSA §1076, sub-§2**, as amended by PL 1993, c. 410, Pt. ZZ,
5 §20, is further amended to read:

6 **2. Compliance with local option decisions.** The bureau may license only those
7 qualified catering services whose principal ~~plac~~ places of business ~~is~~ are located in
8 municipalities that have previously voted affirmatively on questions pertaining to ~~on-~~
9 ~~premise~~ on-premises sales as provided in chapter 5 or whose principal places of business
10 are located in unincorporated places in which on-premises sales are authorized as
11 provided in chapter 5.

12 A. Every event catered by the qualified catering service must also be located in a
13 municipality that has previously voted affirmatively on questions pertaining to ~~on-~~
14 ~~premise~~ on-premises sales as provided in chapter 5 or in an unincorporated place in
15 which on-premises sales have been authorized as provided in chapter 5.

16 **Sec. 195. 28-A MRSA §1076, sub-§3**, as amended by PL 1993, c. 410, Pt. ZZ,
17 §20, is further amended to read:

18 **3. Income from sale of food requirement.** At least a minimum amount of gross
19 annual income of a qualified catering service licensed under this section, not including
20 income from the sale of food placed in vending machines, must be from the sale of food
21 for each qualified catering service. The income from sale of food requirement is based on
22 the population of the municipality in which the qualified catering service is located. For
23 purposes of this section, "year-round" means operated for more than 6 months in a year.

24 A. In municipalities having a population of over 50,000 persons:

25 (1) Year-round qualified catering services must have a minimum gross income
26 of \$50,000 a year from the sale of food to the public; and

27 (2) Part-time qualified catering services must have a minimum gross income of:

28 (a) Thirty thousand dollars from the sale of food to the public if the catering
29 service operates for more than 3 months but no more than 6 months in a year;
30 and

31 (b) Twenty thousand dollars from the sale of food to the public if the
32 catering service operates for no more than 3 months in a year.

33 B. In municipalities having a population of 30,001 to 50,000 persons:

34 (1) Year-round qualified catering services must have a minimum gross income
35 of \$40,000 a year from the sale of food to the public; and

36 (2) Part-time qualified catering services must have a minimum gross income of:

37 (a) Twenty-five thousand dollars from the sale of food to the public if the
38 catering service operates for more than 3 months but no more than 6 months
39 in a year; and

1 (b) Twenty thousand dollars from the sale of food to the public if the
2 catering service operates for no more than 3 months in a year.

3 C. In municipalities having a population of 20,001 to 30,000 persons:

4 (1) Year-round qualified catering services must have a minimum gross income
5 of \$30,000 a year from the sale of food to the public; and

6 (2) Part-time qualified catering services must have a minimum gross income of
7 ~~\$20,000 from the sale of food to the public if the catering service operates for~~
8 ~~more than 3 months but no more than 6 months in a year.;~~

9 (a) Twenty thousand dollars from the sale of food to the public if the
10 catering service operates for more than 3 months but no more than 6 months
11 in a year; and

12 (b) Ten thousand dollars from the sale of food to the public if the catering
13 service operates for no more than 3 months in a year.

14 D. In municipalities having a population of 7,501 to 20,000 persons:

15 (1) Year-round qualified catering services must have a minimum gross income
16 of \$15,000 a year from the sale of food to the public; and

17 (2) Part-time qualified catering services must have a minimum gross income of
18 \$10,000 from the sale of food to the public if the catering service operates for no
19 more than 6 months in a year.

20 E. In unincorporated places and in municipalities having a population of 7,500
21 persons or less:

22 (1) Year-round qualified catering services must have a minimum gross income
23 of \$5,000 a year from the sale of food to the public; and

24 (2) Part-time qualified catering services must have a minimum gross income of
25 \$2,500 from the sale of food to the public if the catering service operates for no
26 more than 6 months in a year.

27 **Sec. 196. 28-A MRSA §1076, sub-§4**, as amended by PL 1993, c. 410, Pt. ZZ,
28 §20, is further amended to read:

29 **4. Bureau ~~determines to determine whether new~~ applicant would probably**
30 **~~qualify meet sale of food requirement.~~** The bureau may not issue ~~the~~ an initial license
31 ~~if to a qualified catering service unless~~ it determines that the applicant ~~for a new license~~
32 would probably qualify meet the requirements of subsection 3.

33 **Sec. 197. 28-A MRSA §1076, sub-§5**, as amended by PL 1993, c. 410, Pt. ZZ,
34 §20, is further amended to read:

35 **5. ~~Licensee for renewal must show proof of meeting income~~ Proof of compliance**
36 **with sale of food requirement for license renewal.** The bureau may not renew ~~any a~~
37 ~~qualified catering service's license for the sale of liquor under this section~~ unless the
38 licensee furnishes the bureau with proof that the previous year's business ~~conformed to~~
39 ~~the income met the requirements of this section~~ subsection 3. If the bureau determines

1 that the licensee has not satisfied the requirements of subsection 3, it may renew the
2 license for only one year, during which the licensee must meet the requirements of
3 subsection 3 to be eligible for further license renewal.

4 **Sec. 198. 28-A MRSA §1076, sub-§6**, as enacted by PL 1987, c. 45, Pt. A, §4, is
5 repealed.

6 **Sec. 199. 28-A MRSA §1076, sub-§10, ¶B**, as enacted by PL 2009, c. 530, §1,
7 is amended to read:

8 B. The primary business of the licensee does not involve serving ~~alcoholic beverages~~
9 liquor on a day-to-day basis at self-sponsored events;

10 **Sec. 200. 28-A MRSA §1077**, as amended by PL 2015, c. 74, §5, is further
11 amended to read:

12 **§1077. Public service corporations: ~~Vessel, railroad and airline corporations~~**

13 **1. Licenses.** The bureau may issue licenses under this section for the sale of spirits,
14 wine and malt liquor by ~~vessel, railroad and airline corporations~~ vessel corporations,
15 railroad corporations and airline corporations in their ~~boats, cars~~ vessels, passenger cars,
16 dining cars and aircraft.

17 **2. ~~Vessels~~ Vessel corporations.** The requirements and conditions for licenses for
18 ~~vessels~~ vessel corporations are as follows.

19 A. The bureau may not require that the vessels operated by vessel corporations be
20 equipped to supply food or provide food service.

21 B. Except as provided in subparagraph (1), licenses issued under this section to
22 vessel ~~companies~~ corporations operating ~~boats within the State~~ vessels on coastal
23 waters authorize the licensees to sell liquor ~~in the boats on board those vessels~~
24 after leaving and before reaching ports within the State and licenses on coastal waters.
25 Except as provided in subparagraph (1), licenses issued under this section to
26 ~~commercial~~ vessel ~~companies~~ corporations operating ~~boats~~ vessels on inland waters
27 within the State authorize the licensees to sell liquor on board ~~the boat~~ those vessels
28 after leaving and before reaching docks on inland waters within the State.

29 (1) A licensee may sell liquor for consumption on board a vessel that is in port or
30 docked; only if prior approval for the sale is obtained from the bureau under the
31 license application procedure in section 653. A separate approval must be
32 obtained for each port or dock location from which on-board sales of liquor are to
33 be made.

34 C. A vessel corporation licensed to sell liquor under this section may sell liquor on
35 Sundays only between the hours of 5 a.m. and 1 a.m. the following day on board
36 vessels operating on inland waters ~~and when operated within the 3-mile limit~~ or on
37 coastal waters.

38 D. Notwithstanding the provisions of sections 121 and 122, a vessel ~~on inland waters~~
39 corporation licensed under this section may sell liquor on board vessels operating on

1 inland waters without approval of the municipal officers or, in the case of
2 unincorporated places, the county commissioners.

3 For purposes of this subsection, "coastal waters" has the same meaning as in Title 12,
4 section 6001, subsection 6.

5 **3. Railroad corporations.** The requirements and conditions for licenses for railroad
6 corporations are as follows.

7 A. The license issued to a railroad corporation operating dining cars or passenger
8 cars within the State authorizes the licensee to sell liquor to be consumed in ~~the~~ those
9 dining cars or passenger cars only after leaving and before reaching the terminal
10 stops.

11 **4. ~~Airlines~~ Airline corporations.** The requirements and conditions for licenses for
12 ~~airlines~~ airline corporations are as follows.

13 A. The license issued to an airline corporation operating aircraft within the State
14 authorizes the licensee to sell liquor in ~~the~~ those aircraft to be consumed in the
15 aircraft only after leaving and before reaching airports within the State.

16 **5. License sufficient throughout the State.** One license issued under this section is
17 sufficient to cover all ~~aircraft, passenger cars or~~ vessels, passenger cars, dining cars or
18 aircraft operated by the licensed public service corporation.

19 **Sec. 201. 28-A MRSA §1079**, as amended by PL 1997, c. 373, §104, is repealed.

20 **Sec. 202. 28-A MRSA §1201, sub-§1**, as amended by PL 1997, c. 373, §105, is
21 further amended to read:

22 **1. Licenses for sale of malt liquor and ~~table~~ wine.** The bureau may issue licenses
23 under this section for the sale and distribution of malt liquor or wine to ~~off-premise off-~~
24 premises retail licensees, as defined in section 2, subsection 27, paragraph A.

25 **Sec. 203. 28-A MRSA §1201, sub-§6**, as repealed and replaced by PL 1987, c.
26 342, §103, is amended to read:

27 **6. Stock of groceries or compatible merchandise required.** All ~~off-premise off-~~
28 premises retail licensees must have and maintain:

29 A. An adequate stock of groceries fit for human consumption of at least \$1,000
30 wholesale value;

31 B. A stock of merchandise reasonably compatible with a stock of malt liquor or wine
32 of at least \$1,000 wholesale value; or

33 C. A combination of both groceries fit for human consumption and compatible
34 merchandise of at least \$1,000 wholesale value.

35 **Sec. 204. 28-A MRSA §1201, sub-§7, ¶A**, as amended by PL 2005, c. 193, §1,
36 is further amended to read:

37 A. Includes:

- 1 (1) Tobacco products;
- 2 (2) Newspapers;
- 3 (3) Greeting cards;
- 4 (4) Paper products;
- 5 (5) Cut flowers and potted flowers;
- 6 (5-A) Glasses, stemware, china and devices designed to open containers of wine
- 7 and ~~beer~~ malt liquor;
- 8 (6) A stock of foodstuffs and other consumable products used on the premises in
- 9 the preparation of food for on-premises or off-premises consumption ~~on or off the~~
- 10 ~~premises~~; and
- 11 (7) Other items equally compatible with a stock of malt liquor or wine; and

12 **Sec. 205. 28-A MRSA §1202**, as amended by PL 1997, c. 373, §108, is further
13 amended to read:

14 **§1202. ~~Payment for sales in off-premise retailers~~ Employment of minors**

15 **1. Employees under 17.** ~~No~~ An employee under 17 years of age may not accept
16 payment for the sale of malt liquor or wine at the check-out counter of an ~~off-premise off-~~
17 ~~premises~~ retail licensee's establishment.

18 **2. Employees who are 17.** An employee who is at least 17 years of age but less than
19 21 years of age may accept payment only in the presence of an employee who is at least
20 21 years of age and is in a supervisory capacity.

21 **Sec. 206. 28-A MRSA §1204, sub-§1**, as amended by PL 1997, c. 373, §109, is
22 further amended to read:

23 **1. Issuance of licenses.** The bureau may issue licenses under this section for the sale
24 of malt liquor and ~~table wine to be consumed off the premises for off-premises~~
25 consumption to ship chandlers, as defined in section 2, subsection 15, paragraph S.

26 **Sec. 207. 28-A MRSA §1204, sub-§3**, as enacted by PL 1987, c. 342, §106, is
27 amended to read:

28 **3. Exception to ~~off-premise off-premises~~ retail licensee requirements.**
29 Notwithstanding section 1201, a licensed ship chandler is not required to have or
30 maintain a stock of groceries, compatible merchandise or combination of both.

31 **Sec. 208. 28-A MRSA §1205, sub-§1**, as amended by PL 2019, c. 79, §2, is
32 further amended to read:

33 **1. Taste testing on off-premises retail licensee's premises.** Subject to the
34 conditions in subsections 2 and 2-A, the bureau may authorize an off-premises retail
35 licensee stocking at least 100 different wine labels to conduct taste testing of wine on that
36 licensee's premises. ~~Any~~ Except as provided in section 1206, an off-premises retail

1 ~~licensee may not allow any other consumption of liquor on an the off-premises retail~~
2 ~~licensee's premises is prohibited, except as permitted under section 460, 1207, 1208,~~
3 ~~1402-A or 1504.~~

4 **Sec. 209. 28-A MRSA §1205, sub-§2, ¶L**, as amended by PL 2013, c. 368, Pt.
5 V, §42, is further amended to read:

6 L. Prior to a taste-testing event, the retail licensee shall post prominently at the
7 entrance to the store a sign that announces the date and time of the event; ~~and~~

8 **Sec. 210. 28-A MRSA §1205, sub-§2, ¶M**, as amended by PL 2019, c. 79, §2, is
9 further amended to read:

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

15 **Sec. 211. 28-A MRSA §1205, sub-§2, ¶N** is enacted to read:

16 N. Wine may be poured for the taste-testing event only by the owner or an employee
17 of the off-premises retail licensee, by a sales representative licensed under section
18 1502 whose name is listed on the request to conduct the taste-testing event as
19 required by subsection 2-A, paragraph D or, if the manufacturer of the wine being
20 poured is licensed under section 1355-A, by the manufacturer or an employee of the
21 manufacturer.

22 **Sec. 212. 28-A MRSA §1206**, as amended by PL 2011, c. 629, §20, is further
23 amended to read:

24 **§1206. Consumption prohibited on off-premises retail licensee's premises**

25 ~~A person may not consume liquor on the premises of an off-premise retail licensee~~
26 ~~licensed under this chapter except~~ Except as provided in sections 460, 1205, 1207, 1208,
27 1402-A and 1504, an off-premises retail licensee may not permit a person to consume
28 liquor on the off-premises retail licensee's premises.

29 **Sec. 213. 28-A MRSA §1207, sub-§1**, as amended by PL 2019, c. 79, §3, is
30 further amended to read:

31 **1. Taste testing on off-premises retail licensee's premises.** Subject to the
32 conditions in subsections 2 and 2-A, the bureau may authorize an off-premises retail
33 licensee stocking at least 100 different labels of malt liquor to conduct taste testing of
34 malt liquor on that licensee's premises. ~~Any~~ Except as provided in section 1206, an off-
35 premises retail licensee may not allow any other consumption of liquor on an the
36 off-premises retail licensee's premises is prohibited, except as permitted under section
37 460, 1205, 1208, 1402-A or 1504.

38 **Sec. 214. 28-A MRSA §1207, sub-§2, ¶N** is enacted to read:

1 N. Malt liquor may be poured for the taste-testing event only by the owner or an
2 employee of the off-premises retail licensee, by a sales representative licensed under
3 section 1502 whose name is listed on the request to conduct the taste-testing event as
4 required by subsection 2-A, paragraph D or, if the manufacturer of the malt liquor
5 being poured is licensed under section 1355-A, by the manufacturer or an employee
6 of the manufacturer.

7 **Sec. 215. 28-A MRSA §1208, sub-§2, ¶C**, as amended by PL 2019, c. 559, §2,
8 is further amended to read:

9 C. Wine may be served only if a full meal is available for purchase and consumption
10 on the premises. ~~For the purposes of this paragraph, "full meal" means a diversified~~
11 ~~selection of food that cannot ordinarily be consumed without the use of tableware and~~
12 ~~cannot be conveniently consumed while standing or walking; and~~

13 **Sec. 216. 28-A MRSA §1208, sub-§2, ¶D**, as amended by PL 2019, c. 559, §3,
14 is further amended to read:

15 ~~D. Patrons~~ A licensee under this section may not permit a patron of the establishment
16 may not to consume any alcoholic beverage liquor on the premises unless it is served
17 in accordance with this section by the licensee or an employee of the licensee other
18 than wine served in accordance with the requirements of this section.

