

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND SEVENTEEN

—
H.P. 1056 - L.D. 1536

**An Act To Allow Maine Manufacturers To Sell Spirits at Farmers' Markets
and To Allow Taste Testings at Farmers' Markets**

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

Sec. 1. 28-A MRSA §1366, sub-§1, as amended by PL 2011, c. 629, §24, is further amended to read:

1. Retail sales at farmers' market. A licensee under section 1355-A, subsection 3, paragraph B ~~or~~; subsection 4, paragraph B; subsection 5, paragraph B or an employee of the licensee who is at least 21 years of age may sell wine, spirits or malt liquor manufactured in the State by the licensee at a farmers' market pursuant to this section.

Sec. 2. 28-A MRSA §1366, sub-§3, as enacted by PL 2011, c. 280, §3, is amended to read:

3. Conditions. A licensee under subsection 1 may sell wine, spirits or malt liquor at a farmers' market under the following conditions:

A. The licensee shall apply for and must have received authorization to sell at farmers' markets from the bureau and paid an annual fee of \$75. The application pursuant to this paragraph must be in a form determined by the bureau. The licensee shall submit the application at least 30 days prior to the date when wine, spirits or malt liquor is to be sold at a farmers' market;

B. Prior to each month during which the licensee wishes to sell or conduct a taste testing at a farmers' market, the licensee shall provide to the bureau a list of the date, time and location of each farmers' market at which the licensee intends to sell or conduct a taste testing and must receive approval from the bureau for that month;

B-1. The licensee shall keep and maintain a record of the dates, times and locations of the licensee's participation in a farmers' market under this section;

C. The farmers' market must consist of at least 6 separate stalls or booths that sell farm or food products, not including ~~alcoholic beverages~~ liquor, and must be authorized by the bureau under subsection 4;

D. The stall or booth operated by the licensee at the farmers' market is considered part of the licensed premises of the licensee for purposes of this chapter;

E. All wine, spirits and malt liquor must be prepackaged and sold by the bottle or case; and

F. ~~Taste testing or sampling of wine, spirits and malt liquor is not permitted at the farmers' market~~ may be conducted in accordance with section 1367.

G. Spirits sold in accordance with this subsection are subject to the listing, pricing and distribution provisions of this Title. The holder of a small distillery license may provide spirits for sale at a farmers' market in the same manner as permitted under section 1355-A, subsection 5, paragraph G.

Sec. 3. 28-A MRSA §1366, sub-§4, as enacted by PL 2011, c. 280, §3, is amended to read:

4. Farmers' market authorization. At least 30 days prior to the sale of wine, spirits or malt liquor, a farmers' market must obtain municipal approval to sell wine, spirits and malt liquor under this section and apply for and receive authorization from the bureau for a licensee authorized under subsection 3, paragraph A to sell wine, spirits or malt liquor at the farmers' market. If the farmers' market is held on private property, the application must include a written statement signed by the owner of the property permitting the sale of wine, spirits or malt liquor in accordance with this section. The bureau may request a diagram of the layout of the farmers' market. An application required by this subsection must be in a form determined by the bureau.

Sec. 4. 28-A MRSA §1367 is enacted to read:

§1367. Tastings at farmers' markets

1. Taste testing. Subject to the conditions set forth in this section and the applicable bylaws of the farmers' market, a brewery, small brewery, winery, small winery, distillery or small distillery licensed under section 1355-A may conduct taste-testing events at a farmers' market. For purposes of this section, "farmers' market" has the meaning as in Title 7, section 415, subsection 1, paragraph A. A farmers' market may allow up to 2 dates per month on which a licensee described in this subsection may conduct a taste-testing event.

2. Conditions on taste-testing activities. The following conditions apply to taste-testing activities allowed under this section.

A. An individual at a taste-testing activity may not be charged a fee.

B. An individual at a taste-testing activity may not be served a taste-testing sample of more than 4 ounces of malt liquor, 1 1/2 ounces of wine or 1/2 ounce of spirits. An individual is limited to 6 samples per day per manufacturer licensed under section 1355-A.

C. Malt liquor, wine or spirits for taste testing may not be poured in advance and made available for individuals participation in the taste testing to serve themselves.

D. An individual at a taste-testing activity who is visibly intoxicated may not be served malt liquor, wine or spirits.

E. Taste-testing activities must be conducted within the hours of retail sales established in this Title.

F. Taste-testing activities are not allowed in any municipality where on-premises and off-premises sales are not allowed pursuant to chapter 5.

G. A licensee under section 1355-A conducting a taste-testing activity at a farmers' market must keep a record of when and where the activity took place.

H. A licensee may provide for taste testing only liquor that is manufactured by the licensee in accordance with section 1355-A.