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Date: (Filing No. H-)

VETERANS AND LEGAL AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 718, L.D. 1132, “An Act to Allow Certain Liquor Sellers to Conduct Off-premises Taste-testing Events and Retail Sales”

Amend the bill by striking out the title and substituting the following:

'An Act Regarding the Provision of Liquor at Taste-testing Events Held at an Off-premises Retail Licensee's Premises'

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 28-A MRSA §460, sub-§2, ¶M-1, as amended by PL 2019, c. 404, §6, is repealed.

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

M-2. Spirits served at a taste-testing event must be:

- (1) Provided by the agency liquor store;
- (2) Purchased, at the retail price, by a licensed sales representative participating in the taste-testing event from existing stock available for purchase at the agency liquor store; or
- (3) Provided by a licensed sales representative participating in the taste-testing event or a spirits supplier, including those licensed under section 1355-A, participating in the taste-testing event and purchased in the State at the retail price. A record of the transaction under this subparagraph must be maintained and made available to the bureau. After the taste-testing event is concluded, the licensed sales representative or spirits supplier shall remove all products supplied for the taste-testing event from the licensee's premises.

Sec. 3. 28-A MRSA §1205, sub-§2, ¶K, as amended by PL 2019, c. 79, §2, is repealed.

Sec. 4. 28-A MRSA §1205, sub-§2, ¶K-1 is enacted to read:

COMMITTEE AMENDMENT

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K-1. Wine served at a taste-testing event must be:

- (1) Purchased by the retail licensee from a wholesale licensee;
- (2) Purchased, at the retail price, by a licensed sales representative participating in the taste-testing event from existing stock available for purchase at the retail licensee's premises; or
- (3) Provided by a licensed sales representative participating in the taste-testing event or by a manufacturer licensed under section 1355-A participating in the taste-testing event and purchased in the State at the retail price. A record of a transaction under this subparagraph must be maintained and made available to the bureau. After the taste-testing event is concluded, the licensed sales representative or manufacturer shall remove all products supplied for the taste-testing event from the licensee's premises;

Sec. 5. 28-A MRSA §1207, sub-§2, ¶K, as amended by PL 2019, c. 79, §3, is repealed.

Sec. 6. 28-A MRSA §1207, sub-§2, ¶K-1 is enacted to read:

K-1. Malt liquor served at a taste-testing event must be:

- (1) Purchased by the retail licensee from a wholesale licensee;
- (2) Purchased, at the retail price, by a licensed sales representative participating in the taste-testing event from existing stock available for purchase at the retail licensee's premises; or
- (3) Provided by a licensed sales representative participating in the taste-testing event or by a manufacturer licensed under section 1355-A participating in the taste-testing event and purchased in the State at the retail price. A record of a transaction under this subparagraph must be maintained and made available to the bureau. After the taste-testing event is concluded, the licensed sales representative or manufacturer shall remove all products supplied for the taste-testing event from the licensee's premises.

Sec. 7. 28-A MRSA §1505, sub-§4, as repealed and replaced by PL 2015, c. 329, Pt. D, §3 and affected by §4, is amended to read:

4. Pour, provide or distribute. A sales representative participating in a tasting event pursuant to this section may not pour or distribute to consumers the products being offered for tasting during the event unless the sales representative was listed on a request submitted to the bureau by a licensee to conduct a taste testing in accordance with section 460; section 1051, subsection 8; section 1205; or section 1207. A sales representative who pours or distributes products to consumers at a tasting event under section 460; section 1051, subsection 8; section 1205; or section 1207 must have successfully completed an alcohol server education course approved by the commissioner. A sales representative may purchase spirits or provide liquor for a consumer tasting event in compliance with section 460, section 1205 or section 1207 if the sales representative has successfully completed an alcohol server education course approved by the commissioner.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

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2 This amendment replaces the bill and changes the title. The amendment allows for
3 spirits served at a taste-testing event held at an agency liquor store to be provided by the
4 agency liquor store, purchased at the retail price by a licensed sales representative
5 participating in the taste-testing event from the existing stock of the agency liquor store or
6 provided by a licensed sales representative or a spirits supplier participating in the taste-
7 testing event if the spirits were purchased in the State at the retail price. A record of the
8 transaction must be maintained and made available to the Department of Administrative
9 and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations.

10 It also allows for wine and malt liquor served at a taste-testing event held on the
11 premises of an off-premises retail licensee to be purchased by the retail licensee from a
12 wholesale licensee, to be purchased at the retail price by a licensed sales representative
13 participating in the taste-testing event from existing stock available for purchase at the retail
14 licensee's premises or to be provided by a licensed sales representative or licensed
15 manufacturer participating in the taste-testing event if the malt liquor or wine was
16 purchased in the State at the retail price and a record of the transaction is maintained and
17 made available to the bureau. The amendment also provides that if the liquor, wine or malt
18 liquor provided for the taste-testing event comes from a source other than the agency liquor
19 store or the retail licensee, the products must be removed from the premises at the
20 conclusion of the taste-testing event.

21 **FISCAL NOTE REQUIRED**

22 **(See attached)**