19 **Sec. 217. 28-A MRSA §1209, sub-§6**, as enacted by PL 2015, c. 366, §1, is
20 amended to read:

21 **6. Beverage container deposit.** A container of privately held wine auctioned under
22 this section must comply with the provisions of Title ~~32~~ 38, chapter ~~28~~ 33.

23 **Sec. 218. 28-A MRSA §1351**, as amended by PL 1997, c. 373, §112, is further
24 amended to read:

25 **§1351. Certificate of approval**

26 **1. Certificate of approval required.** All ~~in-state manufacturers~~, out-of-state
27 manufacturers and out-of-state wholesalers must obtain a certificate of approval from the
28 bureau.

29 **Sec. 219. 28-A MRSA §1355-A**, as amended by PL 2019, c. 360, §§1 to 3, c.
30 404, §§26 and 27 and c. 529, §§4 to 6, is further amended to read:

31 **§1355-A. Manufacturer licenses**

32 **1. Issuance of licenses.** The bureau may issue licenses under this section to
33 breweries, small breweries, wineries, small wineries, distilleries ~~and~~ small distilleries,
34 bottlers and rectifiers in the State that operate under federal law and federal supervision.

35 **1-A. Definition.** For purposes of this section, "manufacturing facility" means the
36 premises of a brewery, small brewery, winery, small winery, distillery or small distillery
37 licensed under this section where liquor products are produced.

1 **1-B. Bottlers and rectifiers.** A bottler or rectifier licensed under this section may
2 permit sampling of a liquor product bottled or rectified by that licensee on the premises
3 where it is bottled or rectified:

4 A. By employees for the purpose of quality control of the product; and

5 B. By wholesalers for the purpose of determining whether to carry the product as a
6 wholesale product if the licensee pays the excise tax on the product sampled
7 according to section 1652.

8 **2. Manufacturers other than bottlers and rectifiers.** The following provisions
9 apply to brewery, small brewery, winery, small winery, distillery and small distillery
10 licensees.

11 A. A licensee governed by this subsection may permit sampling of ~~the~~ a liquor
12 product produced by that licensee on the premises where the liquor product is
13 produced:

14 (1) By employees for the purpose of quality control of the product; and

15 (2) By wholesalers for the purpose of determining whether to carry the product
16 as a wholesale product if the ~~holder of the license~~ licensee pays the excise tax on
17 the product sampled according to section 1652; and.

18 (3) ~~By the public if the holder of the license pays the excise tax on the product~~
19 ~~sampled according to section 1652.~~

20 B. A licensee ~~under this section~~ governed by this subsection may serve to the public
21 ~~complimentary~~ samples of liquor produced by the licensee at the ~~licensed premises~~
22 manufacturing facility where that liquor is produced by the licensee under the
23 conditions specified in this paragraph.

24 (1) The licensee may sell samples to the public or offer samples to the public at
25 no cost.

26 (2) The licensee shall pay the excise tax, if any, according to section 1652 on all
27 samples served to the public under this paragraph. If a sample is sold by the
28 licensee, it is also subject to the sales tax on liquor under Title 36, section 1811.

29 (3) The licensee shall maintain a record of all samples the licensee sells under
30 this paragraph and shall maintain those records for a period of 2 years.

31 (4) The licensee may serve samples to the public under this paragraph only
32 during the hours of legal sale set forth in section 4.

33 (5) The area of the licensed premises where the licensee serves samples to the
34 public under this paragraph is not required to be separate from and may be
35 accessed by the same entrance as the area licensed for on-premises consumption
36 of liquor under chapter 43 in accordance with paragraph I.

37 (6) Spirits samples served to the public under this paragraph by a distillery must
38 first be sold to the State, subject to the listing, pricing and distribution provisions
39 of this Title. Spirits samples served to the public under this paragraph by a small
40 distillery are subject to the requirements of subsection 5, paragraph H.

1 (7) The licensee may not serve samples to minors or visibly intoxicated persons.
2 ~~C. A licensee under this section may sell to nonlicensees during regular business~~
3 ~~hours from the licensed premises where liquor is produced by the licensee liquor~~
4 ~~produced by the bottle, by the case or in bulk for consumption off the licensed~~
5 ~~premises. Spirits sold by distillers in accordance with this paragraph must be first~~
6 ~~sold to the State, subject to the listing, pricing and distribution provisions of this~~
7 ~~Title.~~
8 D. A licensee under this section governed by this subsection may sell for off-
9 premises consumption liquor produced by the licensee from the licensed premises
10 manufacturing facility where liquor is produced by the licensee liquor produced by
11 the licensee for consumption off the licensed premises under the conditions specified
12 in this paragraph.
13 (1) Sales made in accordance with this paragraph do not require a the licensee
14 ~~under this section~~ to obtain an additional retail license under chapter 45.
15 (2) Liquor sold in accordance with this paragraph may not be consumed
16 anywhere on the licensed premises.
17 (3) The area of the licensed premises where a the licensee opts to transact sales
18 for off-premises consumption is not required to be separate from and may be
19 accessed by the same entrance ~~for~~ as the area licensed for on-premises
20 consumption of liquor under chapter 43 in accordance with paragraph I.
21 (4) Sales under this paragraph may be made only during the hours of legal sale
22 as provided in section 4.
23 (5) Spirits sold by a distillery must first be sold to the State, subject to the listing,
24 pricing and distribution provisions of this Title. Spirits sold by a small distillery
25 are subject to the requirements of subsection 5, paragraph G.
26 (6) Except as provided in subsection 3, paragraphs C and C-1, sales may be
27 made only by the bottle, by the case or in bulk.
28 ~~E. A licensee may serve complimentary samples of liquor on Sunday after the hour~~
29 ~~of 5 a.m. and may sell liquor on Sunday after the hour of 5 a.m. if the municipality in~~
30 ~~which the licensed premises is located has authorized the sale of liquor on Sunday for~~
31 ~~consumption off the premises under chapter 5.~~
32 ~~F. A licensee may charge for samples or shall otherwise comply with the conditions~~
33 ~~in paragraph E. Each sample poured is subject to a charge in an amount determined~~
34 ~~by the licensee and is subject to the sales tax on liquor under Title 36, section 1811.~~
35 ~~A licensee shall maintain a record of liquor samples subject to a charge and maintain~~
36 ~~those records for a period of 2 years.~~
37 ~~G. A licensee that is a brewery or small brewery may sell on the premises during~~
38 ~~regular business hours and within the hours of legal sale to nonlicensees liquor~~
39 ~~produced at the licensed premises. The volume of the package may not exceed 15.5~~
40 ~~gallons and must be consumed off the premises. The sale of packages described in~~
41 ~~this paragraph must comply with keg tagging requirements provided in section 714.~~
42 ~~Each licensee shall submit a monthly report to its wholesaler detailing sales made~~

1 directly from the premises. The wholesaler shall calculate the fees for any bottle
2 deposit and submit an invoice to the licensee for expenses associated with the
3 requirements prescribed in Title 38, chapter 33 including the retailer handling fee,
4 state container deposit and a mutually agreed upon pick-up fee.

5 H. ~~A small winery or small brewery licensee shall keep and maintain complete
6 records on all sales to a retail licensee.~~

7 I. A licensee governed by this subsection may be issued one on-premises retail
8 license under chapter 43 per licensed location, ~~on the premises of the licensed~~
9 ~~location or at another location, for the sale of liquor to be consumed on the premises~~
10 ~~at the retail premises if the same person or persons hold a controlling interest in both~~
11 ~~the licensed manufacturing location and the licensed retail establishment~~
12 manufacturing facility under the conditions specified in this paragraph.

13 (1-A) The on-premises retail license issued under chapter 43 may be for retail
14 activities located at the manufacturing facility or for retail activities at another
15 location if the same person or persons hold a majority ownership interest in both
16 the manufacturing facility and the premises licensed under chapter 43.

17 (2) The retail license issued under chapter 43 authorizes the sale for on-premises
18 consumption of products ~~of produced at the brewery, small brewery, winery,~~
19 ~~small winery, distillery or small distillery, in addition to manufacturing facility as~~
20 ~~well as other liquor permitted to be sold under the applicable class of the retail~~
21 ~~license, to be consumed on the premises.~~

22 (2-A) Liquor sold under a ~~chapter 43~~ retail license ~~operated on the premises of a~~
23 ~~location licensed under this section~~ issued under chapter 43 on the premises of
24 the manufacturing facility may not be consumed on any part of the premises
25 where patrons are not generally permitted.

26 (3) All records related to activities under ~~a manufacturer~~ the authority of the
27 manufacturing facility's license issued under this section must be kept separate
28 from records related to activities under the authority of the retail license issued
29 under chapter 43. Income from the sale of liquor under paragraph B or D by a
30 manufacturing facility that is located on the same premises as the retail license
31 issued under chapter 43 is not included in calculating whether that retail licensee
32 satisfies any applicable income from the sale of food requirement set forth in
33 chapter 43.

34 (4) ~~A distillery or small distillery must meet the requirements of subsection 5,~~
35 ~~paragraphs D and E~~ Spirits sold under the authority of the retail license issued
36 under chapter 43 to the holder of a distillery license must first be sold to the
37 State, subject to the listing, pricing and distribution provisions of this Title.
38 Spirits sold under the authority of the retail license issued under chapter 43 to the
39 holder of a small distillery license are subject to the requirements of subsection 5,
40 paragraph H.

41 (4-A) A person issued a retail license issued under chapter 43 for premises other
42 than the licensed manufacturing facility may sell liquor for off-premises
43 consumption under the conditions stated in paragraph D.

1 (5) The licensee shall ensure that products purchased for off-premises
2 consumption under paragraph D are not consumed on the ~~licensed premises of~~
3 the manufacturing facility or the retail license issued under chapter 43, if that
4 retail license authorizes retail activities at another location.

5 J. A licensee governed by this subsection may display up to 25 bottles of liquor
6 produced by the licensee in a window of ~~the a location under paragraph D where~~
7 ~~liquor is sold for consumption off the licensed premises. Locations licensed under~~
8 ~~subsection 4, paragraph B, subparagraph (2) or subsection 5, paragraph B,~~
9 ~~subparagraph (3) may also display up to 25 bottles of liquor produced by the licensee~~
10 where the licensee is authorized by this section to sell its products for on-premises
11 consumption or for off-premises consumption.

12 K. ~~For the purposes of selling liquor for on premises and off premises consumption,~~
13 ~~a licensee who operates more than one facility licensed for the manufacture of liquor~~
14 ~~under this section may~~ A licensee governed by this subsection may transport liquor
15 produced at the licensed manufacturing facility in bulk or packaged in kegs, bottles or
16 cans, including by the case, to:

17 (1) ~~Transfer product produced by the licensee in bulk or packaged in kegs,~~
18 ~~bottles or cans, including by the case, at one facility licensed for the manufacture~~
19 ~~of liquor to another~~ Another manufacturing facility at which the licensee is
20 licensed to manufacture liquor or to any location where the licensee: licensed
21 under this section if the same person or persons hold a majority ownership
22 interest in both of the licensed manufacturing facilities; and

23 (a) ~~Serves samples of the manufacturer's product in accordance with~~
24 ~~subsection 2, paragraphs E and F; and~~

25 (b) ~~Is authorized under this section to sell the manufacturer's product to~~
26 ~~nonlicensees for off premises consumption; and~~

27 (2) ~~Transfer product produced by the licensee in bulk or packaged in kegs,~~
28 ~~bottles or cans, including by the case, from a facility at which the licensee is~~
29 ~~licensed to manufacture liquor to any~~ An establishment licensed for on premises
30 consumption under chapter 43 retail sales operated by the licensee as authorized
31 under paragraph I; subsection 4, paragraph B, subparagraph 2; or subsection 5,
32 paragraph B, subparagraph 3 as long as the same person or persons hold a
33 majority ownership interest in both the licensed manufacturing facility and the
34 licensed retail establishment.

35 ~~If the same person or persons hold a majority ownership interest of greater than 50%~~
36 ~~in more than one facility licensed for the manufacture of liquor under this section, the~~
37 ~~person or persons are considered one licensee for the purpose of transferring liquor as~~
38 ~~authorized by this paragraph.~~

39 **2-B. Grandfathering of certain licenses issued prior to January 1, 2018.** The
40 bureau may not suspend, revoke or refuse to renew a license issued under this section or
41 chapter 43 or 45 that was initially issued prior to January 1, 2018 solely on the basis that:

1 A. The establishment licensed under chapter 43 or 45 was determined by the bureau
2 after the license was issued to not be exclusively held or exclusively owned by a
3 person licensed to manufacture liquor under this section; or

4 B. The licensee is in violation of section 707, subsection 2, 3 or 4, if the violation
5 existed in the same manner at the time the license was initially issued or at the time
6 the license was renewed.

7 The prohibition described in this subsection does not apply if the reason for suspension,
8 revocation or refusal to renew is due to the licensee's substantial misrepresentation of or
9 failure to disclose material facts required for the issuance or renewal of the license.

10 **3. Breweries; small breweries.** Except as otherwise provided in this section, the
11 following provisions apply to breweries and small breweries.

12 A. A holder of a brewery license may produce more than 30,000 barrels of malt
13 liquor per year.

14 B. A holder of a small brewery license may produce up to 30,000 barrels of malt
15 liquor per year.

16 (1) Upon application by a holder of a small brewery license that has produced
17 malt liquor in an amount that exceeds 30,000 barrels in one year, the bureau may
18 renew that holder's small brewery license for only one additional year.

19 (2) A holder of a small brewery license may sell or deliver its products to
20 licensed retailers or wholesalers. The licensee may sell, on the premises for
21 ~~consumption off the premises~~ off-premises consumption, malt liquor produced at
22 the licensed premises by the bottle, by the case or in bulk to licensed retailers,
23 including, but not limited to, off-premises retail licensees, restaurants and clubs.
24 Notwithstanding section 1361, the holder of a small brewery license may sell its
25 products directly to a retail licensee under this paragraph without selling to a
26 wholesale licensee. A small brewery licensee shall keep and maintain complete
27 records on all sales to a retail licensee.

28 C. Notwithstanding any ~~other~~ provision of this Title to the contrary, a an on-premises
29 retail license issued under chapter 43 pursuant to subsection 2, paragraph I to the
30 holder of a brewery or small brewery licensed in accordance with this section may
31 sell from the establishment at the site of the brewery licensed for the sale of alcoholic
32 beverages to be consumed on the premises license authorizes the sale of malt liquor
33 to be consumed off the premises in prefilled, refillable bottles for off-premises
34 consumption under the conditions specified in this paragraph.

35 (1) Only malt liquor brewed at the brewery ~~where the on-premises establishment~~
36 is licensed or small brewery associated with the on-premises retail license issued
37 under chapter 43 may be sold ~~at the on-premises establishment~~ under this
38 paragraph.

39 (2) Malt liquor must be dispensed in bottles provided by and with labels unique
40 to the brewery or small brewery of 32 to 64 ounces in volume.

41 (3) No more than 6 bottles may be prefilled at any one time.

1 (4) A deposit may be charged per bottle. Bottles sold under this paragraph are
2 not subject to Title 38, chapter 33.

3 (5) The bottle in which the malt liquor is dispensed must be sealed by the
4 licensee with a seal that is tamper-evident.

