



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 763

H.P. 570

House of Representatives, March 1, 2011

An Act To Allow the Sale of Locally Produced Beer and Wine at Farmers' Markets

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative MacDONALD of Boothbay.
Cosponsored by Representatives: BEAUDOIN of Biddeford, BERRY of Bowdoinham,
BOLAND of Sanford, BRIGGS of Mexico, FLEMINGS of Bar Harbor, GOODE of Bangor,
SANBORN of Gorham.

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

2 **Sec. 1. 7 MRSA §415, sub-§1, ¶B,** as amended by PL 2009, c. 547, §1, is further
3 amended to read:

4 B. "Farm and food products" means any agricultural, horticultural, forest or other
5 product of the soil or water, including, but not limited to, fruits, vegetables, eggs,
6 dairy products, meat and meat products, poultry and poultry products, fish and fish
7 products, grain and grain products, honey, nuts, maple products, apple cider, fruit
8 juice, malt liquor, wine, ornamental or vegetable plants, nursery products, fiber or
9 fiber products, firewood and Christmas trees.

10 **Sec. 2. 28-A MRSA §1355, sub-§10** is enacted to read:

11 **10. Farmers' market.** A licensee under subsection 1-A, 2 or 3 may sell wine or
12 malt liquor to a nonlicensee pursuant to the provisions of section 1366.

13 **Sec. 3. 28-A MRSA §1361, sub-§4,** as amended by PL 2005, c. 683, Pt. A, §46,
14 is further amended to read:

15 **4. No sales of malt liquor or wine to person without wholesale license.** ~~No~~ A
16 certificate of approval holder, except a brewery, a small ~~Maine~~ brewery or a farm winery
17 licensee allowed to sell directly to retailers or to nonlicensees pursuant to this chapter,
18 may not sell or cause to be transported into the State any malt liquor or wine to any
19 person to whom a Maine wholesale license has not been issued by the bureau. Malt
20 liquor or wine must be delivered to the place of business of the wholesaler as shown in
21 the wholesaler's license, must be unloaded and inventoried at the wholesaler's premises
22 upon the wholesaler's receipt of the shipment and must come to rest before delivery is
23 made to any retailer to enable the bureau to inspect and inventory wholesale warehouses
24 for the purpose of verifying taxes that are required to be paid on malt liquor and wine
25 purchased by importers.

26 **Sec. 4. 28-A MRSA §1366** is enacted to read:

27 **§1366. Retail sales at farmers' markets**

28 **1. Retail sales at farmers' markets.** A licensee under section 1355, subsection 1-A,
29 2 or 3 may sell wine or malt liquor manufactured in the State by the licensee to a
30 nonlicensee at a farmers' market pursuant to this section.

31 **2. Definitions.** As used in this section, unless the context otherwise indicates, the
32 following terms have the following meanings.

33 A. "Farmer" means a natural person who sells, with or without processing,
34 agricultural products raised by the person on land owned or leased by the person that
35 is located in the State.

36 B. "Farmers' market" has the same meaning as in Title 7, section 415, subsection 1,
37 paragraph B.

