1	L.D. 763
2	Date: (Filing No. H-
3	VETERANS AND LEGAL AFFAIRS
4	Reproduced and distributed under the direction of the Clerk of the House.
5	STATE OF MAINE
6	HOUSE OF REPRESENTATIVES
7	125TH LEGISLATURE
8	FIRST REGULAR SESSION
9 10	COMMITTEE AMENDMENT " to H.P. 570, L.D. 763, Bill, "An Act To Allow the Sale of Locally Produced Beer and Wine at Farmers' Markets"
11 12	Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:
13 14	'Sec. 1. 7 MRSA $\$415$, sub- $\$1$, \PB , as amended by PL 2009, c. 547, $\$1$, is furthe amended to read:
15 16 17 18 19 20	B. "Farm and food products" means any agricultural, horticultural, forest or other product of the soil or water, including, but not limited to, fruits, vegetables, eggs dairy products, meat and meat products, poultry and poultry products, fish and fish products, grain and grain products, honey, nuts, maple products, apple cider, frui juice, malt liquor, wine, ornamental or vegetable plants, nursery products, fiber or fiber products, firewood and Christmas trees.
21	Sec. 2. 28-A MRSA §1355, sub-§10 is enacted to read:
22 23	10. Farmers' market. A licensee under subsection 2 or 3 may sell wine or mal liquor pursuant to the provisions of section 1366.
24	Sec. 3. 28-A MRSA §1366 is enacted to read:
25	§1366. Retail sales at farmers' market
26 27 28 29	1. Retail sales at farmers' market. A licensee under section 1355, subsection 2 or 3 or an employee of the licensee who is at least 21 years of age may sell wine or mal liquor manufactured in the State by the licensee at a farmers' market pursuant to this section.
30 31	2. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.
32 33 34	A. "Farmer" means a natural person who sells, with or without processing agricultural products raised by the person on land in the State owned or leased by the person.

paragraph B.

1

3 4	3. Conditions. A licensee under subsection 1 may sell wine or malt liquor at a farmers' market under the following conditions:
5 6 7 8 9	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 or malt liquor is to be sold at a farmers' market;
10 11 12 13	B. Prior to each month during which the licensee wishes to sell 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 and must receive approval from the bureau for that month;
14 15 16	C. The farmers' market must consist of at least 6 separate stalls or booths that sell farm or food products, not including alcoholic beverages, and must be authorized by the bureau under subsection 4;
17 18	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;
19	E. All wine and malt liquor must be prepackaged and sold by the bottle or case; and
20 21	F. Taste testing or sampling of wine and malt liquor is not permitted at the farmers' market.
22 23 24 25 26 27 28 29 30	4. Farmers' market authorization. At least 30 days prior to the sale of wine or malt liquor, a farmers' market must obtain municipal approval to sell wine 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 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 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.
31 32 33	5. Rules. The bureau may adopt rules to carry out the purposes of this section. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.'
34	SUMMARY
35 36	This amendment replaces the bill. The amendment strikes the provisions that wine and malt liquor may be provided to others for retail sale and establishes an authorization

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

COMMITTEE AMENDMENT " to H.P. 570, L.D. 763

1 2 3	process for small breweries and farm wineries to sell the products they produce a farmers' markets. The amendment also adds a requirement that a farmers' market must have municipal approval to sell wine and malt liquor.
4	FISCAL NOTE REQUIRED
5	(See attached)