5 (6) Malt liquor dispensed in accordance with this paragraph must be consumed
6 off the premises.

7 (7) All sales of malt liquor ~~from the on-premises establishment for off-premises~~
8 ~~consumption under this paragraph~~ must be accompanied by a sales receipt with a
9 time stamp that indicates time of purchase.

10 (8) ~~Sale of malt liquor from the on-premises establishment for off-premises~~
11 ~~consumption may not be made~~ Malt liquor may not be sold pursuant to this
12 paragraph after 10:00 p.m.

13 The bureau may adopt rules to enforce this paragraph. Rules adopted in accordance
14 with this paragraph are routine technical rules ~~in accordance with~~ as defined in Title
15 5, chapter 375, subchapter 2-A.

16 C-1. A holder of a brewery or small brewery license may sell for off-premises
17 consumption kegs of malt liquor produced by the licensee under the conditions
18 specified in this paragraph.

19 (1) Only malt liquor brewed at the brewery or small brewery may be sold by the
20 keg, which may not exceed 15.5 gallons in volume and which must comply with
21 the tagging and labeling requirements set forth in section 714.

22 (2) Sales under this paragraph may be made only during the hours of legal sale
23 as provided in section 4.

24 (3) The brewery or small brewery shall submit a monthly report to its wholesale
25 licensee detailing sales made under this paragraph. The wholesale licensee shall
26 calculate the fees for any bottle deposit and submit an invoice to the licensee for
27 expenses associated with the requirements prescribed in Title 38, chapter 33
28 including the retailer handling fee, state container deposit and a mutually agreed-
29 upon pickup fee.

30 ~~D. Notwithstanding any provision of this Title to the contrary, a brewery or small~~
31 ~~brewery licensed in accordance with this section may sell malt liquor to be consumed~~
32 ~~off the premises under the conditions specified in this paragraph if the brewery or~~
33 ~~small brewery is participating in a taste testing event under section 1052-D.~~

34 ~~(1) The brewery or small brewery may sell only malt liquor produced in the~~
35 ~~State by that brewery or small brewery.~~

36 ~~(2) A sale of malt liquor in accordance with this paragraph must be accompanied~~
37 ~~by a sales receipt.~~

38 E. A holder of a brewery or small brewery license may produce low-alcohol spirits
39 products containing malt liquor produced by the brewery or small brewery and may
40 import spirits solely for this purpose.

1 (1) If a small brewery license holder produces low-alcohol spirits products
2 pursuant to this paragraph, the combined total of malt liquor and low-alcohol
3 spirits products produced at the small brewery may not exceed 30,000 barrels per
4 year.

5 **4. Wineries; small wineries.** Except as otherwise provided in this section, the
6 following provisions apply to wineries and small wineries.

7 A. A holder of a winery license may produce more than 50,000 gallons per year of
8 wine that is not hard cider and may produce more than 3,000 barrels per year of wine
9 that is hard cider.

10 B. A holder of a small winery license may produce up to 50,000 gallons per year of
11 wine that is not hard cider and may produce up to 3,000 barrels per year of wine that
12 is hard cider.

13 (1) A holder of a small winery license may sell or deliver its products to licensed
14 retailers or wholesalers. The licensee may sell, on the premises for ~~consumption~~
15 ~~off the premises,~~ off-premises consumption any wine produced at the licensed
16 premises by the bottle, by the case or in bulk to licensed retailers, including, but
17 not limited to, off-premises retail licensees, restaurants and clubs. Notwithstanding section 1361, the licensee may sell its products directly to a
18 retail licensee under this paragraph without selling to a wholesale licensee. A
19 small winery licensee shall keep and maintain complete records on all sales to a
20 retail licensee.
21

22 (2) A holder of a small winery license, upon application to and approval of the
23 bureau and payment of ~~the~~ a \$50 license fees fee per location, may obtain
24 licenses for off-premises consumption for up to 2 additional locations other than
25 the location of the in-state manufacturer licensed under this section. The holder
26 of the licenses is not required to conduct any bottling or production at the
27 additional licensed locations but may conduct all activities permitted by this
28 section at the additional licensed locations.

29 C. A holder of a winery or small winery license may fortify wine produced by the
30 winery license holder and import spirits solely for this purpose.

31 (1) If a small winery license holder produces fortified wine pursuant to this
32 paragraph, the combined total of ~~wine, sparkling wine and fortified wine~~ all wine,
33 other than hard cider, produced at the small winery may not exceed 50,000
34 gallons per year.

35 ~~D. Notwithstanding any provision of this Title to the contrary, a winery or small~~
36 ~~winery licensed in accordance with this section may sell wine to be consumed off the~~
37 ~~premises under the conditions specified in this paragraph if the winery or small~~
38 ~~winery is participating in a taste testing event under section 1052 D.~~

39 ~~(1) The winery or small winery may sell only wine produced in the State by that~~
40 ~~winery or small winery.~~

41 ~~(2) A sale of wine in accordance with this paragraph must be accompanied by a~~
42 ~~sales receipt.~~

1 For purposes of this subsection, "fortified wine" means wine to which spirits have been
2 added as long as the resulting liquor does not exceed 24% alcohol by volume.

3 **5. Distilleries; small distilleries.** Except as otherwise provided in this section, the
4 following provisions apply to distilleries and small distilleries.

5 A. A holder of a distillery license may distill, rectify, blend and bottle more than
6 50,000 gallons of spirits per year.

7 B. A holder of a small distillery license may distill, rectify, blend and bottle not more
8 than 50,000 gallons of spirits per year.

9 ~~(1) The small distillery off-premises license fee is \$100.~~

10 (2) Upon application by a holder of a small distillery license whose distillery has
11 produced spirits in an amount that exceeds 50,000 gallons in one year, the bureau
12 may renew that holder's small distillery license for only one additional year.

13 (3) A holder of a small distillery license, upon application to and approval of the
14 bureau and payment of ~~the~~ a \$100 license fees fee per location, may obtain
15 licenses for off-premises consumption for up to 2 additional locations other than
16 the location of the in-state manufacturer licensed under this section. The holder
17 of the licenses is not required to conduct any bottling or production at the
18 additional licensed locations but may conduct all activities permitted by this
19 section at the additional licensed locations.

20 C. To be eligible for a distillery or small distillery license, a person must hold a basic
21 permit for distilling, rectifying, blending and bottling spirits from the United States
22 Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau.

23 D. ~~Spirits~~ Except as otherwise provided in this section, spirits produced by a holder
24 of a distillery or small distillery license must be sold to the State and are subject to
25 the listing, pricing and distribution provisions of this Title.

26 ~~E. A holder of a distillery or small distillery license may be issued one license under~~
27 ~~chapter 43 per distillery location for a connected establishment for the sale of liquor~~
28 ~~to be consumed on the premises at the distillery.~~

29 ~~(1) For the purposes of this paragraph, "connected establishment" means a Class~~
30 ~~A restaurant or a Class A restaurant/lounge that is owned by the holder of the~~
31 ~~in-state manufacturer license.~~

32 ~~(2) All records of the manufacturer license must be kept separate from the~~
33 ~~records of the retail licensee.~~

34 ~~F. A distillery or small distillery may provide samples to the public of liquors~~
35 ~~produced by the distillery that have been sold to the State in accordance with~~
36 ~~paragraph D and repurchased by the distillery or small distillery.~~

37 G. Notwithstanding paragraph D, a holder of a small distillery license that sells its
38 products directly to consumers for off-premises consumption under paragraph B,
39 subparagraph (3) or subsection 2, paragraph ~~C~~, ~~D~~ ~~or E~~ may pay the bureau the
40 difference between the distillery's price charged to the bureau and the discounted
41 retail price charged by the bureau under section 606, subsection 4-B. A small

1 distillery is not required to transport spirits that will be sold for off-premises
2 consumption as described in this paragraph to a warehouse operated by the bureau or
3 by a ~~wholesaler contracted by the bureau under section 90~~ wholesale spirits provider.
4 A holder of a small distillery license shall record the quantity of spirits sold for
5 off-premises consumption that were not transported to a warehouse as described in
6 this paragraph and submit monthly reports of this information, along with the full
7 amount of state liquor tax due as prescribed by chapter 65, to the bureau in a manner
8 prescribed by the bureau.

9 H. Notwithstanding paragraph D, a holder of a small distillery license that sells its
10 products or offers complimentary samples of its products directly to consumers for
11 on-premises consumption under ~~paragraph E or~~ subsection 2, paragraph B, ~~E or F~~ I
12 may pay the bureau the difference between the distillery's price charged to the bureau
13 and the discounted retail price charged by the bureau under section 606, subsection
14 4-B. A small distillery is not required to transport spirits that will be sold for
15 on-premises consumption as described in this paragraph to a warehouse operated by
16 the bureau or by a ~~wholesaler contracted by the bureau under section 90~~ the
17 wholesale spirits provider. A holder of a small distillery license shall record the
18 quantity of spirits sold for on-premises consumption that were not transported to a
19 warehouse as described in this paragraph and submit monthly reports of this
20 information, along with the full amount of state liquor tax due as prescribed by
21 chapter 65, to the bureau in a manner prescribed by the bureau.

22 ~~I. Notwithstanding any provision of this Title to the contrary, a distillery or small~~
23 ~~distillery licensed in accordance with this section may sell spirits to be consumed off~~
24 ~~the premises under the conditions specified in this paragraph if the distillery or small~~
25 ~~distillery is participating in a taste testing event under section 1052-D.~~

26 ~~(1) The distillery or small distillery may sell only spirits produced in the State by~~
27 ~~that distillery or small distillery.~~

28 ~~(2) Spirits sold in accordance with this paragraph are subject to the listing,~~
29 ~~pricing and distribution provisions of this Title.~~

30 ~~(3) A sale of spirits in accordance with this paragraph must be accompanied by a~~
31 ~~sales receipt.~~

32 J. A holder of a distillery or small distillery license may produce low-alcohol spirits
33 products.

34 (1) If a small distillery license holder produces low-alcohol spirits products
35 pursuant to this paragraph, the combined total of spirits and low-alcohol spirits
36 products produced at the small distillery may not exceed 50,000 gallons per year.

37 **6. Tenant ~~brewer~~ brewery.** Except as otherwise provided, the following provisions
38 apply to a tenant ~~brewer~~ brewery license under which the holder of a tenant ~~brewer~~
39 brewery license may produce malt liquor at the manufacturing facility of another ~~brewer~~
40 brewery, referred to in this subsection as "the a host ~~brewer~~ brewery," licensed by the
41 bureau under subsection 3.

42 A. To be eligible for a tenant ~~brewer~~ brewery license, a person must submit an
43 application to the bureau in a manner prescribed by the bureau and hold a brewer's

1 notice approved by the United States Department of the Treasury, Alcohol and
2 Tobacco Tax and Trade Bureau, that authorizes a tenant ~~brewer~~ brewery to use the
3 facilities and equipment of a host ~~brewer~~ brewery. If the tenant brewery meets the
4 requirements of subsection 3, paragraph B, the application must be accompanied by
5 the license fee set forth in section 1551 for a small brewery. If the tenant brewery
6 does not meet the requirements of subsection 3, paragraph B, the application must be
7 accompanied by the license fee set forth in section 1551 for a brewery.

8 B. A tenant ~~brewer~~ brewery is subject to the same requirements regarding production
9 of malt liquor and low-alcohol spirits products containing malt liquor as if the tenant
10 ~~brewer~~ brewery conducted its manufacturing on its own premises independently.

11 C. A tenant ~~brewer~~ brewery is not eligible for privileges provided in subsection 2
12 except for sampling described by paragraph A, subparagraphs (1) and (2).

13 D. A tenant ~~brewer~~ brewery is governed by the provisions of subsection 3 except for
14 the privileges granted under paragraph C.

15 E. A tenant ~~brewer~~ brewery may not brew or produce malt liquor or low-alcohol
16 spirits products containing malt liquor for another ~~brewer~~ brewery or certificate of
17 approval holder.

18 F. A tenant ~~brewer~~ brewery shall ensure that the tenant ~~brewer~~ brewery maintains
19 control of the raw ingredients used to manufacture the tenant ~~brewer's~~ brewery's
20 product.

21 G-1. Licenses issued under subsection 3 may allow for up to 9 tenant ~~brewers~~
22 breweries at a time at the manufacturing facility of a host ~~brewer~~ brewery.

23 H. The bureau may require a tenant ~~brewer~~ brewery to maintain a record or log
24 indicating which equipment is being used at any time by the tenant ~~brewer~~ brewery in
25 the production of malt liquor or low-alcohol spirits products containing malt liquor
26 and which employees are working on production of the tenant ~~brewer's~~ brewery's
27 product.

28 I. The bureau shall require that reports from a tenant ~~brewer~~ brewery be submitted in
29 a manner similar to the manner in which a ~~brewer~~ brewery licensed under subsection
30 3 submits reports. The bureau shall also require a tenant ~~brewer~~ brewery to submit
31 copies of reports required of holders of an approved brewer's notice issued by the
32 United States Department of the Treasury, Alcohol and Tobacco Tax and Trade
33 Bureau authorizing the tenant ~~brewer~~ brewery to engage in an alternating
34 proprietorship.

35 **7. Tenant winery.** Except as otherwise provided, the following provisions apply to
36 a tenant winery license under which the holder of a tenant winery license may produce
37 wine at the manufacturing facility of another winery, referred to in this subsection as "~~the~~
38 a host winery," licensed by the bureau under subsection 4. This subsection applies to
39 hard cider produced by a manufacturer licensed as a winery or small winery under
40 subsection 4.

41 A. To be eligible for a tenant winery license, a person must submit an application to
42 the bureau in a manner prescribed by the bureau and hold an approved application for
43 an alternating proprietorship issued by the United States Department of the Treasury,

1 Alcohol and Tobacco Tax and Trade Bureau that authorizes a tenant winery to use
2 the facilities and equipment of a host winery. If the tenant winery meets the
3 requirements of subsection 4, paragraph B, the application must be accompanied by
4 the license fee set forth in section 1551 for a small winery. If the tenant winery does
5 not meet the requirements of subsection 4, paragraph B, the application must be
6 accompanied by the license fee set forth in section 1551 for a winery.

7 B. A tenant winery is subject to the same requirements regarding manufacture of its
8 product as if the tenant winery conducted its manufacturing on its own premises
9 independently.

10 C. A tenant winery is not eligible for privileges provided in subsection 2 except for
11 sampling described by paragraph A, subparagraphs (1) and (2).

12 D. A tenant winery may not produce wine or hard cider for another winery or
13 certificate of approval holder.

14 E. A tenant winery shall ensure that the tenant winery maintains control of the raw
15 ingredients used to manufacture the tenant winery's ~~product~~ wine or hard cider.

16 F. A license issued under subsection 4 may allow for up to 9 tenant wineries at a
17 time at the manufacturing facility of a host winery.

18 G. The bureau may require a tenant winery to maintain a record or log indicating
19 which equipment is being used at any time by the tenant winery in the production of
20 wine or hard cider and which employees are working on production of the tenant
21 winery's product.

22 H. The bureau shall require that reports from a tenant winery be submitted in a
23 manner similar to the manner in which a winery licensed under subsection 4 submits
24 reports. The bureau shall also require a tenant winery to submit copies of reports
25 required of holders of an approved application issued by the United States
26 Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau authorizing
27 the tenant winery to engage in an alternating proprietorship.

28 **Sec. 220. 28-A MRSA §1361**, as amended by PL 2019, c. 529, §7, is further
29 amended to read:

30 **§1361. Certificate of approval; malt liquor or wine**

31 **1. Certificate of approval required.** ~~No~~ An out-of-state manufacturer or ~~foreign~~
32 ~~out-of-state~~ wholesaler of malt liquor or wine may ~~hold for sale, sell or offer for sale in~~
33 ~~intrastate commerce, or transport or cause to be transported into the State for resale, any~~
34 ~~malt liquor or wine~~ not engage in the following activities unless the manufacturer or
35 ~~foreign~~ wholesaler has obtained ~~from the bureau~~ a certificate of approval: from the bureau
36 in accordance with this section:

37 A. Offer malt liquor or wine for sale in the State or sell malt liquor or wine in the
38 State; or

39 B. Transport into or cause to be transported into the State malt liquor or wine for sale
40 or resale in the State.

1 **2. Fee for certificate of approval.** The fee for a certificate of approval under this
2 section is \$1,000 per year for malt liquor only and \$1,000 per year for wine only, except
3 that the fee for ~~a~~ an out-of-state manufacturer or ~~foreign~~ out-of-state wholesaler of wine
4 or malt liquor ~~who~~ that ships 120 gallons of wine or malt liquor or less per year is \$100.
5 Payment of the fee must accompany the application for the certificate of approval.

6 **3. Conditions on certificate of approval.** ~~The~~ A certificate of approval under this
7 section is subject to the laws of the State and the rules of the bureau.

8 ~~A. Any violation of the rules of the bureau is ground for suspension or revocation of~~
9 ~~the certificate at the discretion of the District Court Judge.~~

10 **4. No sales of malt liquor or wine to person without wholesale license.** ~~No~~
11 Except as otherwise authorized in sections 2073-C, 2073-D and 2073-E, a certificate of
12 approval holder, except a licensed small brewery or small winery authorized under
13 section 1355-A to sell its own products directly to retailers, may sell or cause to be
14 transported into the State any may not sell malt liquor or wine to any a person to whom a
15 Maine wholesale license has not been issued by the bureau. Malt liquor or wine must be
16 delivered to the place of business of the wholesaler as shown in the wholesaler's license,
17 must be unloaded and inventoried at the wholesaler's premises upon the wholesaler's
18 receipt of the shipment and must come to rest before delivery is made to any retailer to
19 enable the bureau to inspect and inventory wholesale warehouses for the purpose of
20 verifying taxes that are required to be paid on malt liquor and wine purchased by
21 importers that is not a wholesale licensee or cause malt liquor or wine to be transported
22 into the State for sale to any person that is not a wholesale licensee.

23 Malt liquor or wine must be delivered to the place of business of the wholesale licensee
24 as shown in the wholesale licensee's license, must be unloaded and inventoried at the
25 wholesale licensee's premises upon the wholesale licensee's receipt of the shipment and
26 must come to rest before delivery is made to any retailer to enable the bureau to inspect
27 and inventory the wholesale licensee's warehouses for the purpose of verifying taxes that
28 are required to be paid on imported malt liquor and wine.

29 This subsection does not apply to a licensed small brewery or small winery authorized
30 under section 1355-A to sell its own products directly to retailers.

31 **5. No exclusivity agreement.** ~~No~~ A certificate of approval holder may not make it a
32 condition in selling malt liquor or wine to any wholesale licensee that the wholesale
33 licensee may not sell malt liquor or wine manufactured or sold by other manufacturers or
34 ~~foreign~~ out-of-state wholesalers.

35 **Sec. 221. 28-A MRS §1362,** as amended by PL 1997, c. 373, §117, is repealed.

36 **Sec. 222. 28-A MRS §1363,** as amended by PL 1997, c. 373, §118, is further
37 amended to read:

1 **§1363. Manufacture of malt liquor or ~~table~~ wine; credit; furnishing materials and**
2 **equipment**

3 **1. Certificate of approval holder not interested in wholesale license.** ~~No~~ An
4 officer, director or stockholder of a corporation ~~which~~ that is the holder of a
5 manufacturer's certificate of approval may not be interested, either directly or indirectly,
6 as a director, officer or stockholder in any other corporation ~~which~~ that holds a wholesale
7 license.

8 **2. Loans by certificate of approval holder.** Except as provided in paragraphs A
9 and B, ~~no manufacturer or~~ a certificate of approval holder may not, either directly or
10 indirectly, loan any money, credit or their equivalent to any wholesale licensee for
11 equipping, fitting out, maintaining or conducting, either in whole or in part, a business
12 establishment where malt liquor or wine is sold.

13 A. A certificate of approval holder may extend the usual and customary commercial
14 credit for malt liquor or ~~table~~ wine sold and delivered.

15 B. A ~~manufacturer or holder of a~~ certificate of approval holder may furnish a
16 wholesale licensee materials and equipment for the use of the wholesale licensee or
17 the wholesale licensee's employees, such as:

- 18 (1) Painting the wholesale licensee's vehicles;
19 (2) Supplying legal advertising signs used by the wholesale licensee in the
20 course of the wholesale licensee's business; and
21 (3) Supplying uniforms for the employees of the wholesale licensee.

22 **Sec. 223. 28-A MRSA §1364, sub-§3, ¶B,** as enacted by PL 1987, c. 45, Pt. A,
23 §4, is amended to read:

24 B. The ~~Maine~~ wholesale licensee, to whom shipment is to be made, has filed a bond
25 to guarantee payment of the excise tax as provided in section 1405.

26 **Sec. 224. 28-A MRSA §1364, sub-§4,** as amended by PL 2011, c. 147, §1, is
27 repealed.

28 **Sec. 225. 28-A MRSA §1364, sub-§5** is enacted to read:

29 **5. Limitation on definition of "certificate of approval holder."** As used in this
30 section, "certificate of approval holder" has the same meaning as in section 2, subsection
31 8, except that it does not include an in-state spirits manufacturer licensed under section
32 1355-A.

33 **Sec. 226. 28-A MRSA §1365,** as amended by PL 2013, c. 368, Pt. XXXX, §2 and
34 affected by §13, is further amended to read:

35 **§1365. Low-alcohol spirits product tax**

36 In addition to any tax paid under section 1652, each certificate of approval holder that
37 manufactures low-alcohol spirits products shall pay a tax of 30¢ on each gallon of low-

1 alcohol spirits product sold to a wholesale licensee ~~in the State~~. In addition to the forms
2 filed pursuant to section 1364, on or before the 15th day of each calendar month, a
3 certificate of approval holder that manufactures low-alcohol spirits products shall file
4 with the bureau a monthly report on the number of gallons of low-alcohol spirits product
5 sold to wholesale licensees ~~in the State~~ with a copy of each invoice relating to each such
6 sale. The certificate of approval holder must enclose payment for the tax due under this
7 section on the reported sales.

8 **Sec. 227. 28-A MRSA §1371**, as amended by PL 2013, c. 368, Pt. XXXX, §3 and
9 affected by §13, is further amended to read:

10 **§1371. Special warehouse storage facilities ~~controlled by certificate of approval~~**
11 **~~holder~~**

12 **1. ~~Certificate of approval for~~ Licensing of special warehouse storage facilities.**
13 Notwithstanding the importation restrictions of ~~sections 2073 and 2077~~ section 1361,
14 subsection 4 and sections 2073-A and 2073-C, the bureau may issue ~~certificates of~~
15 ~~approval~~ a license authorizing the direct importation of malt liquor, wine or spirits ~~from~~
16 ~~suppliers by a manufacturer, wholesaler or spirits supplier~~ located in a foreign countries
17 country or ~~other states~~ another state into special warehouse storage facilities located
18 within the State that are under the direct supervision and control of the ~~certificate of~~
19 ~~approval holder~~ licensee under this section or into a public warehouse with the approval
20 of the bureau.

21 **2. Fee.** The fee for a ~~certificate of approval~~ license under this ~~subsection~~ section is
22 \$600 a year for malt liquor only, \$600 a year for wine only and \$600 a year for spirits
23 only.

24 **3. Stored liquor not subject to state liquor spirits tax or excise tax until**
25 **withdrawn.** Liquor stored in special warehouse storage facilities licensed under this
26 section is not subject to the state liquor taxes spirits tax under section 1651 or to the
27 excise tax under section 1652 until it is withdrawn from the special warehouse storage
28 facilities.

29 A. Malt liquor and wine withdrawn from the special warehouse storage facilities by
30 ~~Maine~~ wholesale licensees immediately become subject to the same tax as malt liquor
31 and wine imported into the State from out-of-state certificate of approval holders.
32 The wholesale licensee shall withdraw the malt liquor and wine to be distributed in
33 the State by the procedure established in sections 1404 and 1405.

34 B. The bureau may withdraw spirits from special warehouse storage facilities.

35 C. Out-of-state purchasers authorized by the bureau may withdraw spirits, wine and
36 malt liquor from special warehouse storage facilities. The authorization allows the
37 out-of-state purchasers to directly transport the spirits, wine and malt liquor to the
38 state border for delivery ~~out of state~~ outside of the State. Products withdrawn by
39 authorized out-of-state purchasers for delivery outside of the State are not subject to
40 the state spirits tax under section 1651 or the state excise tax ~~or premium~~ under
41 section 1652.

1 **Sec. 228. 28-A MRSA §1401, sub-§1**, as amended by PL 2013, c. 476, Pt. A,
2 §29, is further amended to read:

3 **1. Issuance of licenses.** The bureau may issue licenses under this section for the in-
4 state sale and distribution of malt liquor, ~~wine and fortified~~ and wine at wholesale.

5 **Sec. 229. 28-A MRSA §1401, sub-§9**, as enacted by PL 2013, c. 476, Pt. A, §30,
6 is amended to read:

7 **9. Sales to licensees only.** A licensee under this section may sell or distribute malt
8 liquor, ~~wine and fortified~~ and wine only to persons licensed for the retail sale of malt
9 liquor, ~~wine or fortified~~ and wine for on-premises or off-premises consumption ~~on or off~~
10 ~~the licensed premises~~ in accordance with this Title.

11 **Sec. 230. 28-A MRSA §1401-A** is enacted to read:

12 **§1401-A. Limitation on definition of "certificate of approval holder"**

13 As used in this chapter, unless the context otherwise indicates, "certificate of
14 approval holder" has the same meaning as in section 2, subsection 8, except that it does
15 not include an in-state spirits manufacturer licensed under section 1355-A.

16 **Sec. 231. 28-A MRSA §1402, sub-§2**, as amended by PL 1997, c. 373, §124, is
17 further amended to read:

18 **2. Taste testing on retail licensee's premises.** With the bureau's written
19 permission, a wholesale licensee may rent or lease an area or room from an ~~on-premise~~
20 on-premises retail licensee for the purpose of inviting retail licensees to taste test wine or
21 malt liquor products.

22 **Sec. 232. 28-A MRSA §1402, sub-§3**, as amended by PL 2013, c. 368, Pt.
23 XXXX, §4 and affected by §13, is further amended to read:

24 **3. Conditions on taste-testing ~~activity~~ events.** The following conditions apply to
25 all ~~taste testings~~ taste-testing events under this section.

26 A. The wholesale licensee or a certificate of approval holder may provide the
27 products for ~~taste-testing~~ taste-testing events only if all taxes required by this Title
28 have been paid.

29 B. Taste-testing ~~activity~~ events must be conducted only within the special designated
30 area or room.

31 C. Taste-testing ~~activity~~ events must be open only to invited retail licensees or their
32 authorized agents and not to their family members, guests or the ~~general~~ public.

33 D. After the taste-testing ~~activity~~ event is concluded, the wholesale licensee shall
34 remove all products supplied for the taste-testing ~~activity~~ event from the retail
35 licensee's premises.

36 E. Wine or malt liquor products may not be served to a person who is a minor or
37 who is visibly intoxicated.

1 **Sec. 233. 28-A MRSA §1402-A, sub-§3-A**, as amended by PL 2011, c. 629,
2 §26, is further amended to read:

3 **3-A. Partial-bottle wine samples.** Bottles of wine designated for partial-bottle
4 sampling must be properly sealed between samplings. Partial-bottle wine samples may
5 be provided only on the premises of a retailer licensed to sell wine for on-premises or off-
6 premises consumption to licensees licensed for on-premises consumption and
7 off-premises sales if the person receiving a sample is 21 years of age or older and is in the
8 owner or a supervisory or managerial position employee of the retailer;

9 **Sec. 234. 28-A MRSA §1402-A, sub-§4**, as amended by PL 2017, c. 35, §1, is
10 further amended to read:

11 **4. Full-bottle samples.** The maximum amount of unopened full-bottle samples
12 given to a retail licensee may not exceed 18 gallons of malt liquor and 18 liters of wine
13 annually. A full-bottle sample is an unopened bottle of wine or malt liquor given to a
14 retail licensee, which may be consumed by a retail licensee on or off the premises; ~~and~~

15 **Sec. 235. 28-A MRSA §1402-A, sub-§4-A** is enacted to read:

16 **4-A. Prohibited recipients.** Malt liquor or wine samples authorized under this
17 section may not be provided to a person who is a minor or who is visibly intoxicated; and

18 **Sec. 236. 28-A MRSA §1403**, as amended by PL 1999, c. 547, Pt. B, §78 and
19 affected by §80, is further amended to read:

20 **§1403. ~~Interstate purchase or transportation~~ Purchase and sale of malt liquor or**
21 **wine by wholesale licensee**

22 **1. ~~No purchases other than from certificate of approval holder~~ Purchase of malt**
23 **liquor or wine by wholesale licensee.** ~~No~~ A wholesale licensee may not purchase ~~or~~
24 malt liquor or wine from a person other than a certificate of approval holder or special
25 warehouse storage facility licensed under section 1371. A wholesale licensee may not
26 cause to be transported into the State any malt liquor or wine from any a person other
27 than a person to whom the bureau has not issued a certificate of approval under section
28 1361.

29 **1-A. Wholesale licensee may purchase from wholesale licensee.** The bureau may
30 give written permission to a wholesale licensee to purchase malt liquor or wine from
31 another wholesale licensee.

32 **2. Sale of malt liquor or wine ~~not purchased from a certificate of approval~~**
33 **holder prohibited by wholesale licensee.** ~~No~~ A wholesale licensee may not sell ~~to~~
34 another wholesale licensee any malt liquor or wine which that has not been purchased
35 from a brewery, winery or foreign wholesaler holding a certificate of approval holder or a
36 special warehouse storage facility licensed under section 1371.

37 **3. License revoked if it requires wholesale license to not sell other brands.** The
38 District Court ~~Judge~~ shall revoke the license of ~~any~~ a wholesale licensee, ~~who~~ that

1 requires as a condition of selling malt liquor or wine to another wholesale licensee, that
2 the purchasing wholesale licensee may not sell other brand names of malt liquor or wine.

3 **4. Monthly report.** By the 10th day of each calendar month, each wholesale
4 licensee shall furnish to the bureau, in the form prescribed by the bureau, a monthly
5 report of all malt liquor or wine purchased and sold during the preceding month.

6 **Sec. 237. 28-A MRSA §1403-A, sub-§3,** as enacted by PL 2009, c. 373, §1, is
7 amended to read:

8 **3. Direct shipper application.** Before sending a shipment to a resident of this State,
9 a direct shipper must file an application for a wine direct shipper license under subsection
10 2 with the bureau on a form issued by the bureau along with a true copy of its current
11 ~~alcoholic beverage~~ winery license issued in this State or another state and a \$100
12 registration fee.

13 **Sec. 238. 28-A MRSA §1403-A, sub-§8,** as enacted by PL 2009, c. 373, §1, is
14 amended to read:

15 **8. License renewal.** A direct shipper may annually renew its wine direct shipper
16 license with the bureau by paying a \$50 renewal fee and providing the bureau with a true
17 copy of its current ~~alcoholic beverage~~ winery license issued in this State or another state.

18 **Sec. 239. 28-A MRSA §1403-A, sub-§9,** as enacted by PL 2009, c. 373, §1, is
19 amended to read:

20 **9. Sales tax registration and payment required.** As a condition of receiving a
21 ~~certificate of approval~~ license, a shipper located outside the State shall comply with the
22 provisions of Title 36, Part 3, including all requirements relating to registration as a seller
23 and the collection, reporting and remittance of the sales and use taxes of the State, and
24 shall agree to be subject to the jurisdiction of the State for purposes of the enforcement of
25 those obligations. The requirements of this subsection apply notwithstanding any ~~other~~
26 provision of law of the State to the contrary.

27 **Sec. 240. 28-A MRSA §1404, sub-§1, ¶D,** as amended by PL 1997, c. 373,
28 §128, is further amended to read:

29 D. The unbonded wholesale licensee may mail the original copy of the order to the
30 ~~brewery or winery or wholesaler~~ certificate of approval holder with ~~whom~~ which the
31 licensee wishes to place the order.

32 **Sec. 241. 28-A MRSA §1404, sub-§1, ¶E,** as amended by PL 1997, c. 373,
33 §128, is further amended to read:

34 E. On receipt of the 3 copies and a check for excise taxes, the bureau shall promptly
35 process the copies and return one copy to the wholesale licensee and send one to the
36 ~~brewery, winery or foreign wholesaler designated to receive~~ certificate of approval
37 holder with which the wholesale licensee wishes to place the order. The bureau shall
38 keep the 3rd copy on file.

1 **Sec. 242. 28-A MRSA §1404, sub-§1, ¶F**, as amended by PL 1997, c. 373,
2 §128, is further amended to read:

3 F. ~~No brewery, winery or foreign wholesaler~~ A certificate of approval holder may
4 not ship or release malt liquor or wine for delivery in ~~Maine~~ the State until notified
5 by the bureau that the excise tax has been paid in accordance with this section.

6 **Sec. 243. 28-A MRSA §1405, sub-§1, ¶C**, as enacted by PL 1987, c. 45, Pt. A,
7 §4, is amended to read:

8 C. The bonded wholesale licensee shall submit the original copy to the brewery,
9 winery or ~~foreign~~ out-of-state wholesaler with ~~whom he~~ which the bonded wholesale
10 licensee wishes to place the order.

11 **Sec. 244. 28-A MRSA §1405, sub-§3**, as amended by PL 2013, c. 368, Pt.
12 XXXX, §7 and affected by §13, is further amended to read:

13 **3. Payment of excise tax.** By filing the bond required in subsection 2, a wholesale
14 licensee may pay monthly the excise tax imposed by section 1652 on all malt liquor or
15 wine shipped into the State as shown by invoice of the shipment by the ~~out-of-state~~
16 ~~wholesaler or~~ holder of a certificate of approval holder issued under section 1361.

17 A. The wholesale licensee shall pay the excise tax by the 15th day of the calendar
18 month following the month in which shipment occurs.

19 B. At the time of payment of the excise tax, each ~~Maine~~ wholesale licensee shall file
20 with the bureau in the form prescribed by the bureau:

21 (1) A verified monthly report of all malt liquor or wine purchased or imported
22 based on the date of shipment invoice during the preceding calendar month; and

23 (2) Any additional information the bureau requires to compute and ensure the
24 accuracy of the excise tax payment accompanying the report.

25 **Sec. 245. 28-A MRSA §1406, sub-§1, ¶B**, as amended by PL 1997, c. 373,
26 §132, is further amended to read:

27 B. Give written notice to the bureau and the wholesale licensee affected at least 90
28 days before any change in:

29 (1) Its wholesale licensees; or

30 (2) The territory of its wholesale ~~licensee in the State~~ licensees.

31 **Sec. 246. 28-A MRSA §1407, sub-§1**, as amended by PL 1987, c. 342, §112, is
32 further amended to read:

33 **1. Exclusive distributors.** Except as provided in section 1454, the wholesale
34 licensee appointed by the certificate of approval holder to be the exclusive distributor for
35 specific brands of malt liquor and wine cannot be terminated as exclusive distributor of
36 those specific brands upon the voluntary or involuntary termination or transfer of the
37 same brands of malt liquor and wine by the certificate of approval holder ~~who~~ that
38 registered the specific labels and established prices with the bureau. The certificate of

1 approval holder acquiring these brands shall take the place of the certificate of approval
2 holder ~~who~~ that appointed the distributors and shall comply with section 1406.

3 **Sec. 247. 28-A MRSA §1408, sub-§4**, as amended by PL 1997, c. 373, §133, is
4 further amended to read:

5 **4. Price changes.** Except as provided in paragraph A, certificate of approval holders
6 ~~and manufacturer's~~ shall give written notice of price changes to the bureau and their
7 respective wholesale licensees at least 30 days before the effective date. Wholesale
8 licensees shall give written notice of their price changes to the bureau at least 15 days
9 before the effective date. All price changes are effective on the first day of the month.

10 A. The bureau may give written permission to certificate of approval holders,
11 ~~manufacturers~~ or wholesale licensees to reduce the notice period for price changes in
12 specific instances.

13 **Sec. 248. 28-A MRSA §1451, sub-§1-A** is enacted to read:

14 **1-A. Certificate of approval holder.** "Certificate of approval holder" has the same
15 meaning as in section 2, subsection 8, except that it does not include an in-state spirits
16 manufacturer licensed under section 1355-A.

17 **Sec. 249. 28-A MRSA §1451, sub-§3**, as enacted by PL 1987, c. 45, Pt. A, §4, is
18 amended to read:

19 **3. Primary source of supply.** "Primary source of supply" means the ~~distiller~~
20 distillery, the bottler, the ~~brewer~~ brewery, the winery, the brand owner or the designated
21 agent of any ~~distiller distillery~~, brewer brewery, winery or brand owner.

22 **Sec. 250. 28-A MRSA §1451, sub-§5**, as enacted by PL 1987, c. 45, Pt. A, §4, is
23 amended to read:

24 **5. Wholesale licensee.** Notwithstanding section 2, subsection 34, "wholesale
25 licensee" means ~~any a~~ person holding a wholesale ~~malt liquor or wine~~ license ~~within the~~
26 State under section 1401, offering malt liquor or wine for sale or resale to retailers,
27 without regard to whether the business of the person is conducted under the terms of an
28 agreement with a certificate of approval holder.

29 **Sec. 251. 28-A MRSA §1452, sub-§1, ¶C**, as enacted by PL 1987, c. 45, Pt. A,
30 §4, is amended to read:

31 C. Require a wholesale licensee to assent to any condition, stipulation or provision
32 limiting the wholesale ~~licensee in his~~ licensee's right to sell the product of any other
33 certificate of approval holder anywhere in the State if the acquisition of the product
34 of another certificate of approval holder does not materially impair the quality of
35 service or quantity of sales of the existing brand or brands of the certificate of
36 approval holder seeking to impose the condition, stipulation or provision.

37 **Sec. 252. 28-A MRSA §1453**, as enacted by PL 1987, c. 45, Pt. A, §4, is
38 amended to read:

1 **§1453. ~~No dual~~ Dual distributorship prohibited**

2 **1. Dual distributorship prohibited.** ~~No~~ A certificate of approval holder ~~who~~ that
3 designates a sales territory for which a wholesale licensee is primarily responsible may
4 not enter into any agreement with any other wholesale licensee for the purpose of
5 establishing an additional agreement for its brand or label in the same territory.

6 **2. Certificate of approval holder to file list.** Each certificate of approval holder
7 shall file with ~~his~~ its application for a certificate of approval or in-state manufacturer
8 license a list giving the name and address of each bottler and wholesale licensee
9 authorized to distribute products of that certificate of approval holder and designating the
10 exclusive territory assigned to each wholesale licensee within the State. Unless
11 authorized by the bureau, wholesale licensees may not sell those products to licensees
12 outside of the exclusive territory allocated and designated.

13 A. Sales of wine to retail licensees at the wholesale licensee's warehouse ~~shall~~ must
14 be considered a sale within the wholesale licensee's exclusive territory.

15 **3. Primary source of supply.** ~~No~~ A wholesale licensee may not purchase liquor
16 from anyone other than the primary source of supply within the United States.

17 **Sec. 253. 28-A MRSA §1454, sub-§1, ¶D,** as enacted by PL 1987, c. 45, Pt. A,
18 §4, is amended to read:

19 D. Failure by the wholesale licensee to substantially comply, without reasonable
20 excuse or justification, with any reasonable and material requirement imposed upon
21 ~~him~~ the wholesale licensee by the certificate of approval holder.

22 **Sec. 254. 28-A MRSA §1455, sub-§1,** as amended by PL 2019, c. 529, §8, is
23 further amended to read:

24 **1. Written ~~notice~~ notices.** Before any termination procedure initiated by the
25 certificate of approval holder, the certificate of approval holder shall give the wholesale
26 licensee a written notice of any claimed deficiency existing in the wholesale licensee's
27 territory and the certificate of approval holder shall give the wholesale licensee
28 reasonable time or, if the certificate of approval holder is a small beer manufacturer or a
29 small hard cider manufacturer, at least 30 days to correct the claimed deficiency or
30 deficiencies. After this time has elapsed, the certificate of approval holder shall provide
31 the wholesale licensee with a written notice of the certificate of approval holder's intent to
32 amend, cancel, terminate, refuse to continue, refuse to renew or cause the wholesale
33 licensee to resign from an agreement at least 90 days prior to the effective date of the
34 intended amendment, cancellation, termination, refusal to continue, refusal to renew or
35 causing of resignation. The written notice must state all of the reasons for the intended
36 amendment, cancellation, termination, refusal to continue, refusal to renew or causing of
37 resignation. The notice provisions of this section do not apply if the reason for the
38 intended amendment, cancellation, termination, refusal to continue, refusal to renew or
39 causing of resignation is:

40 A. The bankruptcy or insolvency of the wholesale licensee;

- 1 B. An assignment for the benefit of creditors or similar disposition of the assets of
- 2 the wholesale licensee's business;
- 3 C. Revocation of the wholesale licensee's license; or
- 4 D. Conviction or a plea of guilty or no contest to a charge of violating a law relating
- 5 to the business that materially affects the wholesale licensee's ability to remain in
- 6 business.

7 For purposes of this section, "small beer manufacturer" and "small hard cider

8 manufacturer" have the same meanings as in section 1457, subsection 1-A.

9 **Sec. 255. 28-A MRSA §1457, sub-§1-A, ¶D**, as enacted by PL 2019, c. 529, §9,

10 is amended to read:

11 D. "Small beer manufacturer" means a small brewery or out-of-state ~~brewer~~ brewery

12 that brews, lagers and kegs, bottles or packages its own malt liquor, not to exceed

13 30,000 barrels per year.

14 **Sec. 256. 28-A MRSA §1504**, as amended by PL 2019, c. 404, §28, is further

15 amended to read:

16 **§1504. Samples of spirits products**

17 A person licensed under section 1502 as a sales representative for a spirits

18 manufacturer or spirits supplier may give a retail licensee samples of spirits under the

19 following conditions:

20 **1. Invoice required.** The spirits must be accompanied by an invoice;

21 **2. Product registered.** The spirits must be listed by the commission for sale in this

22 State and clearly labeled as a sample;

23 ~~**3-A. Partial bottle spirits samples.** Samples must be decanted from the spirits~~

24 ~~product bottle and provided to licensees licensed for on-premises consumption. The sales~~

25 ~~representative providing the sample shall maintain a log stating the names of the licensees~~

26 ~~who sampled the product and the amount sampled. Partial bottle samples must be~~

27 ~~properly sealed between tastings.~~

28 **4. Sampling record; prohibited recipients.** The sales representative who provides

29 the sample shall maintain a log stating the names of the agency liquor store or on-

30 premises retail licensees who sampled the licensee to whom a full-bottle sample is given

31 under subsection 5 or the person to whom a partial-bottle sample of spirits is given under

32 subsection 6 and the amount sampled of that partial-bottle sample. The person to whom

33 the sales representative gives spirits samples under this section may not be a minor or a

34 visibly intoxicated person;

35 **5. Full-bottle samples.** The maximum amount of unopened full-bottle samples of

36 spirits given to a retail licensee by a sales representative may not exceed 6 liters per year

37 per ~~distiller~~ distillery represented by that sales representative. Individual samples may

38 not exceed one liter. A full-bottle sample is an unopened bottle of spirits provided to an

39 agency liquor store or an on-premises retail licensee licensed to sell spirits;

1 **6. ~~Retail sampling~~ Partial-bottle samples.** Bottles of spirits designated for partial-
2 bottle sampling must be properly sealed between samplings. Samples poured from a
3 bottle of spirits designated for ~~retail partial-bottle~~ sampling may be provided ~~to an on-~~
4 ~~premises licensee licensed to serve spirits and to an agency liquor store on the premises~~
5 ~~of the agency liquor store if the person receiving the sample is 21 years of age or older~~
6 ~~and is in a supervisory or managerial position with the agency liquor store.~~ Bottles of
7 spirits designated for retail sampling must be properly sealed between samplings. only:

8 A. On the premises of a retailer licensed to sell spirits for on-premises consumption
9 to the owner of or a supervisory or managerial employee of the retailer; or

10 B. On the premises of an agency liquor store to the owner of or a supervisory or
11 managerial employee of the agency liquor store;

12 **7. Records maintained.** Records of samples given or received under this section
13 must be maintained for a 2-year period by the sales representative and the retail licensee
14 giving or receiving that gave or received the samples; and

15 **8. Access to samples.** A sales representative shall request samples from bailment
16 inventory of a spirits supplier housed at the ~~State's~~ wholesale liquor ~~spirits~~ provider's
17 warehouse for the purposes described under this section.

18 **Sec. 257. 28-A MRSA §1551, sub-§3, ¶A,** as enacted by PL 1987, c. 342, §114,
19 is amended to read:

20 A. ~~Distiller~~ Distillery, includes bottling (one year).....\$1,000;

21 **Sec. 258. 28-A MRSA §1551, sub-§3, ¶H,** as amended by PL 2011, c. 629, §35,
22 is further amended to read:

23 H. Small ~~distiller~~ distillery, includes bottling (one year).....\$100.

24 **Sec. 259. 28-A MRSA §1553, sub-§3, ¶B,** as enacted by PL 2019, c. 282, §1, is
25 amended to read:

26 B. The sampling of liquor authorized under paragraph A must be conducted in
27 accordance with the licensed educational institution's alcohol safety procedures or
28 guidelines, and such liquor may not be served to a person who is a minor or who is
29 visibly intoxicated.

30 **Sec. 260. 28-A MRSA §1651, sub-§1,** as amended by PL 2019, c. 404, §29, is
31 further amended to read:

32 **1. State spirits tax.** Except as provided in section 83-C, subsection 2-A, the
33 commission shall determine and set the retail price at which ~~to sell all spirits to agency~~
34 ~~liquor stores that will~~ all spirits are sold by agency liquor stores. The retail price
35 established by the commission must produce sufficient revenue to pay all spirits-related
36 expenses of the bureau and to return to the Liquor Operation Revenue Fund established in
37 Title 30-A, section 6054 and the General Fund an amount substantially equal to the
38 amount of state spirits tax collected in the previous fiscal year.

1 C. The bureau shall charge agency liquor stores the refund value pursuant to Title 38,
2 section 3103 in addition to the wholesale price for each product purchased.

3 **Sec. 261. 28-A MRSA §1652, sub-§2**, as amended by PL 2013, c. 368, Pt.
4 XXXX, §8 and affected by §13, is further amended to read:

5 **2. Excise tax on wine; hard cider.** An excise tax is imposed on the privilege of
6 manufacturing and selling wine in the State. The ~~Maine~~ in-state manufacturer or
7 importing wholesale licensee shall pay an excise tax of 60¢ per gallon on all wine other
8 than sparkling wine, fortified wine or hard cider manufactured in or imported into the
9 State; \$1.24 per gallon on all sparkling wine manufactured in or imported into the State;
10 and 35¢ per gallon on all hard cider manufactured in or imported into the State.

11 **Sec. 262. 28-A MRSA §1652, sub-§4**, as amended by PL 2013, c. 368, Pt.
12 XXXX, §8 and affected by §13, is further amended to read:

13 **4. Excise tax accounts and adjustments.** The bureau shall open an excise tax
14 account with ~~all manufacturers, each~~ wholesale licensees licensee and ~~each~~ certificate of
15 approval ~~holders~~ holder and make the following adjustments when appropriate. As used
16 in this subsection, "certificate of approval holder" means an in-state manufacturer of malt
17 liquor or wine licensed under section 1355-A or an out-of-state manufacturer of or out-of-
18 state wholesaler of malt liquor or wine that has been issued a certificate of approval under
19 section 1361.

20 A. The bureau may grant credits and make tax adjustments that it determines the
21 wholesale licensee or certificate of approval holder is entitled to upon the filing of
22 affidavits in the form prescribed by the bureau.

23 B. The bureau shall refund all excise tax paid by the wholesale licensee or certificate
24 of approval holder on all malt liquor or wine ~~caused to be destroyed by a supplier that~~
25 has been destroyed as long as the quantity and size are verified by the bureau and the
26 destruction is witnessed by an authorized representative of the bureau.

27 C. If a wholesale licensee's inventories are destroyed by fire, flood or other natural
28 disaster, the bureau may refund the excise tax on the wholesale licensee's inventories.

29 D. Any wholesale licensee selling malt liquor or wine to an instrumentality, a
30 licensee for resale to an airline, a training site or a ship chandler shall present proof of
31 that sale to the bureau. The bureau shall grant to the wholesale licensee a credit of all
32 state excise tax paid in connection with that sale under the following conditions.

33 (1) The bureau shall grant a credit for the excise tax on malt liquor or wine sold
34 by wholesale licensees to any instrumentality of the United States or any Maine
35 National Guard state training site exempted by the bureau.

36 (2) The bureau shall grant a credit for the excise tax on malt liquor or wine sold
37 to any ship chandler as long as the malt liquor and wine are resold to vessels of
38 foreign registry for consumption after that vessel has left port or are resold for
39 consumption on board vessels of United States registry that are destined for a
40 foreign port.

1 (3) The bureau shall grant a credit for the excise tax on malt liquor and ~~table~~
2 wine sold to a licensee registered with the bureau for resale to licensed airlines or
3 to unlicensed airlines for their international flights.

4 **Sec. 263. 28-A MRSA §2051, sub-§1, ¶D**, as amended by PL 2003, c. 452, Pt.
5 P, §4 and affected by Pt. X, §2, is further amended to read:

6 D. Present or offer to a licensee, the licensee's agent or employee any written or oral
7 evidence of age that is false, fraudulent or not actually the minor's own, for the
8 purpose of:

9 (1) Ordering, purchasing, attempting to purchase or otherwise procuring or
10 attempting to procure the serving of any liquor or imitation liquor. The following
11 penalties apply to violations of this subparagraph.

12 (a) A minor who violates this subparagraph commits a civil violation for
13 which a fine of not less than \$200 and not more than \$400 must be adjudged.

14 (b) A minor who violates this subparagraph after having previously violated
15 this section commits a civil violation for which a fine of not less than \$300
16 and not more than \$600 must be adjudged, none of which must be suspended
17 except as provided in subsection 2, paragraph B.

18 (c) A minor who violates this subparagraph after having previously violated
19 this section 2 or more times commits a civil violation for which a fine of
20 \$600 must be adjudged, none of which may be suspended except as provided
21 in subsection 2, paragraph B; or

22 (2) Gaining access to a licensed ~~premise~~ premises when minors are not allowed.
23 The following penalties apply to violations of this subparagraph.

24 (a) A minor who violates this subparagraph commits a civil violation for
25 which a fine of not less than \$200 and not more than \$400 must be adjudged.

26 (b) A minor who violates this subparagraph after having previously violated
27 this section commits a civil violation for which a fine of not less than \$300
28 and not more than \$600 must be adjudged, none of which must be suspended
29 except as provided in subsection 2, paragraph B.

30 (c) A minor who violates this subparagraph after having previously violated
31 this section 2 or more times commits a civil violation for which a fine of
32 \$600 must be adjudged, none of which may be suspended except as provided
33 in subsection 2, paragraph B;

34 **Sec. 264. 28-A MRSA §2073**, as amended by PL 2013, c. 476, Pt. A, §33, is
35 further amended to read:

36 **§2073. ~~Importation and~~ In-state transportation of liquor within the State for illegal**
37 **sale**

38 **1. ~~Illegal~~ In-state transportation of liquor within the State for illegal sale**
39 **prohibited.** ~~No~~ A person may not knowingly transport within the State any liquor:

- 1 A. With intent to sell the liquor in the State in violation of law;
- 2 B. With intent that the liquor be illegally sold by any person; or
- 3 C. With intent to aid any person in illegal sale of liquor.

4 **2. Penalties.** A person who knowingly violates this section commits a Class E
5 crime.

6 ~~**3. Legal importation into and transportation of liquor within the State.** Liquor~~
7 ~~may be legally imported into and transported within the State in the following situations.~~

8 ~~A. Upon application, the bureau may grant to an individual a permit to transport~~
9 ~~liquor purchased for that person's own personal use.~~

10 ~~B. For hire carriers and contract carriers, authorized by the Department of Public~~
11 ~~Safety, may transport liquor to liquor warehouses, to licensees, from manufacturers to~~
12 ~~liquor warehouses and to the state line for transportation outside the State.~~

13 ~~C-1. Reselling agents may transport spirits to licensees who are licensed for the sale~~
14 ~~of spirits for on-premises consumption.~~

15 ~~D. Manufacturers may transport liquor within the State to liquor warehouses, to~~
16 ~~persons authorized under paragraph E and to the state line for transportation outside~~
17 ~~the State.~~

18 ~~E. The bureau may permit in writing the importation of liquor into the State and the~~
19 ~~transportation of liquor from place to place within the State to the following~~
20 ~~destinations for the specified purposes:~~

21 ~~(1) To hospitals and state institutions, for medicinal purposes only, liquor made~~
22 ~~available to them from stocks of liquor seized by the Federal Government;~~

23 ~~(2) To industrial establishments in the State for industrial uses;~~

24 ~~(3) To schools, colleges and state institutions for laboratory use only;~~

25 ~~(4) To any licensed pharmacist in the State for use in the compounding of~~
26 ~~prescriptions and other medicinal use, but not for sale by pharmacists unless~~
27 ~~compounded with or mixed with other substances; or~~

28 ~~(5) To any physician, surgeon, osteopath, chiropractor, optometrist, dentist or~~
29 ~~veterinarian for medicinal use only.~~

30 ~~F. The bureau may authorize hospitals and state institutions to purchase spirits, for~~
31 ~~medicinal purposes only, from agency liquor stores. This authorization must be in~~
32 ~~writing.~~

33 **Sec. 265. 28-A MRSA §2073-A** is enacted to read:

34 **§2073-A. Importation of spirits**

35 **1. Prohibition.** Except as provided in subsection 2 and section 2073-E, a person
36 other than the bureau may not transport spirits into the State or cause spirits to be
37 transported into the State.

1 **2. Exceptions.** Notwithstanding subsection 1, a person may transport spirits into the
2 State or cause spirits to be transported into the State in the following circumstances.

3 A. An individual may transport into the State up to 4 liters of spirits for the
4 individual's personal use.

5 B. Upon application, the bureau may grant a permit to an individual authorizing the
6 individual to transport into and within the State more than 4 liters of spirits for the
7 individual's personal use.

8 C. An out-of-state spirits supplier may transport spirits into the State or may cause
9 spirits to be transported into the State by a common carrier or contract carrier
10 authorized by the Department of Public Safety. Each shipment of spirits transported
11 into the State in accordance with this paragraph must be accompanied by an invoice
12 that includes the purchase number and the names of the sender and intended recipient
13 of the spirits, who must be authorized to receive spirits imports under section 2073-B,
14 subsection 2, paragraph B.

15 **3. Penalties.** The following penalties apply to violations of this section.

16 A. A person that transports into the State or that causes to be transported into the
17 State a quantity of less than 40 liters of spirits in violation of this section commits a
18 civil violation for which a fine of not more than \$500 may be adjudged.

19 B. A person that transports into the State or that causes to be transported into the
20 State a quantity of 40 or more liters of spirits in violation of this section commits a
21 Class E crime, which is a strict liability crime as defined in Title 17-A, section 34,
22 subsection 4-A.

23 **4. Evidence.** The possession of more than 8 liters of spirits in one or more
24 containers that are not labeled in accordance with Title 38, section 3105 is prima facie
25 evidence of a violation of this section.

26 **5. Forfeiture.** Notwithstanding section 2221-A, a court shall order spirits
27 transported or caused to be transported into the State in violation of this section to be
28 forfeited to the State and disposed of as provided in section 2229:

29 A. If a person fails to appear in court either in person or by counsel on the date and
30 time specified in response to a Uniform Summons and Complaint issued for a
31 violation of this section; or

32 B. As part of every adjudication and imposition of a fine under subsection 3,
33 paragraph A and every conviction under subsection 3, paragraph B.

34 **Sec. 266. 28-A MRSA §2073-B** is enacted to read:

35 **§2073-B. In-state transportation of spirits**

36 **1. Prohibition.** Except as provided in subsection 2, section 1201-A or section
37 2073-E, a person may not transport more than 4 liters of spirits within the State unless the
38 spirits were legally purchased from:

39 A. An agency liquor store; or

1 B. An in-state manufacturer authorized under section 1355-A to sell spirits for off-
2 premises consumption.

3 **2. Exceptions.** Notwithstanding subsection 1, a person may transport spirits within
4 the State in the following circumstances.

5 A. An individual may transport spirits within the State in accordance with a permit
6 issued under 2073-A, subsection 2, paragraph B.

7 B. A person may transport spirits the person transported into the State pursuant to
8 section 2073-A, subsection 2, paragraph C to:

9 (1) A warehouse designated by the commission under section 81; or

10 (2) A winery, brewery, bottler or rectifier licensed under section 1355-A.

11 C. A licensed in-state manufacturer of spirits may transport spirits produced by the
12 manufacturer or may cause a common carrier or contract carrier authorized by the
13 Department of Public Safety to transport spirits produced by the manufacturer to:

14 (1) A warehouse designated by the commission under section 81;

15 (2) A winery, brewery, bottler or rectifier licensed under section 1355-A;

16 (3) Any location to which the licensed in-state manufacturer of spirits is
17 authorized to transport its own products under section 1355-A; or

18 (4) The state line for transportation outside the State.

19 D. The wholesale spirits provider may transport spirits between warehouses
20 designated by the commission under section 81 or to agency liquor stores as provided
21 in section 503.

22 E. A reselling agent may transport spirits to on-premises retail licensees as provided
23 in section 459.

24 Each shipment of spirits transported within the State in accordance with paragraph B, C,
25 D or E must be accompanied by an invoice that includes the purchase number and the
26 names of the sender and intended recipient of the spirits.

27 **3. Penalties.** The following penalties apply to violations of this section.

28 A. A person that transports within the State a quantity of less than 40 liters of spirits
29 in violation of this section commits a civil violation for which a fine of not more than
30 \$500 may be adjudged.

31 B. A person that transports within the State a quantity of 40 or more liters of spirits
32 in violation of this section commits a Class E crime, which is a strict liability crime as
33 defined in Title 17-A, section 34, subsection 4-A.

34 **4. Evidence.** The possession of more than 8 liters of spirits in one or more
35 containers that are not labeled in accordance with Title 38, section 3105 is prima facie
36 evidence of a violation of this section.

1 **5. Forfeiture.** Notwithstanding section 2221-A, a court shall order spirits
2 transported within the State in violation of this section to be forfeited to the State and
3 disposed of as provided in section 2229:

4 A. If a person fails to appear in court either in person or by counsel on the date and
5 time specified in response to a Uniform Summons and Complaint issued for a
6 violation of this section; or

7 B. As part of every adjudication and imposition of a fine under subsection 3,
8 paragraph A and every conviction under subsection 3, paragraph B.

9 **Sec. 267. 28-A MRSA §2073-C** is enacted to read:

10 **§2073-C. Importation of malt liquor or wine**

11 **1. Prohibition.** Except as provided in subsection 2, section 1403-A or section
12 2073-E, a person may not transport malt liquor or wine into the State or cause malt liquor
13 or wine to be transported into the State.

14 **2. Exceptions.** Notwithstanding subsection 1, a person may transport malt liquor or
15 wine into the State or cause malt liquor or wine to be transported into the State in the
16 following circumstances.

17 A. An individual may transport into the State up to 400 fluid ounces of malt liquor
18 and up to 4 liters of wine for the individual's personal use.

19 B. Upon application, the bureau may grant a permit to an individual authorizing the
20 individual to transport into and within the State more than 400 fluid ounces of malt
21 liquor or more than 4 liters of wine for the individual's personal use.

22 C. A licensed in-state small brewery, a licensed in-state small winery and a
23 wholesale licensee may transport malt liquor or wine into the State or may cause malt
24 liquor or wine to be transported into the State by an out-of-state manufacturer of malt
25 liquor or wine that has been issued a certificate of approval, an out-of-state
26 wholesaler that has been issued a certificate of approval or a common carrier or
27 contract carrier authorized by the Department of Public Safety. Each shipment of
28 malt liquor or wine transported into the State in accordance with this paragraph must
29 be accompanied by an invoice that includes the purchase number and the names of
30 the sender and the licensed in-state small brewery, licensed in-state small winery or
31 wholesale licensee that is the intended recipient of the malt liquor or wine.

32 **3. Penalties.** The following penalties apply to violations of this section.

33 A. A person that transports into the State or that causes to be transported into the
34 State a quantity of less than 1,300 fluid ounces of malt liquor or less than 40 liters of
35 wine in violation of this section commits a civil violation for which a fine of not more
36 than \$500 may be adjudged.

37 B. A person that transports into the State or that causes to be transported into the
38 State a quantity of 1,300 or more fluid ounces of malt liquor or 40 or more liters of
39 wine in violation of this section commits a Class E crime, which is a strict liability
40 crime as defined in Title 17-A, section 34, subsection 4-A.

1 4. Evidence. The possession of more than 800 fluid ounces of malt liquor or more
2 than 8 liters of wine in one or more containers that are not labeled in accordance with
3 Title 38, section 3105 is prima facie evidence of a violation of this section.

4 5. Forfeiture. Notwithstanding section 2221-A, a court shall order malt liquor or
5 wine transported or caused to be transported into the State in violation of this section to
6 be forfeited to the State and disposed of as provided in section 2229:

7 A. If a person fails to appear in court either in person or by counsel on the date and
8 time specified in response to a Uniform Summons and Complaint issued for a
9 violation of this section; or

10 B. As part of every adjudication and imposition of a fine under subsection 3,
11 paragraph A and every conviction under subsection 3, paragraph B.

12 **Sec. 268. 28-A MRSA §2073-D** is enacted to read:

13 **§2073-D. In-state transportation of malt liquor or wine**

14 1. Prohibition. Except as provided in subsection 2 and section 2703-E, a person
15 may not transport within the State more than 400 fluid ounces of malt liquor or more than
16 4 liters of wine unless the malt liquor or wine was legally purchased from:

17 A. An off-premises retail licensee;

18 B. An in-state manufacturer authorized under section 1355-A to sell malt liquor or
19 wine for off-premises consumption; or

20 C. A direct shipper licensed under section 1403-A.

21 2. Exceptions. Notwithstanding subsection 1, a person may transport malt liquor or
22 wine within the State in the following circumstances.

23 A. An individual may transport within the State malt liquor or wine in accordance
24 with a permit issued under section 2073-C, subsection 2, paragraph B.

25 B. A person may transport malt liquor or wine the person transported into the State
26 pursuant to section 2073-C, subsection 2, paragraph C.

27 C. A licensed in-state manufacturer of malt liquor or wine may transport malt liquor
28 or wine produced by the manufacturer or may cause a common carrier or contract
29 carrier authorized by the Department of Public Safety to transport malt liquor or wine
30 produced by the manufacturer to:

31 (1) A bottler or rectifier licensed under section 1355-A;

32 (2) A wholesale licensee;

33 (3) Any location to which the licensed in-state manufacturer is authorized to
34 transport its own products under section 1355-A;

35 (4) A warehouse operated by the licensed in-state manufacturer; or

36 (5) The state line for transportation outside the State.

1 D. A wholesale licensee may transport malt liquor or wine to an on-premises or off-
2 premises retailer of malt liquor or wine in accordance with sections 713 and 1401.

3 Each shipment of malt liquor or wine transported within the State in accordance with
4 paragraph B, C or D must be accompanied by an invoice that includes the purchase
5 number and the names of the sender and intended recipient of the malt liquor or wine.

6 **3. Penalties.** The following penalties apply to violations of this section.

7 A. A person that transports within the State less than 1,300 fluid ounces of malt
8 liquor or less than 40 liters of wine in violation of this section commits a civil
9 violation for which a fine of not more than \$500 may be adjudged.

10 B. A person that transports within the State 1,300 or more fluid ounces of malt liquor
11 or 40 or more liters of wine in violation of this section commits a Class E crime,
12 which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

13 **4. Evidence.** The possession of more than 800 fluid ounces of malt liquor or 8 liters
14 of wine in one or more containers that are not labeled in accordance with Title 38, section
15 3105 is prima facie evidence of a violation of this section.

16 **5. Forfeiture.** Notwithstanding section 2221-A, a court shall order malt liquor or
17 wine transported within the State in violation of this section to be forfeited to the State
18 and disposed of as provided in section 2229:

19 A. If a person fails to appear in court either in person or by counsel on the date and
20 time specified in response to a Uniform Summons and Complaint issued for a
21 violation of this section; or

22 B. As part of every adjudication and imposition of a fine under subsection 3,
23 paragraph A and every conviction under subsection 3, paragraph B.

24 **Sec. 269. 28-A MRSA §2073-E** is enacted to read:

25 **§2073-E. Importation and in-state transportation of liquor for special purposes**

26 **1. Bureau may authorize importation and in-state transportation of liquor for**
27 **special purposes.** Notwithstanding any provision of law to the contrary, the bureau may
28 grant a permit authorizing the transportation of liquor into and within the State to the
29 following persons for the following specified purposes:

30 A. To a hospital or state institution located in the State, for medicinal purposes only;

31 B. To a licensed physician, surgeon, osteopath, chiropractor, optometrist, dentist or
32 veterinarian located in the State, for medicinal purposes only;

33 C. To a licensed pharmacist located in the State, for use in the compounding of
34 prescriptions and other medicinal use but not for sale by the pharmacist unless
35 compounded with or mixed with other substances;

36 D. To an industrial establishment located in the State, only for an industrial use, for
37 use as an ingredient in the manufacture of food products, for use as an ingredient in
38 the manufacture of commodities that by reason of their nature cannot be used for

1 beverage purposes or for use in the manufacture of commodities unfit for beverage
2 purposes;

3 E. To a school, college or state institution located in the State, for laboratory use
4 only;

5 F. To a licensed in-state spirits manufacturer, for use as an ingredient in distilling or
6 manufacturing spirits and other spirituous liquor products that are authorized by 27
7 Code of Federal Regulations. A permit issued under this paragraph authorizes only
8 the transportation of spirits into and within the State and may not authorize the
9 transportation of malt liquor or wine into and within the State; and

10 G. To a church or the pastor of a church located in the State, for sacramental
11 purposes or similar religious rites only.

12 **2. Invoice required.** Each shipment of liquor transported into the State in
13 accordance with this section must be accompanied by an invoice that includes the
14 purchase number and the names of the sender and intended recipient of the liquor.

15 **Sec. 270. 28-A MRSA §2074, sub-§1,** as amended by PL 2019, c. 281, §11, is
16 further amended to read:

17 **1. Transportation on-premises or off-premises.** Except as provided in section
18 1051, section 1075-A, subsection 3 or section 1080, ~~any a person who that~~ transports
19 liquor onto or off of the premises of an ~~on-premise~~ on-premises retail licensee is guilty of
20 a Class E crime.

21 **Sec. 271. 28-A MRSA §2074-A, first ¶,** as enacted by PL 2011, c. 693, §4, is
22 amended to read:

23 A person licensed for the sale of spirits for on-premises consumption ~~on the licensed~~
24 ~~premises who that~~ violates section 606, subsection 1-A or violates state rules or federal
25 regulations governing the storage, purchase and sale of spirits, including but not limited
26 to the prohibition against reusing or refilling ~~liquor~~ spirits bottles; and the disposition of
27 empty ~~liquor~~ spirits bottles, is subject to suspension or revocation of the license under
28 chapter 33 as follows.

29 **Sec. 272. 28-A MRSA §2075,** as amended by PL 2015, c. 166, §7, is repealed.

30 **Sec. 273. 28-A MRSA §2076,** as amended by PL 2013, c. 476, Pt. A, §34, is
31 further amended to read:

32 **§2076. Illegal delivery of ~~liquor~~ spirits**

33 **1. ~~Delivery of liquor~~ Illegal delivery of spirits prohibited.** Except with the
34 bureau's written permission or except as provided in section ~~2073, subsection 3,~~
35 ~~paragraph C-1~~ 503, subsection 1 for the wholesale spirits provider or in section 459 for
36 reselling agents, a person may not knowingly transport ~~to~~ or cause to be delivered to any
37 person other than the bureau any spirits not purchased from an agency liquor store.

38 **2. Penalties.** ~~Any A~~ A person ~~who that~~ violates this section commits a Class E crime.

1 **Sec. 274. 28-A MRSA §2077**, as amended by PL 2015, c. 166, §8, is repealed.

2 **Sec. 275. 28-A MRSA §2077-B, sub-§2**, as amended by PL 2003, c. 452, Pt. P,
3 §8 and affected by Pt. X, §2, is further amended to read:

4 **2. Penalty.** A person who violates this section is subject to penalties listed in section
5 ~~2075~~ 2073-A, subsection ~~4-A~~ 3 and section 2073-C, subsection 3.

6 **Sec. 276. 28-A MRSA §2202**, as amended by PL 1997, c. 373, §160, is further
7 amended to read:

8 **§2202. Bail after failure to comply with terms of bond**

9 In any prosecution for violation of the laws relating to manufacture or sale of liquor,
10 a defendant who has failed to comply with the term of any bond entered into by the
11 defendant in that case may not again be admitted to bail in that case or upon arrest on any
12 warrant issued in that case, except by a judge or justice of the court in which that
13 prosecution is pending.

14 **Sec. 277. 28-A MRSA §2203**, as repealed and replaced by PL 1987, c. 342, §125,
15 is further amended by amending the section headnote to read:

16 **§2203. Evidence of illegal sale; allegation of prior conviction**

17 **Sec. 278. 28-A MRSA §2229, sub-§2**, as amended by PL 2013, c. 476, Pt. B, §5
18 and affected by §6, is repealed and the following enacted in its place:

19 **2. Sale or destruction of forfeited spirits by bureau.** The bureau or the wholesale
20 spirits provider may restock and resell forfeited spirits at agency liquor stores throughout
21 the State or may destroy forfeited spirits by pouring the spirits upon the ground or into a
22 public sewer.

23 **Sec. 279. 28-A MRSA §2504, sub-§2, ¶A**, as enacted by PL 1987, c. 45, Pt. A,
24 §4, is amended to read:

25 A. The intoxicated individual if ~~he~~ the intoxicated individual is at least 18 years of
26 age when served by the server;

27 **Sec. 280. 28-A MRSA §2509, sub-§2**, as enacted by PL 1987, c. 45, Pt. A, §4, is
28 amended to read:

29 **2. Multiple claimants.** When the amount for all losses, except expenses for medical
30 care and treatment, including devices and aids, awarded to or settled for multiple
31 claimants, exceeds the limit imposed by this section, any party may apply to the Superior
32 Court for the county where the server is located to allocate each claimant ~~his~~ an equitable
33 share of the total, limited as required by this section.

34 A. Any award by the court in excess of the maximum liability limit specified by
35 subsection 1 ~~shall~~ must be automatically abated by operation of this section to the
36 maximum limit of liability.

1 **Sec. 281. 28-A MRSA §2516, sub-§1, ¶C**, as enacted by PL 1987, c. 45, Pt. A,
2 §4, is amended to read:

3 C. Is refused service in a good faith effort to prevent ~~him~~ the individual from
4 becoming visibly intoxicated.

5 **Sec. 282. 28-A MRSA §2516, sub-§2, ¶B**, as enacted by PL 1987, c. 45, Pt. A,
6 §4, is amended to read:

7 B. The licensee informs the individual why ~~he~~ the licensee is retaining the
8 identification documents.

9 **Sec. 283. 36 MRSA §1811, sub-§1, ¶D**, as enacted by PL 2019, c. 401, Pt. B,
10 §16, is amended to read:

11 D. For sales occurring on or after October 1, 2019, the rate of tax is 5.5% on the
12 value of all tangible personal property and taxable services, except the rate of tax is:

- 13 (1) Eight percent on the value of prepared food;
- 14 (2) Eight percent on the value of liquor sold in licensed establishments as
15 defined in Title 28-A, section 2, subsection 15, in accordance with Title 28-A,
16 chapter 43 and liquor sold for on-premises consumption by a licensed brewery,
17 small brewery, winery, small winery, distillery or small distillery pursuant to
18 Title 28-A, section 1355-A, subsection 2, paragraph ~~F~~ B;
- 19 (3) Nine percent on the value of rental of living quarters in any hotel, rooming
20 house or tourist or trailer camp;
- 21 (4) Ten percent on the value of rental for a period of less than one year of an
22 automobile, of a pickup truck or van with a gross vehicle weight of less than
23 26,000 pounds rented from a person primarily engaged in the business of renting
24 automobiles or of a loaner vehicle that is provided other than to a motor vehicle
25 dealer's service customers pursuant to a manufacturer's or dealer's warranty; and
- 26 (5) Ten percent on the value of adult use marijuana, adult use marijuana products
27 and, if sold by a person to an individual who is not a qualifying patient,
28 marijuana and marijuana products beginning on the first day of the calendar
29 month in which adult use marijuana and adult use marijuana products may be
30 sold in the State by a marijuana establishment licensed to conduct retail sales
31 pursuant to Title 28-B, chapter 1.

32 **SUMMARY**

33 This bill is reported out by the Joint Standing Committee on Veterans and Legal
34 Affairs pursuant to Resolve 2019, chapter 15, section 3. The committee has not taken a
35 position on the substance of the bill and by reporting this bill out the committee is not
36 suggesting and does not intend to suggest that it agrees or disagrees with any aspect of
37 this bill. The committee is reporting the bill out for the sole purpose of obtaining a
38 printed bill that can be referred to the committee for a public hearing and subsequent
39 committee action in the normal course. The committee is taking this action to ensure
40 clarity and transparency in the legislative review of the proposal.

1 The bill changes the headnote of the Maine Revised Statutes, Title 17, section
2 2003-A to clarify that this section of law prohibits public drinking.

3 The bill also makes a number of changes to Title 28-A, the State's liquor laws, to
4 standardize the language used in those laws, to correct errors, conflicts, ambiguities,
5 omissions and inconsistencies in those laws and to revise those laws, including by making
6 the following changes.

7 1. It makes a number of changes to address ambiguities, inconsistencies and conflicts
8 in the laws governing certificates of approval, including the following.

9 A. It restructures the definition of "certificate of approval holder," a term that
10 includes persons with certificates of approval as well as persons with in-state
11 manufacturing licenses, to add clarity and ensures the defined term is used correctly
12 throughout the Title.

13 B. It resolves a conflict in the law by removing in-state manufacturers, that receive
14 licenses, from a provision requiring persons engaged in certain activities to obtain
15 certificates of approval.

16 C. It changes from a certificate of approval to a license the type of authority that a
17 person that operates a special warehouse storage facility must obtain because the laws
18 specific to certificate of approval holders generally do not apply to special warehouse
19 storage facilities. It further clarifies which laws are applicable to licensed special
20 warehouse storage facilities.

21 D. It removes ambiguities by clarifying which of the general qualification and
22 application requirements for liquor licenses apply to applicants for a certificate of
23 approval and by specifying that persons that have been issued certificates of approval
24 are subject to administrative discipline for violating liquor laws and rules under Title
25 28-A, chapter 33 to the same extent as persons that have been issued licenses.

26 E. It removes a conflict in the law by repealing a provision requiring the Department
27 of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery
28 Operations to deposit the yearly fees paid by certificate of approval holders into the
29 General Fund because, under Title 28-A, section 83-B, the bureau is directed to
30 deposit its net revenues in the General Fund.

31 2. It removes ambiguous language from the Title 28-A definitions section stating that
32 only "responsible persons" or "persons of good reputation" may obtain certain types of
33 liquor licenses but retains the general character requirements for licensure set forth in
34 section 654.

35 3. It moves the definitions of "pool hall" and "minibar" into and the definitions of
36 "club member," "hotel guest," "dining car," "passenger car" and "vessel" out of the
37 subsection of law that provides definitions for the types of establishments eligible to
38 obtain retail liquor licenses. It also ensures consistent use of these defined terms
39 throughout the Title.

40 4. It replaces the word "club" with the word "center" in the statutes describing the
41 requirements for licensure of indoor racquet centers, ice skating centers and curling

1 centers to dispel confusion regarding whether the licensure requirements applicable to
2 clubs apply to these centers. It also corrects several errors in the law that, in combination,
3 suggest curling centers may be licensed to sell only wine and not spirits or malt liquor.

4 5. It makes a number of changes to the laws requiring that certain on-premises retail
5 licensees either offer food to the public or sell a specific amount of food to the public to
6 maintain their eligibility for a liquor license, including:

7 A. Replacing several duplicative definitions of "full course meal" with the
8 substantively identical definition of "full meal" that also appears in current law and
9 ensuring consistent use of this defined term throughout the Title;

10 B. Removing language regarding the service of meals from the definition of "hotel,"
11 because hotels are not required to sell meals to the public under existing law;

12 C. Removing a conflict in current law by specifying that a hotel with a Class I-A
13 license is not required to have 10% of its gross annual income from the sale of food;

14 D. Clarifying that, to calculate whether a hotel that does not have a Class I-A license
15 has satisfied the requirement that at least 10% of its gross annual income be from the
16 sale of food, the hotel's income from the rental of rooms or from the sale of liquor in
17 separately licensed minibars is not included. This new provision matches current
18 practice and mirrors an existing provision of law that excludes income from the
19 bowling business in calculating whether the bowling center has satisfied the
20 requirement that at least 10% of its gross annual income be from the sale of food;

21 E. Clarifying that qualified catering services may be located in unincorporated places
22 and filling an omission in current law by specifying that a licensed part-time qualified
23 catering service that operates for no more than 3 months in a year in a municipality
24 having a population of 20,001 to 30,000 persons must have a minimum annual gross
25 income of \$10,000 from the sale of food to the public;

26 F. Standardizing language regarding the Department of Administrative and Financial
27 Services, Bureau of Alcoholic Beverages and Lottery Operations' assessment of
28 whether an applicant for an initial on-premises retail license is likely to meet or an
29 applicant for renewal of an on-premises retail license has met any applicable food-
30 sales requirements; and

31 G. Establishing a new one-year grace period for an on-premises retail establishment
32 that applies for license renewal but did not meet an applicable food-sales requirement
33 during the previous year.

34 6. It defines "spirits supplier," a previously undefined term, and standardizes the
35 statutory language used to describe spirits suppliers throughout the State's liquor laws,
36 including by removing references to spirits brokers that are now included in the "spirits
37 supplier" definition. It also newly authorizes spirits suppliers to offer sweepstakes,
38 games and contests inside packages of spirits under the same conditions that licensed
39 Maine manufacturers, wholesale licensees and retail licensees may offer sweepstakes,
40 games and contests inside packages of liquor.

1 7. It replaces the term "liquor," which is defined for purposes of the State's liquor
2 laws to mean malt liquor, wine and spirits, with more specific terms in several statutes
3 when all 3 types of alcohol are not intended to be included.

4 8. It removes unnecessary statutory references to fortified wine in statutes that
5 govern wine generally, because "wine" is defined for purposes of the State's liquor laws
6 to include fortified wine.

7 9. It resolves an inconsistency by providing that public service corporation licenses
8 are issued to airline corporations, railroad corporations and vessel corporations and not
9 the individual aircraft, dining cars, passenger cars and vessels that those corporations
10 operate in the State. It also removes a duplicative statute governing public service
11 corporations and standardizes the language used throughout the Title regarding public
12 service corporations.

13 10. It clarifies an ambiguity in the law by specifying that the term "wholesale
14 licensee" as used in the State's liquor laws means only a licensed in-state wholesaler of
15 malt liquor or wine and not an out-of-state wholesaler of malt liquor or wine that has been
16 issued a certificate of approval. It also extends the prohibition against a wholesale
17 licensee selling to another wholesale licensee any malt liquor or wine that has not been
18 purchased from a certificate of approval holder or a licensed special warehouse storage
19 facility to a prohibition against a wholesale licensee selling such products to any
20 purchaser, including a retail licensee.

21 11. It replaces the phrase "wholesale liquor provider" with the phrase "wholesale
22 spirits provider" throughout the State's liquor laws to more accurately describe the scope
23 of that entity's authority in the State. It also removes an inconsistency in the law by
24 specifying that the wholesale spirits provider and the principal officers of the wholesale
25 spirits provider may not hold or have a direct financial interest in an agency liquor store
26 license or a license to manufacture any type of liquor in this State or another state.

27 12. It makes several changes to the laws governing hard cider to address ambiguities
28 and omissions in those laws in a manner that matches current practice, including by
29 making the following changes.

30 A. Although hard cider technically meets the definition of "wine" under existing law,
31 it adds clarifying language expressly stating that hard cider is considered "wine" for
32 purposes of the Title.

33 B. It clarifies that hard cider may be sold by retailers licensed to sell either malt
34 liquor or wine for on-premises or off-premises consumption.

35 C. It provides that hard cider may be sold and distributed within the State by
36 wholesale licensees authorized to sell and distribute either malt liquor or wine within
37 the State.

38 D. It clarifies that hard cider is not subject to the general 60¢ per gallon excise tax on
39 wine set forth in Title 28-A, section 1652, subsection 2. Hard cider products are
40 instead subject only to the 35¢ per gallon excise tax on hard cider set forth in the
41 same subsection.

1 13. It makes several changes to the laws governing low-alcohol spirits products to
2 address ambiguities, inconsistencies and omissions in those laws, including by making
3 the following changes.

4 A. It clarifies that products containing less than 1/2 of 1% of alcohol by volume are
5 not considered low-alcohol spirits products, just as all products containing less than
6 1/2 of 1% of alcohol by volume are not considered liquor and thus not subject to
7 regulation under the Title.

8 B. It newly specifies that licensed Maine distilleries, small distilleries and rectifiers
9 are authorized to produce low-alcohol spirits products and that licensed Maine
10 breweries, small breweries and tenant breweries are authorized to produce low-
11 alcohol spirits products containing malt liquor. Current law already authorizes
12 licensed Maine wineries and tenant wineries to produce low-alcohol spirits products
13 that contain wine, because these products are included in the definition of "fortified
14 wine."

15 C. It specifies that, as is current practice, low-alcohol spirits products may be sold
16 and distributed within the State by wholesale licensees authorized to sell and
17 distribute wine within the State.

18 D. It clarifies that, as is current practice, low-alcohol spirits products that qualify as
19 fortified wine are not subject to the general 60¢ per gallon excise tax on wine under
20 Title 28-A, section 1652, subsection 2. All low-alcohol spirits products are instead
21 subject to a \$1.24 per gallon excise tax under section 1652, subsection 1-A and a 30¢
22 per gallon low-alcohol spirits product tax under section 1365.

23 14. It replaces the phrase "alcoholic beverages," which is not defined for the
24 purposes of the State's liquor laws, with the appropriate defined terms throughout the
25 liquor laws.

26 15. It combines in a single section of statute the licensing fees for agency liquor
27 stores that are currently listed in separate provisions. It also removes an ambiguity in the
28 law by clarifying that, as is the current practice, agency liquor store licenses grant
29 authority to sell not only spirits but also malt liquor and wine for off-premises
30 consumption.

31 16. It clarifies that an applicant for a liquor license must possess all licenses, permits
32 or approvals required under Title 22 for the applicant's underlying business before
33 applying for the liquor license.

34 17. It removes inconsistencies in several provisions of the liquor laws regarding the
35 types of establishments eligible to obtain auxiliary licenses, off-premises catering licenses
36 and mobile service bar licenses. It also specifies that, as is current practice, when an on-
37 premises retail licensee obtains an off-premises catering license, that license authorizes
38 the licensee to conduct off-premises catering of only the same type or types of liquor that
39 the licensee may sell pursuant to the licensee's underlying on-premises retail license.

40 18. It makes a number of changes to the laws governing liquor taste-testing events
41 and product sampling activities to address ambiguities, inconsistencies and omissions in
42 those laws, including the following.

1 A. It clarifies that the prohibitions against serving liquor to minors or to visibly
2 intoxicated persons apply to all authorized liquor taste-testing and product sampling
3 events.

4 B. It newly specifies who, other than a licensed sales representative, may pour
5 samples at taste-testing and product sampling events. Under the bill, samples may
6 also be poured by an employee of the off-premises or on-premises retailer where the
7 taste-testing or product sampling event takes place or, where applicable, by the owner
8 or employee of the licensed Maine manufacturer that produced the product being
9 tasted or sampled.

10 C. It clarifies an ambiguity by specifying that, other than during an authorized taste-
11 testing or product sampling event, an off-premises retail licensee has a duty to
12 prevent the consumption of liquor on that retail licensee's premises.

13 D. It resolves a conflict in current law by providing that, when an authorized taste-
14 testing event is held on a portion of the premises of an on-premises retail licensee, the
15 bureau must temporarily suspend the authority of the on-premises retail licensee to
16 sell liquor for on-premises consumption in the area designated for the taste-testing
17 event. The on-premises retail licensee may nevertheless continue to sell liquor for
18 on-premises consumption on the portion of its premises that falls outside the area
19 designated for the taste-testing event.

20 E. It fills an omission in the law by specifying that an out-of-state manufacturer that
21 is sponsored by a certificate of approval holder, wholesale licensee or spirits supplier
22 to participate in a taste-testing event may provide for taste testing any spirits, wine or
23 malt liquor produced by the sponsored manufacturer, even though those products are
24 not currently listed for sale in the State.

25 F. It moves the statutory language granting licensed Maine liquor manufacturers the
26 authority to sell their products at certain taste-testing events from the manufacturer
27 licensing statute to the relevant taste-testing event statute for clarity and grants small
28 distilleries new authority to self-distribute their spirits products for sale at these taste-
29 testing events.

30 G. It restricts the types of individuals who may receive partial-bottle samples of
31 spirits or wine under statutes authorizing sampling by retail licensees to the owner
32 and supervisory or managerial employees of the retail licensee. This restriction exists
33 in current law only for the receipt of partial-bottle samples of spirits by employees of
34 agency liquor stores.

35 19. It corrects an error in current law that suggests on-premises retail licenses are
36 issued to international air terminals and instead specifies that on-premises retail licenses
37 may be issued to qualified establishments located within international air terminals.

38 20. It streamlines the process for disposal of spirits subject to a court's forfeiture
39 order by newly authorizing the Department of Administrative and Financial Services,
40 Bureau of Alcoholic Beverages and Lottery Operations or a wholesale spirits provider to
41 choose, without obtaining an additional court order, to destroy the forfeited spirits rather
42 than to restock and resell the forfeited spirits in agency liquor stores.

1 21. It makes a number of changes to the State's laws governing the administration
2 and sale of spirits in the State to address errors and inconsistencies in those laws,
3 including the following.

4 A. It amends conflicting provisions of law regarding the pricing of spirits to clarify
5 that, as is current practice, the State Liquor and Lottery Commission establishes the
6 retail price of spirits and the Department of Administrative and Financial Services,
7 Bureau of Alcoholic Beverages and Lottery Operations establishes the wholesale
8 price of spirits, which is the price that agency liquor stores pay to purchase spirits
9 from the bureau.

10 B. It resolves a conflict in the laws governing the purchase of spirits by removing
11 statutory language suggesting that agency liquor stores may purchase spirits from a
12 wholesale spirits provider and retaining provisions of law correctly stating that
13 agency liquor stores purchase spirits only from the bureau.

14 C. It amends statutory provisions incorrectly suggesting that any agency liquor store
15 may sell or deliver spirits to on-premises retailers and clarifies that only agency
16 liquor stores that are licensed as reselling agents may make these sales and deliveries.

17 22. It makes a number of additional changes to Title 28-A, section 1355-A, the
18 statute governing the licensure of Maine liquor manufacturers, including the following.

19 A. It restores the statutory authority of Maine bottlers and rectifiers to obtain
20 licenses, which authority was unintentionally repealed through Public Law 2019,
21 chapter 529. It also newly specifies the types of sampling activities that may occur
22 on the premises of a licensed Maine bottler or rectifier under current practice.

23 B. It combines in one location several scattered provisions describing the authority
24 of licensed Maine breweries, small breweries, wineries, small wineries, distilleries
25 and small distilleries, at the manufacturing facility where their products are produced,
26 to sell samples of those products to the public or offer samples of those products to
27 the public at no cost. It newly clarifies that samples may not be served to minors or
28 visibly intoxicated persons and that the area of the manufacturing facility where these
29 samples are sold or offered need not be separate from and may be accessed by the
30 same entrance as the area of the manufacturing facility that is licensed for on-
31 premises retail sales.

32 C. It combines in one location several scattered provisions describing the authority
33 of licensed Maine breweries, small breweries, wineries, small wineries, distilleries
34 and small distilleries, at the manufacturing facility where their products are produced,
35 to sell their products for off-premises consumption.

36 D. It moves the provision authorizing Maine breweries and small breweries to sell
37 malt liquor for off-premises consumption in kegs from a generally applicable
38 subsection of the statute to the subsection of the statute specifically applicable to
39 breweries and small breweries.

40 E. It moves the provision requiring Maine small breweries and small wineries to
41 keep and maintain records of their sales to retail licensees from a generally applicable
42 subsection of the statute to the 2 subsections of the statute specifically applicable to
43 small breweries and to small wineries.

1 F. It clarifies that, as is current practice, when calculating whether a licensed Maine
2 manufacturing facility's one statutorily authorized establishment for on-premises
3 sales has satisfied any applicable statutory requirement that 10% of its gross annual
4 income be from the sale of food, income from the Maine manufacturer's sale of liquor
5 samples or sale of liquor for off-premises consumption is not included.

6 G. It clarifies the language of the provision authorizing each licensed Maine
7 brewery, small brewery, winery, small winery, distillery and small distillery to obtain
8 one license to conduct on-premises retail sales per licensed manufacturing facility. It
9 also relaxes the requirements applicable when a distillery or small distillery obtains
10 this type of on-premises retail license by eliminating the requirements that the on-
11 premises retail establishment be a Class A restaurant or Class A restaurant/lounge
12 owned by the same person who owns the distillery or small distillery. Instead, under
13 the bill a distillery or small distillery may obtain any type of on-premises retail
14 license as long as the same person or persons holds a majority ownership interest in
15 the on-premises retail license and the distillery or small distillery. These relaxed
16 requirements match the requirements applicable under current law when a licensed
17 brewery, small brewery, winery or small winery obtains this type of on-premises
18 retail license.

19 H. It newly authorizes a licensed Maine manufacturer that has its one statutorily
20 authorized licensed establishment for on-premises sales at a location separate from its
21 manufacturing facility to conduct sales of its products for off-premises consumption
22 at that separate licensed location. Under current law, a Maine manufacturer may
23 conduct sales of its products for off-premises consumption at its one licensed
24 establishment for on-premises sales only if the on-premises establishment is located
25 at the manufacturing facility. Similarly, the bill newly specifies that the products that
26 may be sold for off-premises consumption at the separate licensed location include,
27 when the licensed Maine manufacturer is a brewery or a small brewery, malt liquor
28 packaged in refillable containers, commonly referred to as growlers. Under current
29 law, a brewery or small brewery may sell growlers at its one licensed establishment
30 for on-premises sales only if that on-premises establishment is located at the brewery
31 or small brewery.

32 I. It resolves a conflict in current law and conforms the law to current practice by
33 specifying that, when a small distillery serves samples of its products at its
34 manufacturing facility, it need not first send those products through the State's spirits
35 warehouse and distribution system.

36 J. It clarifies an ambiguity in the law by explicitly stating that a licensed Maine small
37 winery, which may under current law obtain licenses to conduct off-premises retail
38 sales at up to 2 additional locations other than the manufacturing facility, must pay a
39 \$50 license fee for each of those additional locations. It similarly clarifies that a
40 licensed small distillery, which may under current law also obtain licenses to conduct
41 off-premises retail sales at up to 2 additional locations other than the manufacturing
42 facility, must pay a \$100 license fee for each of those additional locations.

43 K. It corrects an omission in the law and matches current practice by specifying that
44 a tenant brewery or tenant winery seeking licensure may pay the reduced license fee
45 for a small brewery or small winery if it qualifies as a small brewery or small winery.

1 Otherwise, the tenant brewery or tenant winery must pay the higher brewery or
2 winery license fee.

3 23. It reorganizes, clarifies and removes inconsistencies in the laws governing the
4 importation of liquor into and the transportation of liquor within the State. It also
5 changes the units of measurement applicable to spirits and wine in these provisions from
6 quarts and gallons to liters, which is the unit of measurement typically used when
7 referring to spirits and wine products, and it changes the unit of measurement applicable
8 to malt liquor from gallons to fluid ounces, which is the unit of measurement typically
9 used when referring to malt liquor products.

10 24. It corrects scattered typographical, cross-reference and drafting errors in the
11 Title, including by removing all gendered pronouns as required by Public Law 2019,
12 chapter 475, section 52.